
STATUTORY INSTRUMENTS

2011 No. 1881

The Toys (Safety) Regulations 2011

PART 1

Preliminary

Interpretation

3. In these Regulations—

“the 1987 Act” means the Consumer Protection Act 1987;

“the Directive” means Directive [2009/48/EC](#) of the European Parliament and of the Council of 18th June 2009 on the safety of toys⁽¹⁾;

“the GPSR” means the General Product Safety Regulations 2005⁽²⁾;

“authorised representative” means a person who has been appointed in accordance with regulation 25(1);

“CE marking” means a marking—

- (a) by which a manufacturer indicates that a toy will comply with the essential safety requirements during its foreseeable and normal period of use; and
- (b) which takes the form set out in Annex II of Regulation [\(EC\) No 765/2008](#) of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation [\(EEC\) No 339/93](#)⁽³⁾;

“conformity assessment” means the process demonstrating whether specified requirements relating to a toy have been fulfilled;

“conformity assessment activities” means activities relating to conformity assessment, including calibration, testing, certification and inspection;

“distributor” means any person who—

- (a) is in the supply chain for a toy, other than the manufacturer or the importer; and
- (b) makes the toy available on the market;

“economic operator” means a manufacturer, an authorised representative, an importer or a distributor;

“enforcement authority” has the same meaning as in section 45(1) of the 1987 Act;

“essential safety requirements” has the meaning given in regulation 5;

“harm” means physical injury or any other damage to health, including long-term health effects;

⁽¹⁾ OJ No L 170, 30.6.2009, p1.

⁽²⁾ [S.I. 2005/1803](#).

⁽³⁾ OJ No L 218, 13.8.2008, p30.

“harmonised standard” means a standard adopted by one of the European standardisation bodies listed in Annex I to Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations⁽⁴⁾ on the basis of a request made by the European Commission in accordance with Article 6 of that Directive, the reference of which standard has been published in the Official Journal of the European Union;

“hazard” means a potential source of harm;

“importer” means any person who—

- (a) is established within the EU; and
- (b) places a toy from a third country on the EU market;

“intended for use by” means that a parent or supervisor shall reasonably be able to assume by virtue of the functions, dimensions and characteristics of a toy that it is intended for use by children of the stated age group;

“make available on the market” means supply in the course of a commercial activity (whether in return for payment or free of charge) for distribution, consumption or use on the EU market, and related expressions shall be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a toy or has a toy designed or manufactured; and
- (b) markets that toy under that person’s name or trademark;

“Module” means a Module of Annex II to Decision No [768/2008/EC](#) of the European Parliament and of the Council on a common framework for the marketing of products, and repealing Council Decision [93/465/EEC](#)⁽⁵⁾ and Module A, B or C shall be construed accordingly;

“notified body designation” has the meaning given in regulation 40;

“place on the market” means make a toy available on the EU market for the first time, and related expressions shall be construed accordingly;

“recall” means take any measure aimed at achieving the return of a toy that has already been made available to the end user;

“risk” means the probable rate of occurrence of a hazard causing harm and the degree of severity of the harm;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply;

“toy” has the meaning given in regulation 4;

“UK notified body” has the meaning given in regulation 40;

“withdraw” means take any measure aimed at preventing a toy in the supply chain from being made available on the market.

(4) OJ No L 204, 21.7.1998, p37, to which there are amendments not relevant to these Regulations.

(5) OJ No L 218, 13.8.2008, p82.