

SCHEDULE 15

Amendment of the Toys (Safety) Regulations 2011

Insertion of regulation 2A

3. After regulation 2 insert—

“Transitional provision in relation to EU Exit

2A.—(1) In this regulation—

“pre-exit period” means the period beginning with 19th August 2011 and ending immediately before exit day;

“product” means a toy to which these Regulations apply.

(2) Subject to paragraphs (3) and (4), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 15 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Paragraph (2) does not apply to—

(a) any obligation of any enforcement authority to inform the European Commission or the member States of any matter; or

(b) any obligation to take action outside of the market in respect of that product.

(4) Where an EC-type examination was issued in relation to product to which paragraph (2) applies references to “Type examination” in regulations 22 and 45 are to be read as referring to an EC-type examination referred to in regulation 44 as it had effect immediately before exit day.

(5) Where during the pre-exit period—

(a) a product has not been placed on the market; and

(b) a manufacturer has taken any action under regulations 11 to 13 as they had effect immediately before exit day in relation to that product,

that action has effect as if it had been done under regulations 11 to 13 as they have effect on and after exit day.”.