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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate with amendments the Toys (Safety) Regulations 1989 ([S.I. 1989/1275](#)) (the “1989 Regulations”). They implement the requirements of Council Directive [88/378/EEC](#) (OJ No. L 187, 16.7.88, p. 1) (the “Toys Directive”) on the approximation of the laws of the member States concerning the safety of toys, as amended by Council Directive [93/68/EEC](#) (OJ No. L 220, 30.8.93, p. 1) (the “CE marking Directive”). The Regulations continue the limited saving of the provisions of the Toys (Safety) Regulations 1974 and the Toys (Safety) Regulations (Northern Ireland) 1975 (regulation 1(2)).

The 1989 Regulations applied to any toy (with certain exceptions) meaning any product or material designed or clearly intended for use in play by children of less than 14 years of age. They require toys to satisfy the essential safety requirements in Annex II of the Toys Directive and made provision for toys to be deemed to do so if they conformed to relevant national standards or to a model of the toy in respect of which there was in force an EC type-examination certificate. The 1989 Regulations prohibited the supply of toys which failed to satisfy the essential safety requirements. These Regulations re-enact those requirements with certain minor amendments (regulations 5, 6, 7 and 13 and Schedule 2).

In addition the 1989 Regulations provided for the appointment of bodies to carry out examinations and tests and to issue EC type-examination certificates. These provisions are re-enacted in these Regulations (regulations 8 and 9). The 1989 Regulations provided for the CE marking of toys and for other information to be put on toys, their packaging or to accompany them and contained provision for the retention of information by the manufacturer, his authorised representative established in the United Kingdom or any other person established in the United Kingdom who was the first supplier of the toy in the Community and to keep this information available for inspection by an enforcement authority. With certain modifications required by reason of the provisions of the CE marking Directive, these Regulations re-enact those provisions (regulations 10, 11 and 12). Provision was made in the 1989 Regulations for enforcement of its provisions and these Regulations make similar provision (regulations 15 and 16).

Those provisions of the CE marking Directive which relate to toys are implemented for the first time by these Regulations as follows:—

1. the affixing of the CE marking to toys shall be taken to confirm conformity of the toy to all the requirements of the Regulations (regulations 5 and 10 and Schedule 1) (such presumption may be rebutted) save that until 1st January 1997 the manufacturer or his authorised representative established in the Community may choose to affix the said marking to confirm only that the toy complies with relevant national standards or that it conforms to a model in respect of which there is in force an EC type-examination certificate (regulations 5 and 10(10));
2. the supply of any toy, unless it has previously been supplied for private use and consumption, is prohibited unless it has affixed to it or its packaging the CE marking together with appropriate other information (regulation 10(1));
3. the issue of a compliance notice in respect of a toy to which the CE marking has been unduly affixed, save where the toy in question is likely to jeopardise the safety or health of any person (regulation 10(11) and Schedule 5).

In addition to the above provisions and to minor consequential amendments, these Regulations separate the obligations, in respect of the essential safety requirements, placed on any person

**Status:** This is the original version (as it was originally made).

who supplies a toy from those placed on the manufacturer or his authorised representative established in the Community (or, where neither are established in the Community, the importer into the Community) who supplies a toy by making an express provision for the requirement not to supply any toy which would jeopardise the safety or health of users or third parties under certain defined conditions (regulations 10 and 13).

A compliance cost assessment in respect of these Regulations is available and a copy can be obtained from the Consumer Affairs Division of the Department of Trade and Industry Room 315, 10—18 Victoria Street, London SW1H 0NN. A copy has also been placed in the libraries of both Houses of Parliament.