

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 2,539 of 15th FEBRUARY, 1990.**

LEGAL NOTICE NO. 17 OF 1990.

IMPORTS AND EXPORTS ORDINANCE, 1986.

**IMPORTS AND EXPORTS (CONTROL)) (AMENDMENT)
REGULATIONS, 1990.**

In exercise of the powers conferred upon him by sections 16 and 129 of the Imports and Exports Ordinance, 1986 and of all other enabling powers, the Governor has made the following regulations

Title and Commencement.

1. (1) These regulations may be cited as the Imports and Exports (Control) (Amendment) Regulations, 1990.

(2) These regulations shall come into operation on the 1st day of December 1990.

Amendment to the Imports and Exports (Control) Regulations, 1987.

2. Schedule 1 of the Imports and Exports (Control) Regulations, 1987 is amended by the addition of the following paragraph—

" 14. (a) Toys, unless they

(i) carry the "EC Mark" consisting of the symbol "CE"; and

(ii) have a notice affixed either to the toy or its packaging or contained in an accompanying leaflet giving in English the name and/or trade name and/ or mark and the address of the manufacturer or his authorised representative in the European Economic Community or of the importer of the toy into the European Economic Community in a visible, easily legible and indelible form; and

(iii) are accompanied by the warning or indication of precaution in subparagraph (c) of this paragraph.

(b) in this paragraph—

"toy" means any product or material designed or clearly intended for use in play by children of less than 14 years of age but does not include

- (i) Christmas decorations;
- (ii) Detailed scale models for adult collectors;
- (iii) Equipment intended to be used collectively in playgrounds;
- (iv) Sports equipment;
- (v) Aquatic equipment intended to be used in deep water;
- (vi) Folk dolls and decorative dolls and other similar articles for adult collectors;
- (vii) "Professional" toys installed in public places;
- (viii) Puzzles with more than 500 pieces or without picture, intended for specialists;
- (ix) Air guns and air pistols;
- (x) Fireworks, including percussion caps except those specifically designed for use in toys;
- (xi) Slings and catapults;
- (xii) Sets of darts with metallic points;
- (xiii) Electric ovens, irons or other functional products operated at a nominal voltage exceeding 24 volts;
- (xiv) Products containing heating elements intended for use under the supervision of an adult in a teaching context;

- (xv) Vehicles with combustion engines;
 - (xvi) Toy steam engines;
 - (xvii) Bicycles designed for sport or for travel on the public highway;
 - (xviii) Video toys that can be connected to a video screen, operated at a nominal voltage exceeding 24 volts;
 - (xix) Babies 'dummies';
 - (xx) Faithful reproductions of real fire arms; or
 - (xxi) Fashion jewellery for children;
- (c) the warnings or indications referred to in subparagraph (a) of this paragraph are—
- (i) in respect of toys not intended for children under 36 months (except those which, on account of their function, dimensions, characteristics, properties or other cogent grounds, are manifestly unsuitable for children under 36 months), a warning that the toy is not suitable for a child under that age together with a brief indication of the specific risks;
 - (ii) in respect of slides, suspended swings and rings, trapezes, ropes and similar toys attached to a crossbeam, instructions on the correct assembly (indicating those parts which if incorrectly assembled can present a danger) and on the need to carry out periodic checks and maintenance of the main parts (suspensions, fixings, anchorages etc.) warning that a failure to carry out the instructions may result in the toy falling or overturning;
 - (iii) in respect of functional toys, that is toys which are used in the same way as, and are often scale models of, appliances or installations intended for adults, warnings that
 - (A) the toy should be used under the direct supervision of an adult;

(B) failure to follow the precautions specified in the instructions which shall accompany such a toy will expose the user to specified hazards normally associated with the appliance or installation of which the toy is a scale model or imitation;

(C) the toy must be kept out of reach of very small children;

- (iv) in respect of toys containing inherently dangerous substances or preparations, a warning of the dangerous nature of the substances or preparations and an indication of the precautions to be taken by the user to avoid hazards associated with them, together with the first aid to be given in the event of serious accident resulting from the use of the toy and the instruction to keep the toy out of the reach of very young children;
- (v) in respect of chemical toys, that is chemistry sets, plastic embedding sets, miniature workshops for ceramics, enamelling or photography and similar toys, the provisions in subparagraph (iv) above shall apply together with a warning that the toy is only suitable for children over a specified age, that age to be determined by the manufacturer, and must be used under adult supervision;
- (vi) in respect of skates and skateboards for children offered for sale as toys, the marking- "warning; protective equipment should be worn", together with an indication of the appropriate protective equipment (helmets, gloves, kneepads, elbow pads etc.) and a reminder that the toys should be used with caution to avoid falls or collisions causing injury to the user or any other person;
- (vii) in respect of toys intended for use in water and which in shallow water are capable of carrying or supporting a child on the water, the marking "warning! only to be used in water in which the child is within its depth and under supervision,".

Dated this 15th day of February, 1990.

By Command,

L.N. 17/90] GIBRALTAR GAZETTE, No. 2,539, Thursday 15th

W. E. QUANTRILL.

Deputy Governor.