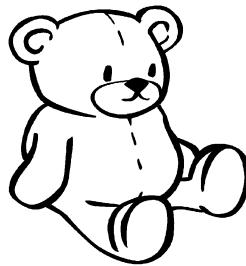


The Toys (Safety) Regulations 1995

A Guide for Manufacturers and Importers



These Regulations came fully into force on 1st October 1996 and most toys are subject to their requirements. The Regulations implement a European Directive on toy safety, commonly known as the Toys Directive. The Regulations reflect the provisions of the European 'new approach' Directives. The intention of these Directives is to harmonise laws in the European Union and assist European Community trade.

This guide has been prepared to assist manufacturers, importers, suppliers and other interested parties, to meet the requirements of the Toys (Safety) Regulations 1995. It is not an exhaustive document, but does try to cover most aspects of the Regulations. In particular advice is given on:-

- The essential safety requirements;
- Demonstrating compliance;
- CE marking;
- Other labelling;
- Warnings and Instructions;
- Second-hand toys



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

Introduction

The 1995 Regulations, amending a number of previous toy safety regulations, apply to all toys coming within the definition –

‘any product or material designed or clearly intended for use in play by a child of less than 14 years of age.’

There are a number of exemptions from this definition which include-

- Christmas decorations
- Scale models for adult collectors
- Playground equipment
- Sports equipment
- Aquatic equipment intended to be used in deep water
- Decorative dolls or similar articles for adult collectors
- Professional toy installed in public places
- Puzzles with more than 500 pieces or without picture, intended for specialist
- Slings and catapults

The Regulations state that all toys must satisfy certain **essential safety requirements**. These cover both general and particular health and safety risks.

The Essential Safety Requirements

The essential safety requirements are defined in the Regulations and require toys to protect the user as well as any third party against health hazards and risk of physical injury when toys are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children.

The protection must take into account any risk from –

- Physical and mechanical properties
- Flammability
- Chemical properties
- Electrical properties
- Hygiene
- Radioactivity

The technical aspects of toy safety are extremely important and if you have any doubts, there are testing houses that can assist you in this area.

Demonstrating Compliance

There are two routes to demonstrating compliance under the Regulations.

You may decide to manufacture toys to a **relevant safety standard**, for example the Toy Safety Standard, EN 71. *However, you should remember that compliance with the standard and compliance with the Regulations are not necessarily one and the same thing, as other testing may reveal a safety element that the standard has not addressed.*

If relevant safety standards **are** applicable to the toy in its entirety, relating to all matters covered by the essential safety requirements

AND

The manufacturer or importer holds information relating to -

- A description of the means whereby the manufacturer ensures conformity with the relevant national standards, ie a technical file;
- The addresses of the places of manufacture and storage of the toy; and
- Detailed information concerning the design and manufacture of the toys.

then there is a presumption of compliance.

OR

If a toy is not manufactured, or only partly manufactured in accordance with relevant standards, or no relevant national standard exists; or where the relevant standards only apply in part to the matters covered by the essential safety requirements, then a toy is presumed to satisfy the essential safety requirement if an **EC type-examination certificate** is in force for a model of that toy,

AND

The manufacturer or importer holds information relating to -

- Description of the manufacturer;
- A description of the means whereby the manufacturer ensures conformity with the approved model, i.e. a technical file;
- The addresses of the places of manufacture and storage of the toys;
- Copies of the documents submitted to the approved body; and
- The EC type-examination approval certificate.

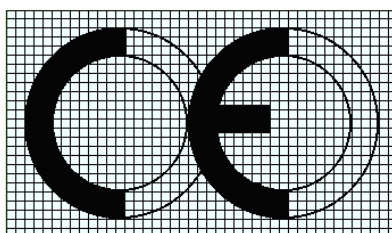
An EC type-examination certificate is issued by an approved body, approved by the Secretary of State, stating that the toy conforms to the essential safety requirements for that toy.

Manufacturers are required to produce the above information when requested to do so by an enforcement authority.

Applying the CE Mark

The CE mark is the declaration by the manufacturer or first importer that the toy meets the essential safety requirements. Only when the manufacturer or first importer has satisfied compliance, can he then affix the CE mark to the toy.

Even the simple process of applying a CE mark can be problematic. The application of the CE mark by the manufacturer is taken as a claim that the product satisfies all of the relevant directives. The CE mark must be at least 5mm high and in the font style given in the Regulations.



You **MUST** be aware of any other European Directives that apply to your product and their requirements **before** applying the CE mark. A list of the other directives is given in our leaflet PSG/1.

Labelling Requirements

All toys supplied in the course of a business must be marked with –

- The name and address of the manufacturer or importer
- The CE mark
- Any statutory warnings

These marks must be on the toy or the packaging and be permanent and easy to read.

On small toys consisting of small parts the information may be marked –

- On a label attached to the toy
- On an accompanying printed label or leaflet
- On a toy without individual packaging, on the packaging containing the toy and other toys of the same kind.

Warnings and Instructions

Toys must be accompanied by the appropriate warnings and instructions of precautions to be taken during use. These warnings and instructions are prescribed in the Regulations and include –

- 'Not suitable for children under 36 months' or 'Not suitable for children under three years' together with a brief indication of why it is not suitable, e.g. 'contains small parts'.
- Toys shall be accompanied by instructions drawing attention to the need to carry out checks and maintenance.
- 'Warning: to be used under the direct supervision of an adult'.
- 'Warning: protective equipment should be worn'.
- Warning! Only to be used in water in which the child is within its depth and under supervision'.

Warnings should be applicable to the toy and its intended or reasonably foreseeable use.

Second-hand Toys

Toys that are second-hand are not required to be CE marked but still need to satisfy the essential safety requirements. It is advisable, therefore, only to sell second-hand toys that are CE marked, contain relevant instructions or warnings and have been checked for any obvious faults, unless you are an expert in toy safety requirements.

Getting it Right

Responsibility under the Regulations is placed on everyone in the supply chain, however, there are different responsibilities for manufacturers, manufacturers' authorised representatives or the first importer into the EC, and other suppliers.

Offences in relation to Manufacturers, authorised representatives or importers in the UK

It is an offence to supply a toy which –

- Does not satisfy the essential safety requirements
- Does not carry the CE marking

- For which relevant information does not exist within the EC

Offences in relation to other suppliers in the UK

It is an offence to supply a toy which –

- Would jeopardise the health and safety of the user or third party
- Does not bear the CE marking or the name and address of the person who first placed them on the market within the EC.
- Does not bear certain other required information

Failure to comply with the above requirements is a criminal offence and the penalties for offences under the Toys (Safety) Regulations 1995 are maximums of £5000 fine, or six months imprisonment, or both.

A due diligence defence is available to manufacturers and suppliers who can show that they took all reasonable steps and exercised all due diligence to avoid the commission of an offence.

Where can I get more information?

- The Trading Standards Service of your local council should be able to help with most of your queries. Contact details are given below:



Trading Standards

Torfaen County Borough Council
County Hall
Cwmbran NP44 2WN
trading_standards@torfaen.gov.uk
tel: 01633 648384

- The Department of Trade and Industry (DTI)

The Standards and Technical Regulations Directorate are the lead body within the UK for most of the CE marking directives (but not all). The Dti produce a number of in-depth guidance notes on the various regulations, most of which can be obtained from your Local Trading Standards department. Alternatively you can contact the Dti directly on 0207 215 5000 or by writing to 151 Buckingham Palace Road, London, SW1W 9SS.