

STATUTORY INSTRUMENTS

2011 No. 1881

The Toys (Safety) Regulations 2011

PART 2

Prohibitions and Obligations on Economic Operators

Importers

Prohibitions on placing toys on the market **E+W+S**

26.—(1) An importer must not place a toy on the market unless it will comply with the essential safety requirements during its foreseeable and normal period of use.

(2) An importer must not place a toy on the market unless—

- (a) the importer has ensured that the manufacturer has done all of the following in relation to the toy—
 - (i) followed the applicable conformity assessment procedure in accordance with regulation 13;
 - (ii) drawn up the technical documentation in accordance with regulation 17;
 - (iii) affixed the ^FUK marking in accordance with regulation 18;
 - (iv) complied with regulation 19 (information identifying toy and manufacturer);
 - (v) complied with regulation 20 (instructions for use, safety information and warnings);and
- (b) the importer has complied with both of the following—
 - (i) regulation 27 (information identifying importer);
 - (ii) regulation 28 (storage or transport of toys).

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

F1 Word in [reg. 26\(2\)\(a\)\(iii\)](#) 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. 22](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Prohibitions on placing toys on the market **N.I.**

26.—(1) An importer must not place a toy on the market unless it will comply with the essential safety requirements during its foreseeable and normal period of use.

(2) An importer must not place a toy on the market unless—

- (a) the importer has ensured that the manufacturer has done all of the following in relation to the toy—
 - (i) followed the applicable conformity assessment procedure in accordance with regulation 13;
 - (ii) drawn up the technical documentation in accordance with regulation 17;
 - (iii) affixed the CE marking in accordance with regulation 18;
 - (iv) complied with regulation 19 (information identifying toy and manufacturer);
 - (v) complied with regulation 20 (instructions for use, safety information and warnings); and
- (b) the importer has complied with both of the following—
 - (i) regulation 27 (information identifying importer);
 - (ii) regulation 28 (storage or transport of toys).

Information identifying importer **E+W+S**

- 27.**—(1) An importer must ensure that the following information is marked on the toy—
- (a) the importer's name, registered trade name or registered trade mark; and
 - (b) the address at which the importer can be contacted.
- [^{F2}(2) Paragraph (1) does not apply where—
- (a) either—
 - (i) the size or nature of the toy precludes the information from being marked on the toy;
 - (ii) the importer would have to open the toy's packaging in order to mark the information on the toy; or
 - (iii) the importer imported the toy from an EEA state or Switzerland and places it on the market within the period of [^{F3}seven years] beginning with IP completion day; and
 - (b) the importer ensures that the information referred to in paragraph (1) is set out on the toy's packaging or in a document accompanying the toy.]

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
- F2** Reg. 27(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. 23** (with Sch. 15 para. 3) (as amended by S.I. 2020/676, regs. 1(1), **2**; and S.I. 2019/1246, regs. 1(3), **5**, **6(1)**; and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 2(1)(c)**; and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(e)(v)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in reg. 27(2)(a)(iii) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3 (c)**

Modifications etc. (not altering text)

- C1** Reg. 27 modified (temp.) (10.9.2019) by S.I. 2019/392, **reg. 6** (as inserted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(2)(4), **2(3)** (with reg. 18))

Information identifying importer **N.I.**

- 27.**—(1) An importer must ensure that the following information is marked on the toy—
- (a) the importer's name, registered trade name or registered trade mark; and
 - (b) the address at which the importer can be contacted.
- (2) The information may instead be marked on the toy's packaging or on a document accompanying the toy where—
- (a) the size or nature of the toy precludes the information from being marked on the toy; or
 - (b) the importer would have to open the toy's packaging in order to mark the information on the toy.

Storage or transport of toys

28. An importer must ensure that, while a toy is under the importer's responsibility, the conditions in which it is stored or transported will not jeopardise the toy's compliance with the essential safety requirements during its foreseeable and normal period of use.

Monitoring of toys

29.—(1) An importer must take such of the following actions in relation to a toy as the importer considers appropriate for the purpose of protecting the health and safety of consumers, taking into account any risk presented by the toy.

- (2) The actions are—
- (a) carrying out sample testing of marketed toys;
 - (b) investigating any complaint made in relation to the toy;
 - (c) keeping a register of—
 - (i) any such complaints;
 - (ii) any toy in relation to which any provision of these Regulations has not been complied with; and
 - (iii) any toy which has been recalled; and
 - (d) keeping distributors informed of any action taken by the importer in accordance with subparagraph (a), (b) or (c).

Non-compliant toys and toys presenting a risk

30.—(1) Paragraph (2) applies if an importer has reason to believe that a toy which the importer was intending to place on the market—

- (a) will not comply with the essential safety requirements during its foreseeable and normal period of use; and
- (b) presents a risk.

(2) The importer must inform the manufacturer and the relevant enforcement authority of the risk presented by the toy.

(3) An importer who has placed a toy on the market and has reason to believe that any provision of these Regulations has not been complied with in relation to the toy must immediately—

- (a) take the corrective measures which are necessary to ensure that the provision is complied with in relation to the toy, or withdraw or recall the toy, if appropriate; and

- (b) where the toy presents a risk, provide the relevant enforcement authority with information about the following matters.
- (4) The matters are—
 - (a) the risk presented by the toy;
 - (b) the non-compliance in question; and
 - (c) any corrective measures taken in accordance with paragraph (1)(a).
- (5) An enforcement authority may request an importer who has placed a toy on the market to cooperate with it in relation to any action taken or to be taken to eliminate any risk posed by the toy.
- (6) The importer must comply with the request.

Duties to retain and provide information

31.—(1) An importer must, for a period of 10 years after the day on which the toy is placed on the market—

- (a) keep a copy of the [^{F4}EC] declaration of conformity; and
- (b) ensure that the technical documentation can be made available to an enforcement authority on request by the authority.

^{F5}(2)

^{F5}(3)

^{F5}(4)

F4	Word in reg. 31 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. 24 (with Sch. 15 para. 3) (as amended by S.I. 2020/676 , regs. 1(1), 2); 2020 c. 1 , Sch. 5 para. 1(1)
F5	Reg. 31(2)-(4) omitted (1.10.2015) by virtue of The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1 , Sch. 2 para. 123 (with art. 8)

Duty in certain circumstances to comply with manufacturers' duties in place of importers' duties

32.—(1) This regulation applies where an importer—

- (a) places a toy on the market under the importer's name or trademark; or
- (b) modifies a toy already placed on the market in such a way that compliance with the essential safety requirements may be affected.

(2) The importer must comply with all of the duties imposed by these Regulations on a manufacturer and in such a case, a reference to the manufacturer in these Regulations is to be taken as being a reference to the importer.

(3) Such an importer is not required to comply with the duties imposed by these Regulations on importers.

Changes to legislation:

There are currently no known outstanding effects for the The Toys (Safety) Regulations 2011,
Cross Heading: Importers.