
STATUTORY INSTRUMENTS

2011 No. 1881

The Toys (Safety) Regulations 2011

PART 4

Functions of ^[F1]UK Notified^[F1] Approved Bodies

Action (after issue of ^[F2]Type examination certificate) where a toy fails to comply with essential safety requirements **E+W+S**

45.—(1) This regulation applies where—

- (a) ^[F3]a Type examination certificate has been issued in relation to a toy; and
- (b) ^[F4]an approved body finds that the toy will not comply with the essential safety requirements during its foreseeable and normal period of use—
 - (i) following the review by the body of the certificate on its submission to the body for review by the manufacturer; or
 - (ii) in the course of any other monitoring by the body of whether the toy will comply with the essential safety requirements during its foreseeable and normal period of use.

(2) ^[F5]The approved body must—

- (a) consider—
 - (i) what corrective measures the manufacturer needs to take in relation to the toy in the light of the body's findings; and
 - (ii) whether it is necessary to suspend or withdraw the ^[F6]Type examination certificate;
- (b) send the manufacturer a notice in writing—
 - (i) setting out the conclusions the body has provisionally reached under sub-paragraph (a);
 - (ii) setting out the reasons for those conclusions; and
 - (iii) inviting the manufacturer to respond to the conclusions within such reasonable period as is specified in the notice;
- (c) make a decision on the matters specified in sub-paragraph (2)(a), taking into account any response received from the manufacturer within the period specified in the notice; and
- (d) inform the manufacturer of the decision and the reasons for it.

(3) ^[F5]The approved body must restrict, suspend or withdraw, as appropriate, the ^[F7]Type examination certificate issued in relation to the toy, where the manufacturer has been informed in accordance with paragraph (2)(d) of the corrective measures that the manufacturer needs to take in relation to the toy and where—

- (a) the ^[F8]Type examination certificate issued in relation to the toy has not already been withdrawn under paragraph (2)(c); and either

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- (b) the manufacturer fails within such period as is reasonable in the circumstances to take those measures; or
 - (c) the manufacturer takes those measures, but [^{F5}the approved] body forms the view that those measures have not in fact had the effect that the toy will comply with the essential safety requirements during its foreseeable and normal period of use.
- (4) Before restricting, suspending or withdrawing [^{F9}a Type] examination certificate under paragraph (3) [^{F5}the approved] body must—
- (a) consider which of those actions it is appropriate to take in the circumstances; and
 - (b) send the manufacturer a notice in writing—
 - (i) setting out the conclusions the body has provisionally reached under sub-paragraph (a);
 - (ii) setting out the reasons for those conclusions; and
 - (iii) inviting the manufacturer to respond to the conclusions within such reasonable period as is specified in the notice;
 - (c) make a decision on the matter specified in sub-paragraph (a), taking into account any response received from the manufacturer within the period specified in the notice; and
 - (d) inform the manufacturer of the decision and the reasons for it.

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
- F2** Word in [reg. 45](#) heading 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. 33\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 45\(1\)\(a\)](#) 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. 33\(b\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 45\(1\)\(b\)](#) 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. 33\(c\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F5** Words in [reg. 45](#) 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. 33\(d\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F6** Word in [reg. 45\(2\)\(a\)\(ii\)](#) 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. 33\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F7** Word in [reg. 45\(3\)](#) 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. 33\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F8** Word in [reg. 45\(3\)\(a\)](#) 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. 33\(a\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F9** Words in [reg. 45\(4\)](#) 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. 33\(b\)](#) (with [Sch. 15 para. 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Action (after issue of EC-type examination certificate) where a toy fails to comply with essential safety requirements N.I.

- 45.—**(1) This regulation applies where—
- (a) an EC-type examination certificate has been issued in relation to a toy; and
 - (b) a UK notified body finds that the toy will not comply with the essential safety requirements during its foreseeable and normal period of use—
 - (i) following the review by the body of the certificate on its submission to the body for review by the manufacturer; or
 - (ii) in the course of any other monitoring by the body of whether the toy will comply with the essential safety requirements during its foreseeable and normal period of use.
- (2) The UK notified body must—
- (a) consider—
 - (i) what corrective measures the manufacturer needs to take in relation to the toy in the light of the body's findings; and
 - (ii) whether it is necessary to suspend or withdraw the EC-type examination certificate;
 - (b) send the manufacturer a notice in writing—
 - (i) setting out the conclusions the body has provisionally reached under sub-paragraph (a);
 - (ii) setting out the reasons for those conclusions; and
 - (iii) inviting the manufacturer to respond to the conclusions within such reasonable period as is specified in the notice;
 - (c) make a decision on the matters specified in sub-paragraph (2)(a), taking into account any response received from the manufacturer within the period specified in the notice; and
 - (d) inform the manufacturer of the decision and the reasons for it.
- (3) The UK notified body must restrict, suspend or withdraw, as appropriate, the EC-type examination certificate issued in relation to the toy, where the manufacturer has been informed in accordance with paragraph (2)(d) of the corrective measures that the manufacturer needs to take in relation to the toy and where—
- (a) the EC-type examination certificate issued in relation to the toy has not already been withdrawn under paragraph (2)(c); and either
 - (b) the manufacturer fails within such period as is reasonable in the circumstances to take those measures; or
 - (c) the manufacturer takes those measures, but the UK notified body forms the view that those measures have not in fact had the effect that the toy will comply with the essential safety requirements during its foreseeable and normal period of use.
- (4) Before restricting, suspending or withdrawing an EC-type examination certificate under paragraph (3) the UK notified body must—
- (a) consider which of those actions it is appropriate to take in the circumstances; and
 - (b) send the manufacturer a notice in writing—
 - (i) setting out the conclusions the body has provisionally reached under sub-paragraph (a);
 - (ii) setting out the reasons for those conclusions; and
 - (iii) inviting the manufacturer to respond to the conclusions within such reasonable period as is specified in the notice;

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- (c) make a decision on the matter specified in sub-paragraph (a), taking into account any response received from the manufacturer within the period specified in the notice; and
- (d) inform the manufacturer of the decision and the reasons for it.

Status:

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Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The Toys (Safety) Regulations 2011, Section 45.