
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2009/48/EC](#) of the European Parliament and of the Council of 18th June 2009 on the safety of toys (OJ No L 170, 30.06.2009, p1). The Directive sets harmonised safety requirements for toys and minimum requirements for market surveillance, in order to ensure a high level of safety of toys with a view to ensuring the health and safety of children whilst guaranteeing the functioning of the internal market.

The Directive repeals and replaces Council Directive [88/378/EEC](#) of 3rd May 1988 on the approximation of the laws of the Member States concerning the safety of toys (OJ No L 187, 16.7.88, p1) (as amended), which was implemented in the United Kingdom by the Toys (Safety) Regulations 1995 (S.I. 1995/204) (as amended). These Regulations revoke and replace S.I. 1995/204, subject to the continuing application of S.I. 1995/204 to toys placed on the market before these Regulations come into force. (regulation 2).

Regulation 4 sets out the toys to which the Regulations apply. In particular, they apply only to toys placed on the market on or after these Regulations come into force. Regulation 5 defines the essential safety requirements which apply to toys, and is subject to a transitional provision in respect of the requirements concerning the chemical properties of toys placed on the market before 20th July 2013 (regulation 6).

Part 2 of the Regulations sets out the prohibitions and obligations on economic operators. These are divided into prohibitions and obligations on manufacturers and their authorised representatives (regulations 10 to 25), on importers (regulations 26 to 32), on distributors (regulations 33 to 37), and on all economic operators (regulations 38 and 39). The various categories of economic operator are defined in regulation 3. In certain circumstances, importers and distributors are required to comply with the duties on manufacturers in place of the duties on importers or distributors (regulations 32 and 37).

Parts 1 and 2 are safety regulations and are enforceable under the Consumer Protection Act 1987. Section 12 of the Act contains offences for breaching safety regulations and other enforcement provisions.

Part 3 of the Regulations sets out the process for the appointment of conformity assessment bodies as UK notified bodies. Conformity assessment is the process of demonstrating whether specified requirements relating to a toy have been fulfilled. Part 4 sets out the functions of UK notified bodies.

Part 5 of the Regulations deals with enforcement of the Regulations, both in cases of formal non-compliance and toys presenting a risk. Regulation 57 addresses the relationship between the General Product Safety Regulations 2005 (SI 2005/1803) and Regulation [\(EC\) No 765/2008](#) on accreditation and market surveillance (OJ L 218, 13.8.2008, p30) so that the powers in the General Product Safety Regulations 2005 are available to supplement the enforcement provisions in these Regulations.

Part 6 of the Regulations requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A transposition note and a full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the BIS website (www.bis.gov.uk). They are also annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

Changes to legislation:

The Toys (Safety) Regulations 2011 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 18 heading word substituted by [S.I. 2019/696 Sch. 15 para. 17](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 17 substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 9(3))
- reg. 2A(5)-(7) omitted by [S.I. 2024/696 reg. 7\(2\)](#)
- reg. 3 words substituted by [S.I. 2019/696 Sch. 15 para. 4\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 4(c) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 3)
- reg. 3 words substituted by [S.I. 2019/696 Sch. 15 para. 4\(g\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 4(g) substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 9(2))
- reg. 3 words substituted by [S.I. 2019/696 Sch. 15 para. 4\(g\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 4(g) substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 9(2))
- reg. 3 words substituted by [S.I. 2019/696 Sch. 15 para. 4\(h\)](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 4(h) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(4)(a))
- reg. 3 words substituted by [S.I. 2019/696 Sch. 15 para. 4\(k\)](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 4(k) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(4)(b))
- reg. 3 words substituted in earlier amending provision S.I. 2019/696, Sch. 15 para. 4(c) by [S.I. 2020/852 reg. 4\(2\) Sch. 1 para. 1\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 1(e)(iii) omitted immediately before it comes into force by virtue of S.I. 2020/1460, regs. 1(3), Sch. 4 para. 1(3))
- reg. 18 word substituted by [S.I. 2019/696 Sch. 15 para. 17](#) (This amendment not applied to legislation.gov.uk. Sch. 15 para. 17 substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 9(3))
- reg. 39A(2) word omitted by [S.I. 2024/696 reg. 7\(3\)\(a\)](#)
- reg. 39A(10)(g) omitted by [S.I. 2024/696 reg. 7\(3\)\(b\)](#)
- reg. 39AA substituted by [S.I. 2024/696 reg. 7\(4\)](#)