
STATUTORY INSTRUMENTS

1995 No. 204

The Toys (Safety) Regulations 1995

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Toys (Safety) Regulations 1995 and shall come into force on 24th February 1995.

(2) The Toys (Safety) Regulations 1989⁽¹⁾ and the Toys (Safety) (Amendment) Regulations 1993⁽²⁾ are hereby revoked provided that the saving in relation to the continued application of the Toys (Safety) Regulations 1974⁽³⁾ and the Toys (Safety) Regulations (Northern Ireland) 1975⁽⁴⁾ contained in paragraphs (3) and (4) of regulation 1 of the said Regulations of 1989 shall continue to have full force and effect in relation to toys to which these Regulations do not apply by virtue of paragraph 1 of regulation 2 below.

Commencement Information

11 Reg. 1 in force at 24.2.1995, see [reg. 1\(1\)](#)

Application

2.—(1) Subject to paragraphs (2) and (3) below, these Regulations apply to any toy except that until 1st October 1996 they do not apply to any toy which the supplier proves was supplied for the first time in the Community before 1st January 1990 and which does not bear the CE marking.

(2) Regulations 10 and 13 below do not apply in any case in which the person supplying the toy reasonably believes that it will not be used in the United Kingdom or any other member State of the Community.

(3) The Pencils and Graphic Instruments (Safety) Regulations 1974⁽⁵⁾ and the Pencils and Graphic Instruments (Safety) Regulations (Northern Ireland) 1975⁽⁶⁾ shall not apply to toys to which these Regulations apply.

Commencement Information

12 Reg. 2 in force at 24.2.1995, see [reg. 1\(1\)](#)

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—
“the 1987 Act” means the Consumer Protection Act 1987;

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- (1) S.I. 1989/1275.
(2) S.I. 1993/1547.
(3) S.I. 1974/1367.
(4) S.R. (N.I.) 1975 No. 290.
(5) S.I. 1974/226.
(6) S.R. (N.I.) 1975 No. 49.

“approved model” means a model of a toy in respect of which an EC type-examination certificate is in force;

“CE marking” means the CE conformity marking referred to in regulation 10 consisting of the initials “CE” taking the form of the specimen given in Schedule 1;

“the Community” means the European Community and other member States except that for the purposes of paragraph (1) of regulation 2, it means the European Community;

“EC type-examination certificate” means a certificate issued by an approved body that a model of a toy conforms with the essential safety requirements applicable to that toy;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(7);

“essential safety requirements” means the requirements in Annex II of the Toys Directive which is set out in Schedule 2;

“harmonised standard” means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a remit from the Commission of the Communities in accordance with Council Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations(8) as amended by the Treaty of Accession of 12th June 1985(9), Council Directive 88/182/EEC(10), Commission Decision 92/400/EEC(11) and European Parliament and Council Directive 94/10/EEC(12);

“member State” means a State which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the state of Liechtenstein;

“relevant national standard” means a standard the reference number of which is published—

- (a) in the United Kingdom, by the Secretary of State in such manner as he considers appropriate, or
- (b) in another member State of the Community,

and which corresponds to a harmonised standard the reference number of which is published in the Official Journal of the European Communities;

“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, but excluding those products specified in Schedule 3; and

“the Toys Directive” means Council Directive 88/378/EEC on the approximation of the laws of the member States concerning the safety of toys(13) as amended by Council Directive 93/68/EEC(14).

(2) “approved body” in regulation 9 (except “approved bodies” in paragraph (5) of that regulation) means a body approved by the Secretary of State pursuant to regulation 8 and elsewhere in these Regulations (including the above-mentioned reference in regulation 9(5)) means a body so approved or one approved by another member State of the Community for the purposes of the Toys Directive.

(7) Protocol 47 and certain Annexes to the EEA Agreement were amended by Decision No. 7/94 of the EEA Joint Committee of 21st March 1994 which came into force on 1st July 1994 (OJ No. L 160, 28.6.1994, p. 1). Council Directive 93/68/EEC was added to Chapter XXII of Annex II to the EEA Agreement by item P in Annex 3 to the said Decision No. 7/94.

(8) OJ No. L 109, 26.4.1983, p. 8.

(9) Signed in Madrid and Lisbon and coming into force on 1st January 1986, OJ No. L 302, 1985.

(10) OJ No. L 81, 26.3.1988, p. 75.

(11) OJ No. L 221, 6.8.1992, p. 55.

(12) OJ No. L 100, 19.4.1994, p. 30.

(13) OJ No. L 187, 16.7.1988, p. 1.

(14) OJ No. L 220, 30.8.1993, p. 1.

(3) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations.

Commencement Information

I3 Reg. 3 in force at 24.2.1995, see [reg. 1\(1\)](#)

Essential safety requirements

4. Toys to which these Regulations apply shall satisfy the essential safety requirements.

Commencement Information

I4 Reg. 4 in force at 24.2.1995, see [reg. 1\(1\)](#)

Toys bearing CE marking

5.—(1) Any toy supplied for the first time in the Community on or after 1st January 1995 which bears the CE marking shall be presumed (which presumption shall be rebuttable) to comply with all the provisions of these Regulations, save that until 1st January 1997 any toy on which the manufacturer or his authorised representative has put the CE marking pursuant to the provisions of paragraph (10) of regulation 10 below shall be presumed (which presumption shall be rebuttable) to comply with the provisions of that paragraph.

(2) Subject to paragraph (3) below, where the toy is the subject of other Community Directives in addition to the Toys Directive, which provide among other things for the affixing of the CE marking, the CE marking affixed in relation to the Toys Directive shall indicate that the toy is presumed (which presumption shall be rebuttable) to conform to the provisions of those other Community Directives.

(3) Where any of the said Community Directives referred to in paragraph (2) above allows the manufacturer, during a transition period, to choose which arrangements apply, the CE marking shall indicate conformity only to the Community Directives applied by the manufacturer.

Commencement Information

I5 Reg. 5 in force at 24.2.1995, see [reg. 1\(1\)](#)

Conformity of toys with national standards

6. Any toy supplied for the first time in the Community on or after 1st January 1995 and which conforms with the relevant national standards applicable to it where those standards relate to all matters covered by the essential safety requirements applicable to the toy shall be presumed (which presumption shall be rebuttable) to satisfy the requirement in regulation 4.

Commencement Information

I6 Reg. 6 in force at 24.2.1995, see [reg. 1\(1\)](#)

Conformity of toys with an approved model

7. Any toy supplied for the first time in the Community on or after 1st January 1995 which has not been manufactured, or which has been manufactured only partly, in conformity with the relevant national standards applicable to it or for which no such standards exist or where the relevant national standards applicable to it relate only to some of the matters covered by the essential safety requirements applicable to the toy shall be presumed (which presumption shall be rebuttable) to satisfy the requirement in regulation 4 if an EC type-examination certificate is in force in respect of a model of the toy.

Commencement Information

I7 Reg. 7 in force at 24.2.1995, see [reg. 1\(1\)](#)

Approved bodies

8.—(1) A body approved by the Secretary of State may—

- (a) carry out examinations and tests and issue EC type-examination certificates in respect of models of toys;
- (b) ask for further examples of the model in question; and
- (c) do such other things as may be required or permitted under or in connection with these Regulations.

(2) Any approval given by the Secretary of State for the purposes of paragraph (1) above may be given for an unlimited period or for a specified period and may be given subject to conditions and the Secretary of State may withdraw any such approval if the body ceases to comply with any such condition.

Commencement Information

I8 Reg. 8 in force at 24.2.1995, see [reg. 1\(1\)](#)

EC type-examination certificate

9.—(1) Where an application for an EC type-examination certificate in respect of a model of a toy is made by the manufacturer or by his authorised representative established in the Community to an approved body such application shall be in writing and shall include—

- (a) a description of the toy;
- (b) the name and address of the manufacturer or his authorised representative in the Community and the place of manufacture of the toy; and
- (c) comprehensive manufacturing and design data,

and shall be accompanied by a model of the toy and, if required by the approved body, the prescribed fee.

(2) On an application made to it under paragraph (1) above an approved body shall—

- (a) examine the documents provided by the applicant and establish that they are in order;
- (b) check that any toy which conforms with the model would not jeopardize the safety or health of users or third parties when used as intended or in a foreseeable way, bearing in mind the normal behaviour of children; and

- (c) carry out examinations and tests using as far as possible relevant national standards and, if there is no relevant national standard covering a particular matter, harmonised standards, in order to check whether the model meets the essential safety requirements.

(3) Where the approved body, after carrying out its duties under paragraph (2) above, is satisfied that the model complies with the essential safety requirements applicable to a toy of that type, it shall grant to the applicant an EC type-examination certificate in respect of that model, subject to such conditions designed to ensure that toys which conform to the model comply with the applicable essential safety requirements as the approved body thinks fit.

(4) The certificate shall state the conclusions of the EC type-examination carried out by the approved body, indicate any conditions subject to which the certificate is granted and be accompanied by the descriptions and drawings of the toy.

(5) The approved body shall, taking the necessary measures to guarantee confidentiality, forward to the Secretary of State, the Commission of the Communities, the other member States and other approved bodies on request a copy of the certificate and, on reasonable request, a copy of any design and manufacturing schedule submitted to the approved body and reports on the examinations and tests that it has carried out.

(6) Where the approved body, after carrying out its duties under paragraph (2) above, refuses to issue an EC type-examination certificate in respect of the model of the toy in question, it shall so inform the applicant, the Secretary of State and the Commission of the Communities in writing, giving the reasons for refusal.

(7) The approved body may require a fee to be paid by the applicant (in this regulation referred to as the prescribed fee) in connection with work done by it under this regulation and the fee in every case shall be equal to the sum of—

- (a) the costs of the approved body of and in connection with the functions carried out or to be carried out under these Regulations (“the relevant service”); and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
- (i) the character and the extent of the work done or to be done by the approved body in providing the relevant service, and
- (ii) the commercial rate normally charged on account of profit for that work or similar work.

Commencement Information

19 Reg. 9 in force at 24.2.1995, see [reg. 1\(1\)](#)

CE marking and other information on or accompanying toys

10.—(1) Subject to paragraphs (2), (3), (4) and (10) below, no person shall supply any toy to which these Regulations apply and which does not have affixed to it or to its packaging the CE marking together with the name or trade name or mark and the address of the manufacturer if he is established in the Community or his authorised representative if he is so established or if neither is so established the importer into the Community in a visible, easily legible and indelible form, provided that the trade name or mark may only appear as an alternative to the name if such trade name or mark enables such manufacturer, authorised representative or importer to be identified.

(2) No manufacturer of any toy to which these Regulations apply nor any authorised representative in the Community of such a manufacturer shall supply any such toy to which or to whose packaging the CE marking is affixed unless he thereby confirms that all the provisions of these Regulations which relate to that toy have been complied with and that—

- (a) where the toy has been manufactured in accordance with the relevant national standards applicable to it and those standards relate to all the matters covered by the essential safety requirements applicable to the toy, the toy complies with those standards; or
- (b) where—
- (i) the toy has not been manufactured in accordance with the relevant national standards applicable to that toy; or
 - (ii) the toy has been manufactured only partly in accordance with such standards; or
 - (iii) no such standards exist; or
 - (iv) the relevant national standards relate only to some of the essential safety requirements applicable to the toy,
- that the toy conforms with a model in respect of which an EC type-examination certificate is in force.
- (3) In the case of a small toy or a toy consisting of small parts the information (including the CE marking) mentioned in paragraph (1) above may appear instead of as provided in that paragraph in a visible, easily legible and indelible form—
- (a) on a label attached to the toy;
 - (b) on an accompanying printed label or leaflet; or
 - (c) where the toy is not individually packaged, on the box or other packaging containing the toy and other toys of the same kind.
- (4) Paragraphs (1), (2) and (3) shall not apply in relation to a toy which has previously been supplied to any person who acquired it for private use or consumption.
- (5) Where the information (including the CE marking) mentioned in paragraph (1) above does not appear on, or is not attached to, the toy, the attention of any person to whom the toy is supplied for private use or consumption shall be drawn to the advisability of keeping or noting such information, as the case may be.
- (6) Any of the information mentioned in paragraph (1) above, other than the CE marking, may be abbreviated provided that the abbreviation enables such manufacturer, authorised representative or importer as is mentioned in that paragraph to be identified.
- (7) Information shall not be given in connection with a toy by means of a marking which is likely to deceive any person as to the meaning and the form of the CE marking and any other marking may be affixed to the toy, its packaging or a label provided that the visibility and legibility of the CE marking is not thereby reduced.
- (8) Toys shall be accompanied by the appropriate warnings and indications of precautions to be taken during use contained in Annex IV of the Toys Directive which is set out in Schedule 4.
- (9) It shall not be a sufficient compliance with paragraph (8) above to give information in a language other than English.
- (10) Notwithstanding the provisions of paragraph (1) above, until 1st January 1997 the manufacturer or his authorised representative established in the Community may put on every toy in the manner described in that paragraph the CE marking to confirm only that that toy complies with the provisions of sub-paragraphs (a) or (b) of paragraph (2) as the case may be and by which he does not confirm that all the provisions of these Regulations which relate to that toy have been complied with, and in which event the provisions of paragraphs (11) and (12) below and Schedule 5 shall not have effect in relation to that toy.
- (11) Except in the case of a toy which in the opinion of the enforcement authority is likely to jeopardise the safety or health of any person, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to any toy to which these Regulations apply in relation to which any provision of these Regulations has not been complied with in respect of that

toy it may serve a notice (“a compliance notice”) on the manufacturer of that toy or his authorised representative established in the Community and in such a case sections 13, 14, 16 or 17 of the 1987 Act shall not be applied until such a notice has been so served and the person upon whom it has been served has failed to comply with its requirements.

(12) Schedule 5 shall have effect in respect of a compliance notice.

Commencement Information

110 Reg. 10 in force at 24.2.1995, see [reg. 1\(1\)](#)

Requirement to keep available and give information about toys which bear the CE marking

11.—(1) Every manufacturer of toys established in the United Kingdom or, where the manufacturer is not established in the Community, the manufacturer’s authorised representative established in the United Kingdom or, where the manufacturer is established outside the Community and he has no authorised representative established in the Community, the person who supplies a toy on the first occasion on which it is supplied in the Community provided that he is established in the United Kingdom shall keep the following information available for inspection by an enforcement authority or any of its officers in respect of toys supplied in the Community by such manufacturer, authorised representative or first supplier and bearing the CE marking denoting among other things conformity with the relevant national standards applicable to the toy where those standards relate to all the matters covered by the essential safety requirements applicable to the toy and shall give the information to an enforcement authority or any of its officers on his being required to give such information within a reasonable time—

- (a) a description of the means (such as the use of a test report or technical file) whereby the manufacturer ensures conformity of production with the relevant national standards;
- (b) the addresses of the places of manufacture and storage of the toys; and
- (c) detailed information concerning their design and manufacture.

(2) Every manufacturer of toys established in the United Kingdom or, where the manufacturer is not established in the Community, the manufacturer’s authorised representative established in the United Kingdom or, where the manufacturer is established outside the Community and he has no authorised representative established in the Community, the person who supplies a toy on the first occasion on which it is supplied in the Community provided that he is established in the United Kingdom shall keep the following information available for inspection by an enforcement authority or any of its officers in respect of toys supplied in the Community by such manufacturer, authorised representative or first supplier which are not manufactured, or which are manufactured only partly, in accordance with the relevant national standards applicable to that toy or for which no such standards exist or where the relevant national standards relate only to some of the matters covered by the essential safety requirements applicable to the toy and which bear the CE marking denoting conformity among other things of the toy with the approved model and shall give the information to an enforcement authority or any of its officers on his being required to give such information within a reasonable time—

- (a) a detailed description of manufacturer;
- (b) a description of the means (such as the use of a test report or technical file) whereby the manufacturer ensures conformity with the approved model;
- (c) the addresses of the places of manufacture and storage of the toys;
- (d) copies of the documents which the manufacturer or his authorised representative has submitted to an approved body on an application for an EC type-examination certificate; and

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Toys (Safety) Regulations 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(e) the EC type-examination certificate or a copy of such a certificate, certified by the approved body which issued it as a true copy.

(3) If any of the requirements of paragraph (1) or (2) above is not satisfied, an enforcement authority or any of its officers may require such manufacturer, authorised representative or first supplier, as the case may be, as is mentioned in those paragraphs to have a toy in respect of which any such requirement is not satisfied tested within a reasonable period by an approved body at the expense of such manufacturer, authorised representative or first supplier for the purpose of ascertaining whether the relevant national standards and the essential safety requirements are complied with and the manufacturer, authorised representative or first supplier shall comply with any such requirement imposed by an enforcement authority or one of its officers.

Commencement Information

I11 Reg. 11 in force at 24.2.1995, see [reg. 1\(1\)](#)

Requirement to give information about toys which do not bear the CE marking

12. Save in relation to the supply of a toy which has previously been supplied to any person who acquired it for private use or consumption, a person who supplies a toy which does not bear the CE marking shall give to an enforcement authority, or any of its officers, all information which he has about the date when the toy was first supplied in the Community and information about the basis on which the toy is not so marked on his being required to give such information within a reasonable time.

Commencement Information

I12 Reg. 12 in force at 24.2.1995, see [reg. 1\(1\)](#)

Prohibition on supply

13. No person shall supply any toy in respect of which the requirement of regulation 4 is not satisfied save that a person other than a manufacturer or his authorised representative established in the Community (or, where neither the manufacturer nor his authorised representative are established in the Community, the importer into the Community) may supply any toy provided that the toy would not jeopardise the safety or health of users or third parties when used as intended or in a foreseeable way, bearing in mind the normal behaviour of children.

Commencement Information

I13 Reg. 13 in force at 24.2.1995, see [reg. 1\(1\)](#)

Duties of enforcement authorities

14. Every authority and council on whom a duty is imposed by virtue of section 27 of the 1987 Act shall give immediate notice to the Secretary of State of any suspension notice served by it in respect of, or any application made by it for an order for forfeiture of, any toys to which these Regulations apply or any other thing done in respect of any such toys for the purposes of or in connection with sections 14 to 17 of that Act.

Commencement Information

I14 Reg. 14 in force at 24.2.1995, see [reg. 1\(1\)](#)

Commencement of proceedings

15. 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 1987 Act 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, and 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.

Commencement Information

I15 Reg. 15 in force at 24.2.1995, see [reg. 1\(1\)](#)

Regulations to be treated as safety regulations within the meaning of the 1987 Act

16.—(1) Subject to paragraph (2) below, these Regulations shall be treated for all purposes as if they were safety regulations within the meaning of the 1987 Act.

(2) A manufacturer, authorised representative or first supplier who contravenes regulation 11(3) above shall be guilty of an offence punishable on summary conviction with imprisonment for not more than three months or with a fine not exceeding level five on the standard scale.

Commencement Information

I16 Reg. 16 in force at 24.2.1995, see [reg. 1\(1\)](#)

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Minister of State for Small Firms and Consumer
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Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Toys (Safety) Regulations 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Sch. 2 para. 6 words substituted by [S.I. 2004/1769 reg. 20\(2\)](#)
- Sch. 3 note words substituted by [S.I. 2005/1082 reg. 28\(1\)](#)Sch. 5 para. 39
- Sch. 4 para. 4(a) substituted by [S.I. 2010/1928 reg. 3\(4\)](#)
- Sch. 4 para. 4 words substituted by [S.I. 2010/1928 reg. 2\(3\)\(b\)](#)
- Regulations continued (with modifications) by [S.I. 2011/1881, reg. 2\(2\)\(2A\)](#) (as amended) by [S.I. 2019/696 Sch. 15 para. 2\(1\)\(b\)](#)
- Regulations revoked by [S.I. 2011/1881 reg. 2\(1\)](#)
- reg. 3(1) words inserted by [S.I. 2010/1928 reg. 2\(2\)](#)
- reg. 3(1) words substituted by [S.I. 2010/1928 reg. 3\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 Pt. 2 para. 2(b) substituted by [S.I. 2010/1928 reg. 3\(3\)\(a\)](#)
- Sch. 2 Pt. 2 para. 2(b) words substituted by [S.I. 2010/1928 reg. 2\(3\)\(a\)](#)
- Sch. 2 Pt. 2 para. 2(d) words substituted by [S.I. 2010/1928 reg. 2\(3\)\(a\)](#)
- Sch. 2 Pt. 2 para. 3(1) words substituted by [S.I. 2010/1928 reg. 2\(3\)\(a\)](#)
- Sch. 2 Pt. 2 para. 3(3) words substituted by [S.I. 2010/1928 reg. 2\(3\)\(a\)](#)
- Sch. 2 Pt. 2 para. 3(3) words substituted by [S.I. 2010/1928 reg. 3\(3\)\(b\)](#)