
STATUTORY INSTRUMENTS

2010 No. 1928

CONSUMER PROTECTION

The Toys (Safety) (Amendment) Regulations 2010

<i>Made</i>	- - - -	<i>25th July 2010</i>
<i>Laid before Parliament</i>		<i>29th July 2010</i>
<i>Coming into force</i>		
<i>Regulations 1 and 2</i>		<i>27th August 2010</i>
<i>Remainder</i>		<i>1st December 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987⁽¹⁾.

In accordance with section 11(5) of the Consumer Protection Act 1987 the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by the proposal to make these Regulations and such other persons as he considers appropriate.

Citation, commencement and interpretation

- 1.—(1) These Regulations may be cited as the Toys (Safety) (Amendment) Regulations 2010.
- (2) These Regulations come into force on 27th August 2010 except for regulation 3 which comes into force on 1st December 2010.
- (3) In these Regulations “the 1995 Regulations” means the Toys (Safety) Regulations 1995⁽²⁾.

Amendments to the 1995 Regulations taking effect on 27th August 2010

- 2.—(1) The 1995 Regulations are amended as follows.
- (2) In regulation 3(1) (interpretation), in the definition of “the Toys Directive”, after “Council Directive [93/68/EEC](#)” insert “and by paragraph 1 of Article 2 of Council Directive [2008/112/EC](#) of the European Parliament and of the Council of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2000/53/EC](#), [2002/96/EC](#) and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures⁽³⁾”.

(1) [1987 c.43](#). Section 11(1) was amended by [S.I. 2005/1803](#); other amendments have been made to section 11 but none is relevant.
(2) [S.I. 1995/204](#), to which there are amendments not relevant to these Regulations.
(3) OJ L 345, 23.12.2008, p.68.

(3) For “preparation” and “preparations” wherever they appear in the following provisions (including any heading to those provisions) substitute “mixture” and “mixtures” respectively—

- (a) Schedule 2 (essential safety requirements for toys), Part II (particular risks), sub-paragraphs (b) and (d) of paragraph 2 (flammability) and sub-paragraphs 1 and 3 of paragraph 3 (chemical properties);
- (b) Schedule 4 (warnings and indications of precautions to be taken when using toys), paragraph 4 (toys containing inherently dangerous substances or preparations; chemical toys).

Amendments to the 1995 Regulations taking effect on 1st December 2010

3.—(1) The 1995 Regulations (as amended by regulation 2) are amended as follows.

(2) In regulation 3(1) (interpretation), in the definition of “the Toys Directive”, for “paragraph 1 of Article 2” substitute “paragraphs 1, 2, 4 and 6 of Article 2”.

(3) In Schedule 2 (essential safety requirements for toys), Part II (particular risks)—

(a) for sub-paragraph (b) of paragraph 2 (flammability) substitute—

“(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain mixtures which are dangerous as defined in Directive [67/548/EEC](#)(**4**) or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation [\(EC\) No 1272/2008](#) of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures(**5**):

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1.”;

(b) for the first paragraph of sub-paragraph 3 of paragraph 3 (chemical properties) substitute—

“Toys must not contain mixtures which are dangerous within the meaning of Directive [1999/45/EC](#) of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(**6**) or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation [\(EC\) No 1272/2008](#):

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;

(4) OJ No. 196, 16.8.1967, p.1.

(5) OJ L 353, 31.12.2008, p.1.

(6) OJ L 200, 30.7.1999, p.1.

(d) hazard class 5.1,

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used.”.

(4) In Schedule 4 (warnings and indications of precautions to be taken when using toys), for subparagraph (a) of paragraph 4 (toys containing inherently dangerous substances or mixtures; chemical toys) substitute—

“(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No 1272/2008, the instructions for use of toys containing mixtures which are inherently dangerous or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1;

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.”.

25th July 2010

Edward Davey
Minister for Employment Relations, Consumer
and Postal Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement paragraphs 1, 2, 4 and 6 of Article 2 of Directive [2008/112/EC](#) of the European Parliament and of the Council of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2000/53/EC](#), [2002/96/EC](#) and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt them to Regulation (EC) No [1272/2008](#) on classification, labelling and packaging of substances and mixtures (O.J. No L 345, 23.12.2008, p.68), by amending the Toys (Safety) Regulations 1995 ([S.I. 1995/204](#)) (“the 1995 Regulations”). Regulation (EC) [1272/2008](#) (O.J. L 353, 31.12.2008, p.1) provides for the harmonisation of the classification and labelling of substances and mixtures by aligning existing EU legislation with the United Nations Globally Harmonised System (GHS).

The 1995 Regulations implemented Council Directive [88/378/EEC](#) of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (OJNo. L 187, 16.7.88, p.1), as amended by Council Directive [93/68/EEC](#) of 22 July 1993 amending Directive [88/378/EEC](#) and other directives (OJ No. L 220, 30.8.93, p.1).

Regulation 2 of these Regulations makes amendments to the 1995 Regulations which take effect on 27th August 2010, and regulation 3 makes amendments to the 1995 Regulations which take effect on 1st December 2010. The amendments relate to the essential safety requirements for toys and to the warnings and indications of precautions to be taken when using toys.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

A transposition note is available from the website of the Department for Business, Innovation and Skills (www.bis.gov.uk). A copy is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk). A copy has also been placed in the libraries of both Houses of Parliament.