

1974 No. 1367

CONSUMER PROTECTION
The Toys (Safety) Regulations 1974

<i>Made - - - -</i>	<i>6th August 1974</i>
<i>Laid before Parliament</i>	<i>16th August 1974</i>
<i>Coming into Operation</i>	<i>1st October 1974</i>

In pursuance of sections 1 and 2(4) and (6) of the Consumer Protection Act 1961(a) and of paragraph 3 and (as respects Scotland) of paragraph 7 of the Schedule to that Act, and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Toys (Safety) Regulations 1974 and shall come into operation on 1st October 1974.

(2) The Toys (Safety) Regulations 1967(b) are hereby revoked.

2.—(1) In these Regulations—

“the Act” means the Consumer Protection Act 1961;

“paint” includes lacquer, varnish and other similar substances;

“toy” means a child’s plaything.

(2) For the purposes of these Regulations the relevant date shall—

(a) in relation to the sale or possession for the purpose of sale of goods and component parts by the manufacturer or importer into Great Britain thereof, be 1st April 1975; and

(b) in any other case, be 1st October 1975.

(3) Any reference in these Regulations to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

(4) The Interpretation Act 1889(c) applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if these Regulations and the Regulations revoked thereby were Acts of Parliament.

3. A toy shall not, whether wholly or in part, be made of or impregnated with cellulose nitrate:

Provided that this Regulation shall not—

(a) apply to a ball of the kind used for ping-pong or table tennis; nor

(b) prevent the use on a toy of paint which contains cellulose nitrate.

(a) 1961 c. 40.
 (c) 1889 c. 63.

(b) S.I. 1967/1157 (1967 II, p. 3391).

4.—(1) A toy shall not have any coating of paint which contains lead or any compound of lead, so that the proportion (by weight) of lead calculated as the element (Pb) exceeds—

- (a) until the relevant date, 5,000 parts; or
- (b) on and after the relevant date, 2,500 parts, in 1,000,000 parts of the dry paint film.

(2)(a) Until the relevant date, a toy shall not have any coating of paint which contains arsenic or any compound of arsenic, so that the proportion (by weight) of arsenic calculated as the element (As) exceeds 250 parts in 1,000,000 parts of the dry paint film.

(b) On and after the relevant date, a toy shall not have any coating of paint which contains soluble arsenic or any soluble compound of arsenic, so that the proportion (by weight) of arsenic calculated as such exceeds 100 parts in 1,000,000 parts of the dry paint film.

(3) A toy shall not have any coating of paint which contains soluble cadmium or any soluble compound of cadmium, so that the proportion (by weight) of cadmium calculated as such exceeds—

- (a) until the relevant date, 250 parts; or
- (b) on and after the relevant date, 100 parts, in 1,000,000 parts of the dry paint film.

(4) A toy shall not have any coating of paint which contains soluble barium or any soluble compound of barium, so that the proportion (by weight) of barium calculated as such exceeds 500 parts in 1,000,000 parts of the dry paint film.

(5) A toy shall not have any coating of paint which contains soluble antimony or chromium or any soluble compound of either of those elements, so that the proportion (by weight) of the element calculated as such exceeds 250 parts in 1,000,000 parts of the dry paint film.

(6) On and after the relevant date, a toy shall not have any coating of paint which contains soluble mercury or any soluble compound of mercury, so that the proportion (by weight) of mercury calculated as such exceeds 100 parts in 1,000,000 parts of the dry paint film.

(7) In this Regulation “soluble” in relation to an element or compound means capable of being dissolved by the method described in the Schedule to these Regulations.

5. In the case of a toy which is intended to be operated by electricity from the mains electricity supply, the toy shall be so constructed that the operating voltage does not exceed 24 volts and is supplied from a control unit or transformer separate from the toy; and for the purposes of this Regulation such a control unit or transformer shall not be regarded as a toy.

6.—(1) On and after the relevant date, a toy shall not, whether wholly or in part, be made of any pile fabric which is not capable of satisfying the requirements specified in the British Standard Specification “Surface Flash in Pile Fabrics” (B.S. 4569: 1970) as published on 27th February 1970.

(2) For the purposes of paragraph (1) above—

- (a) any pile fabric (other than one made of polyester, polyamide or modified acrylic fibres) which does not bear an indication to the effect that it should not be washed shall be capable of satisfying the said requirements after being washed by the method described in Appendix C to the British

Standard Specification "Code of Safety Requirements for Children's Toys and Playthings" (B.S. 3443:1968) as added by Amendment Slip No. 2 published on 10 June 1971;

- (b) any pile fabric (other than one made of polyester, polyamide or modified acrylic fibres) which bears an indication to the effect that it should not be washed but is suitable for dry cleaning shall be capable of satisfying the said requirements after being dry cleaned.

7. In the case of a toy which contains any sheet metal—

- (a) the toy shall be so constructed that the edges of the sheet metal are not accessible to a child's fingers and cannot, under normal conditions of use, become so accessible by removing any covering or part capable of being removed without the use of tools; or
- (b) the edges of the sheet metal shall be coated with a protective substance or be folded back:

Provided that this Regulation shall not apply in relation to sheet metal of which the edges have a thickness of more than 0.5 mm. and are free from burr.

8.—(1) In the case of a toy which contains any metal wire, spike or rod having a point which is sharp enough to inflict a wound or abrasion—

- (a) the toy shall be so constructed that the point is not accessible to a child's fingers and cannot, under normal conditions of use, become so accessible by penetrating any covering material or by the removal of any covering or part capable of being removed without the use of tools; or
- (b) the end of the wire, spike or rod shall be bent back so as to form a loop:

Provided that this paragraph shall not apply in relation to a point which is essential to the intended function or operation of the toy.

(2) In the case of a toy incorporating a chiming mechanism containing any metal wire, spike or rod having a point which is sharp enough to inflict a wound or abrasion, the chiming mechanism shall be enclosed in a protective casing or covering which is not itself the outer casing or covering of the toy.

9. Where any component made of glass, metal, wood, plastic or other non-pliable material is attached to a toy as part of facial features, the component shall either—

- (a) be so embedded in the toy that it cannot, under normal conditions of use, be gripped by a child's fingers or teeth; or
- (b) be attached to the toy in such a manner that it cannot be removed or loosened by applying a force of 90 newtons (20.2 lbs.).

10. Where a toy is individually packed in a plastic bag of which the opening (whether sealed or not) has a width of 190 mm. or more, that bag shall be made of a plastic film having a thickness of 38 microns or more:

Provided that, until the relevant date, the thickness of the plastic film may be less than 38 microns if the following words, set out in legible and durable characters, are printed on or affixed to the outside of the bag:—

"PLASTIC BAGS CAN BE DANGEROUS. TO AVOID DANGER OF SUFFOCATION KEEP THIS BAG AWAY FROM BABIES AND CHILDREN."

11. As respects the requirements of these Regulations, subsections (1) and (2) of section 2 of the Act (which prohibits sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to

goods and component parts manufactured before the imposition of those requirements notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

12. Section 2(1) to (3) of the Act (except subsection (3)(d) and (e)) (sale and possession for sale of goods and component parts not complying with regulations) shall, except as provided by the proviso to section 2(6), apply in relation to goods to which these Regulations apply as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to a letting under a hire-purchase agreement.

13. Any test of goods to which Regulation 6 applies, being a test such as is referred to in paragraph 2 of the Schedule to the Act (purchase of goods by a local authority for test) shall be carried out, at the expense of the local authority, by such person or body as may be authorised by the Secretary of State under this Regulation to carry out such a test.

14.—(1) The Schedule to the Act (which relates to enforcement by local authorities) shall have effect in relation to goods to which these Regulations apply.

(2) As respects Scotland, "local authority" in the Schedule to the Act shall mean, in relation to goods to which these Regulations apply, the council of any county or any town.

(3) Paragraph (2) above will cease to have effect on the coming into operation of paragraph 150 of Schedule 27 to the Local Government (Scotland) Act 1973(a) (which relates to the meaning of "local authority" in the Schedule to the Act).

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
6th August 1974.

Regulation 4(7)

SCHEDULE

METHOD OF DISSOLVING SOLUBLE MATTER CONTAINED IN DRY PAINT

1. A sample of the dry paint film shall be so comminuted as to be capable of passing through a sieve of wire cloth of 0.5mm. (500 micron) aperture.
 2. The sample so comminuted shall be mixed with 50 times its weight of an aqueous solution (at a temperature not lower than 20°C nor higher than 22°C) of hydrochloric acid containing 0.25 per cent. by weight of hydrogen chloride (0.07 N HCl) and the mixture shall be shaken continuously for one minute. The mixture shall be tested for acidity and, if its pH value is more than 1.5, an aqueous solution of hydrochloric acid containing 7.3 per cent. by weight of hydrogen chloride (2N HCl) shall be added drop by drop (the mixture being shaken after each drop is added) until the pH value is 1.5 or less. The mixture shall then be shaken continuously for one hour.
 3. After shaking, the mixture shall be allowed to stand for one hour, and shall then be filtered. The resulting solution may then be analysed.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and replace the Toys (Safety) Regulations 1967. The principal changes are as follows:—

- (a) restrictions are imposed on the use on toys of paint containing soluble arsenic or mercury (Regulation 4(2)(b) and (6));
- (b) the proportion of lead and soluble cadmium permitted in paint used on toys is reduced (Regulation 4(1)(b) and 4(3)(b));
- (c) the proportion of soluble barium permitted in such paint is increased (Regulation 4(4));
- (d) restrictions are imposed on toys intended to be operated from the mains electricity supply (Regulation 5);
- (e) various requirements are imposed in respect of the construction of toys (Regulations 6 to 9) and of plastic bags in which toys are sold (Regulation 10).

Regulation 4(1)(b), (2)(b), (3)(b) and (6) and Regulation 6 take effect in relation to manufacturers and importers of toys on 1st April 1975, and in relation to other sellers of toys on 1st October 1975. Otherwise the Regulations take effect on 1st October 1974.

The publications specified in Regulation 6 may be obtained from the British Standards Institution.

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