
STATUTORY INSTRUMENTS

2008 No. 1654

CONSUMER PROTECTION

The Magnetic Toys (Safety) Regulations 2008

<i>Made</i>	- - - -	<i>24th June 2008</i>
<i>Laid before Parliament</i>		<i>26th June 2008</i>
<i>Coming into force</i>	- -	<i>21st July 2008</i>

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

In accordance with section 11(5) of that Act he has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as he considers appropriate and the Health and Safety Commission.

Citation and commencement

1. These Regulations may be cited as the Magnetic Toys (Safety) Regulations 2008 and shall come into force on 21st July 2008.

Interpretation

2. In these Regulations—

“accessible to children” means loose or capable of becoming detached from the toy under normal or reasonably foreseeable conditions of use by children, even if originally contained, encapsulated, recessed or collared in the toy;

“BS EN 71-1:2005+A4:2007” means the British Standard for the safety of toys: mechanical and physical properties published by the British Standards Institution on 5th December 2005⁽²⁾;

“EN 71-1:2005” means the European Standard ‘Safety of Toys – Part 1: physical and mechanical properties’ which was approved by the European Committee for Standardisation on 19 September 2005;

“ingestible shape and size” means fitting entirely into the small parts cylinder defined in—

- (a) EN 71-1:2005,
- (b) BS EN 71-1:2005+A4:2007, or

(1) 1987 c.43. Section 11(1) has been amended by [S.I. 2005/1803](#).
(2) ISBN 9780580595943

- (c) another standard or specification recognised for use in a Member State which corresponds to EN 71-1:2005;

“magnetic toy” means a toy that contains or consists of one or more magnets or one or more magnetic components that are of ingestible shape and size and are accessible to children;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“toy” means any product or material designed or clearly intended for use in play by children of less than 14 years of age.

Requirement for magnetic toys to be accompanied by a warning

3.—(1) No person shall supply a magnetic toy unless it is accompanied by a warning containing either—

- (a) the following wording—

“Warning: This toy contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled.”; or

- (b) equivalent easily comprehensible wording which clearly conveys the same meaning.

(2) The warning shall appear in a clearly visible and legible manner, conspicuously displayed on the packaging or otherwise attached to the magnetic toy in such a way as to be visible to the consumer at the point of purchase.

Commencement of proceedings

4.—(1) In England, Wales and Northern Ireland a magistrates’ court may try an information (in the case of England and Wales) or a complaint (in the case of Northern Ireland) in respect of an offence committed under section 12 of the Consumer Protection Act 1987 in relation to a contravention of these Regulations if (in the case of England and Wales) the information is laid or (in the case of Northern Ireland) the complaint is made within twelve months from the time when the offence is committed.

(2) In Scotland, summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

24th June 2008

Gareth Thomas
Parliamentary Under Secretary of State for Trade
and Consumer Affairs
Department for Business, Enterprise &
Regulatory Reform

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Commission Decision [2008/239/EC](#) of 21 April 2008 requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose (O.J. No. L114, 26.4.08, p.90) (“the Decision”). The Decision is made under Article 13 of Directive [2001/95/EC](#) of the European Parliament and of the Council of 3 December 2001 on general product safety (O.J. L11, 15.1.2002, p.4).

The Regulations require all toys containing or consisting of magnets or magnetic components which could be swallowed by children (magnetic toys) to carry a warning about the dangers presented by magnets when swallowed.

An impact assessment in respect of these Regulations has been prepared and is available from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET and on the BERR website (www.berr.gov.uk). Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET.

Copies of British Standards are available from sales outlets operated by the British Standards Institution (BSI) or by post from BSI at 389 Chiswick High Road, London, W4 4AL.