
STATUTORY INSTRUMENTS

1995 No. 204

The Toys (Safety) Regulations 1995

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—

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](#)*

- (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

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

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Changes and effects yet to be applied to :

- 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\(1\)](#)

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\(3\)\(b\)](#)