

## STATUTORY INSTRUMENTS

# 2011 No. 1881

## The Toys (Safety) Regulations 2011

### PART 1

#### Preliminary

#### Citation and commencement

- 1.—(1) These Regulations may be cited as the Toys (Safety) Regulations 2011.
- (2) These Regulations come into force on 19th August 2011.

#### Revocation, saving and amendment

2.—(1) The Toys (Safety) Regulations 1995<sup>M1</sup> (“the 1995 Regulations”) and the Toys (Safety) (Amendment) Regulations 2010<sup>M2</sup> are revoked.

(2) The 1995 Regulations, as amended, continue to apply, [<sup>F1</sup>subject to the modifications in paragraph (2A)] as if they had not been revoked, to a toy placed on the market before these Regulations come into force.

[<sup>F2</sup>(2A) The modifications referred to in paragraph (2) are—

- (a) that references to “the Community” are to be read as including the United Kingdom; and
- (b) paragraph (5) of regulation 9 is to be read as if “, the Commission of the Communities, the other member States and other approved bodies” were omitted.]

(3) The Pencils and Graphic Instruments (Safety) Regulations 1998<sup>M3</sup> are amended as follows.

(4) In regulation 1, insert after paragraph (2)—

“(3) These Regulations do not apply to any article to which the Toys (Safety) Regulations 2011 apply.”

**F1** Words in [reg. 2\(2\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 15 para. 2\(1\)\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F2** [Reg. 2\(2A\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 15 para. 2\(1\)\(b\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M1** [S.I. 1995/204](#), amended by [S.I. 2004/1769](#), [S.I. 2005/1082](#) and [S.I. 2010/1928](#).

**M2** [S.I. 2010/1928](#)

**M3** [S.I. 1998/2406](#). ([S.I. 1998/2406](#) does not apply, by virtue of [regulation 2\(3\)](#) of [S.I. 1995/204](#), to articles which are toys to which [S.I. 1995/204](#) applies.)

### [<sup>F3</sup>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 IP completion 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, any obligation or prohibition to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion 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 United Kingdom in respect of that product.

(4) Where an EC-type examination was issued in relation to a 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 IP completion 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 IP completion 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 IP completion day.

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<sup>F4</sup>(6) Subject to paragraph (7), where before 11pm on 31st December 2024—

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

(b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 19 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 13.

(7) Paragraph (6) does not apply—

(a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and

(b) in any event, after 31st December 2027.]]

**F3** Reg. 2A inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 15 para. 3** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(e)(i)**); 2020 c. 1, Sch. 5 para. 1(1)

**F4** Reg. 2A(6)(7) inserted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), **9(2)**

## Interpretation **E+W+S**

### 3. In these Regulations—

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

[<sup>F5</sup>“the Directive” means [Directive 2009/48/EC](#) of the European Parliament and of the Council of 18th June 2009 on the safety of toys;]

“the GPSR” means the General Product Safety Regulations 2005 <sup>M4</sup>;

[<sup>F6</sup>“ approved body requirements ” has the meaning given to it in regulation 40A;]

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

<sup>F7</sup>  
...

“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;

[<sup>F8</sup>“ designated standard ” has the meaning given to it in regulation 3A;]

“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;

<sup>F9</sup>  
...

“hazard” means a potential source of harm;

[<sup>F10</sup>“ importer ” means a person who—

- (a) is established in the United Kingdom and places a toy from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a toy on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

“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;

[<sup>F11</sup>“ Module ” means a Module set out in Schedule 6 and Module A, B or C is to 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.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F5** Words in [reg. 3](#) substituted (E.W.S.) (15.10.2022) by [The Toys and Cosmetic Products \(Restriction of Chemical Substances\) Regulations 2022 \(S.I. 2022/659\)](#), regs. 1(2), **2(2)**
- F6** Words in [reg. 3](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(b)** (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, 4(2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F7** Words in [reg. 3](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(d)** (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F8** Words in [reg. 3](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(e)** (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F9** Words in [reg. 3](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(f)** (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F10** Words in [reg. 3](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(g)** (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#)), reg. 1(4), **Sch. 3 para. 9(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F11** Words in [reg. 3](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 4(i)** (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

#### Marginal Citations

- M4** [S.I. 2005/1803](#).

#### Interpretation **N.I.**

##### 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 ;

“the GPSR” means the General Product Safety Regulations 2005 ;

“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](#) ;

“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;

“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 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 [<sup>F24</sup>relevant market]; and
- (b) places a toy from a [<sup>F25</sup>market outside the relevant market on the relevant] 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 [<sup>F26</sup>relevant] 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 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 [<sup>F27</sup>relevant] 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;

[<sup>F28</sup>“ relevant market ” means -

- (a) the market in Northern Ireland; and
- (b) the market of the EEA states;

“relevant state ”-

- (a) Northern Ireland; or
- (b) any EEA state;]

“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;

[<sup>F29</sup>“ UK(NI) indication” means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;]

“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.

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|------------|---|
| <b>F24</b> | Words in <a href="#">reg. 3</a> substituted (N.I.) 31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)</a> , <a href="#">reg. 1(b)</a> , <a href="#">Sch. 5 para. 2(1)(a)(i)</a>  |
| <b>F25</b> | Words in <a href="#">reg. 3</a> substituted (N.I.) 31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)</a> , <a href="#">reg. 1(b)</a> , <a href="#">Sch. 5 para. 2(1)(a)(ii)</a> |
| <b>F26</b> | Word in <a href="#">reg. 3</a> substituted (N.I.) 31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)</a> , <a href="#">reg. 1(b)</a> , <a href="#">Sch. 5 para. 2(1)(b)(i)</a>   |
| <b>F27</b> | Word in <a href="#">reg. 3</a> substituted (N.I.) (31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)</a> , <a href="#">reg. 1(b)</a> , <a href="#">Sch. 5 para. 2(1)(b)(ii)</a> |
| <b>F28</b> | Words in <a href="#">reg. 3</a> inserted (N.I.) (31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)</a> , <a href="#">reg. 1(b)</a> , <a href="#">Sch. 5 para. 2(1)(c)</a>       |
| <b>F29</b> | Words in <a href="#">reg. 3</a> inserted (N.I.) (31.12.2020) by <a href="#">The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460)</a> , <a href="#">reg. 1(2)</a> , <a href="#">Sch. 2 para. 5(2)</a>    |

### [<sup>F12</sup>Designated standard

**3A.**—(1) Subject to paragraphs (6) and (7) in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [<sup>F13</sup>or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and

- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate;
- (2) For the purposes of subparagraph (a), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—
- (a) the characteristics required of a product including—
- (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
- (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; or
- (b) production methods and processes relating to the products, where these have an effect on their characteristics;
- (3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—
- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI);
- [
- <sup>F14</sup>(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]
- (4) When considering whether the manner of publication of a reference in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard;
- (5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [<sup>F15</sup>such] technical specifications adopted by the other recognised standardisation organisations; [<sup>F16</sup>or by international standardising bodies as the Secretary of State considers to be relevant.]
- (6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).
- (7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.
- (8) In this regulation a reference to a “product” is a reference to a toy to which these Regulations apply
- (9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.
- (10) Regulations made under paragraph (9) are to be made by statutory instrument.
- (11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.

**F12** Regs. 3A, 3B inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 15 para. 5](#) (with [Sch. 15 para. 3](#)) (as

- amended by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in reg. 3A(1)(a) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 5(a)**; S.I. 2020/1662, reg. 2(ee)
- F14** Reg. 3A(3A) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 5(b)**; S.I. 2020/1662, reg. 2(ee)
- F15** Word in reg. 3A(5) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 5(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F16** Words in reg. 3A(5) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 5(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

### Annexes to EU legislation as Schedules

**3B.**—(1) Schedules 1, 2, 4 and 5 reproduce provisions of the Annexes I, II, IV and V (respectively) to the Directive with amendments to correct deficiencies in retained EU law.

(2) A reference to a provision of Schedules 1, 2, 4, 5 is a reference to the equivalent provision of the relevant Annex to the Directive as set out in the relevant Schedule.

(3) Schedule 6 reproduces provisions of Annex II to Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (“Decision No 768/2008/EC”) which are relevant to these Regulations, as it has effect immediately before IP completion day, with amendments to correct deficiencies in retained EU law.

(4) A reference to a provision of Schedule 6 is a reference to the equivalent provision of Annex II of Decision No 768/2008/EC as set out in that Schedule.]

- F12** Regs. 3A, 3B inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 15 para. 5** (with Sch. 15 para. 3) (as amended by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

### Toys to which these Regulations apply **E+W+S**

**4.**—(1) These Regulations apply to toys placed on the market on or after 19th August 2011.

(2) Toys are products designed or intended (whether or not exclusively) for use in play by children under 14 years old.

(3) These Regulations do not apply to—

- (a) playground equipment intended for public use;
- (b) automatic playing machines intended for public use, whether coin operated or not;
- (c) toy vehicles equipped with combustion engines;
- (d) toy steam engines;
- (e) slings and catapults;
- (f) products listed in [<sup>F17</sup>Schedule 1], as amended from time to time.

#### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only



**F17** Words in [reg. 4\(3\)\(f\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 6](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Toys to which these Regulations apply** **N.I.**

- 4.—(1) These Regulations apply to toys placed on the market on or after 19th August 2011.
- (2) Toys are products designed or intended (whether or not exclusively) for use in play by children under 14 years old.
- (3) These Regulations do not apply to—
- (a) playground equipment intended for public use;
  - (b) automatic playing machines intended for public use, whether coin operated or not;
  - (c) toy vehicles equipped with combustion engines;
  - (d) toy steam engines;
  - (e) slings and catapults;
  - (f) products listed in Annex I to the Directive, as amended from time to time.

### **Essential safety requirements** **E+W+S**

- 5.—(1) The essential safety requirements in respect of a toy are—
- (a) the general safety requirement set out in paragraphs (2) to (5); and
  - (b) the particular safety requirements set out in [<sup>F18</sup>Schedule 2], so far as relevant.
- (2) Toys, including the chemicals they contain, must not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.
- (3) The ability of the users and, where appropriate, their supervisors must be taken into account, in particular, in the case of toys which are intended for use by children under 36 months or by other specified age groups.
- (4) Information as to the matters mentioned in paragraph (5), aimed at users of the toy or their supervisors, must be preceded by the word “Warning” or “Warnings” and must be marked in English in a clearly visible, easily legible, understandable and accurate manner on—
- (a) the toy, a label affixed to the toy, or the toy's packaging; and
  - (b) any instructions for use which accompany the toy.
- (5) The matters are—
- (a) the inherent hazards and risks of harm involved in using the toy; and
  - (b) the ways of avoiding such hazards and risks.

#### **Extent Information**

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F18** Words in [reg. 5\(1\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 7](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## Essential safety requirements **N.I.**

5.—(1) The essential safety requirements in respect of a toy are—

- (a) the general safety requirement set out in paragraphs (2) to (5); and
- (b) the particular safety requirements set out in Annex II to the Directive (as amended from time to time), so far as relevant.

(2) Toys, including the chemicals they contain, must not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.

(3) The ability of the users and, where appropriate, their supervisors must be taken into account, in particular, in the case of toys which are intended for use by children under 36 months or by other specified age groups.

(4) Information as to the matters mentioned in paragraph (5), aimed at users of the toy or their supervisors, must be preceded by the word “Warning” or “Warnings” and must be marked in English in a clearly visible, easily legible, understandable and accurate manner on—

- (a) the toy, a label affixed to the toy, or the toy's packaging; and
- (b) any instructions for use which accompany the toy.

(5) The matters are—

- (a) the inherent hazards and risks of harm involved in using the toy; and
- (b) the ways of avoiding such hazards and risks.

## Particular safety requirements for toys placed on the market before 20th July 2013

[<sup>F19</sup>6. Where a toy is placed on the market before 20th July 2013, the particular safety requirements in respect of chemical properties are those in paragraph 3 of Part II of Annex II to Council Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys<sup>M5</sup>, and not those in Part III of Annex II to the Directive.]

**F19** Reg. 6 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 15 para. 8** (with Sch. 15 para. 3) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### Marginal Citations

**M5** OJ No L 187, 16.7.1988, p1, amended by Directive 2008/112/EC of the European Parliament and of the Council in order to adapt Council Directive 88/378/EEC to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ No L 345, 23.12.2008, p68); there are other amending instruments to Council Directive 88/378/EEC but none is relevant.

## Presumption of conformity **E+W+S**

7.—(1) A toy which conforms with [<sup>F20</sup>designated] standards shall be presumed to comply with the essential safety requirements to the extent that those requirements are covered by those standards.

(2) The presumption set out in paragraph (1) is rebuttable.

### Extent Information

**E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**F20** Word in [reg. 7](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 9](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Presumption of conformity **N.I.**

7.—(1) A toy which conforms with harmonised standards shall be presumed to comply with the essential safety requirements to the extent that those requirements are covered by those standards.

(2) The presumption set out in paragraph (1) is rebuttable.

### Exception for trade fairs or exhibitions **E+W+S**

8.—(1) A toy which does not bear the [<sup>F21</sup>UK] marking, or in relation to which any other requirement of these Regulations is not complied with, may be shown or used at a trade fair or exhibition.

(2) Such a toy must be accompanied by a sign which indicates clearly that—

- (a) the toy does not comply with [<sup>F22</sup>these Regulations]; and
- (b) the toy will not be made available in the [<sup>F23</sup>United Kingdom] before being brought into conformity with [<sup>F22</sup>these Regulations].

#### Extent Information

**E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**F21** Word in [reg. 8\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 10\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F22** Word in [reg. 8\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 10\(b\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F23** Words in [reg. 8\(2\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 15 para. 10\(c\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Exception for trade fairs or exhibitions **N.I.**

8.—(1) A toy which does not bear the CE marking, or in relation to which any other requirement of these Regulations is not complied with, may be shown or used at a trade fair or exhibition.

(2) Such a toy must be accompanied by a sign which indicates clearly that—

- (a) the toy does not comply with the Directive; and
- (b) the toy will not be made available in the [<sup>F30</sup>relevant market] before being brought into conformity with the Directive.

**F30** Words in [reg. 8\(2\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 5 para. 2\(2\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Toys (Safety) Regulations 2011, PART 1. (See end of Document for details)

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**Parts 1 and 2 are safety regulations within the meaning of the 1987 Act**

**9.** Parts 1 and 2 of these Regulations are for all purposes safety regulations within the meaning of the 1987 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Toys (Safety) Regulations 2011, PART 1.