

CONSUMER PROTECTION ACT 1999

CONSUMER PROTECTION (SAFETY STANDARDS FOR TOYS)
REGULATIONS 2008

IN exercise of the powers conferred by section 19 of the Consumer Protection Act 1999 [Act 599], the Minister makes the following regulations:

1. Citation and commencement

- (1) These regulations may be cited as the **Consumer Protection (Safety Standards for Toys) Regulations 2008**.
- (2) These Regulations shall come into operation on December 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“toys” means any goods designed or intended for use in play by children less than fourteen years of age but does not include the goods listed in Schedule I.

“competent agency” means Department of Standards of Malaysia.

3. Safety standard for toys

- (1) Standard specifications used by competent agency which are listed in Schedule II are prescribed as the safety standards for toys for the purpose of subsection (3) (a) of section 19 of the Act.
- (2) For undated references to standard specifications, the latest edition of the standard specifications’ applies.

- (3) For the purpose of this section, “standard specifications” has the same meaning as is assigned to that expression under the Standards of Malaysia Act 1996.

Made
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DATO' SHAHRIR ABDUL SAMAD
Minister of Domestic Trade and Consumer Affairs

SCHEDULE I

(Section 2)

GOODS NOT REGARDED AS TOYS

1. Festival decorations
2. Scale models for adults collectors
3. Equipment intended to be used collectively in playgrounds
4. Sports equipment
5. Aquatic equipment intended to be used in deep water
6. Folk dolls and decorative dolls and other similar articles for adult collectors
7. Professional toys installed in public places (shopping centres, stations, etc.)
8. Puzzles having more than 500 pieces or without a picture, for specialists
9. Compressed air and gas operated guns and pistols
10. Fireworks including percussion caps, except percussion caps specifically designed for toys
11. Slingshots
12. Sets of darts with metallic points
13. Electric ovens, irons or other functional products operated at a nominal voltage greater than 24 V
14. Products containing heating elements intended for use under the supervision of an adult in a teaching context
15. Vehicles with combustion engines
16. Steam engines
17. Bicycles, except for those considered to be toys, i.e those having a maximum saddle height of 435 mm

18. Video toys which can be connected to a video screen, and which are supplied at a voltage exceeding 24 V
19. Babies' pacifiers (dummies)
20. Faithful reproduction of real fire arms
21. Fashion jewellery for children
22. Model kits, hobby and craft items in which the finished item is not primarily of play value
23. Bows for archery with an overall relaxed length exceeding 120 cm
24. Kites (except for the electric resistance of their strings, which is included)

SCHEDULE II

(Section 3)

STANDARD SPECIFICATIONS

No.	SPECIFICATION NUMBER	SPECIFICATION
1.	MS ISO 8124-1	<i>Safety of Toys – Part 1: Safety aspects related to mechanical and physical properties</i>
2.	MS ISO 8124-2	<i>Safety of Toys – Part 2: Flammability</i>
3.	MS ISO 8124-3	<i>Safety of Toys – Part 3: Migration of certain elements</i>
4.	MS 1774: PART 4	<i>Safety of Toys: Part 4: Experimental sets for chemistry and related activities</i>
5.	MS 1774: PART 5	<i>Safety of Toys: Part 5: Chemical toys (sets) other than experimental sets</i>
6.	MS 1774: PART 6	<i>Safety of Toys: Part 6: Graphical symbol for age warning labelling</i>
7.	MS 1725	<i>Safety of Electric Toys</i>

CONSUMER PROTECTION ACT 1999
CONSUMER PROTECTION (COMPLIANCE WITH SAFETY STANDARDS)
REGULATIONS 2008

IN exercise of the powers conferred by section 19 of the Consumer Protection Act 1999 [Act 599], the Minister makes the following regulations:

PART I

PRELIMINARY

1. Citation and commencement

(1) These regulations may be cited as the **Consumer Protection (Compliance with Safety Standards) Regulations 2008**.

(2) These Regulations shall come into operation on December 2008.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires –

“authorized agency” means any body appointed by the Minister under section 17.

“certificate of approval” means approval granted by Controller upon satisfactory compliance of goods to the standard specifications in accordance with section 6.

“conformity mark” means the mark prescribed in First Schedule.

“goods” means goods specified in column 1 of Second Schedule.

PART II

COMPLIANCE WITH SAFETY STANDARDS

3. Safety standards for goods

- (1) All goods prescribed in column I of Second Schedule shall comply with the standard specifications prescribed under the corresponding Regulations in column II of Second Schedule.
- (2) For undated references to standard specifications, the latest edition of the standard specifications shall apply.
- (3) Notwithstanding subsection 3(2), the latest edition to the standard specifications shall not apply to any goods which has been granted certificate of approval prior to the latest edition.
- (4) For the purpose of this section, “standard specifications” shall have the same meaning as is assigned to that expression under the Standards of Malaysia Act 1996.

PART III

SAFETY AND MARKING REQUIREMENTS

4. Safety and marking requirements for goods

- (1) No person shall supply, or offer to or advertise for supply any goods unless:
 - (a) it complies with the standard specifications prescribed under the corresponding Regulations in column 2 of Second Schedule;
 - (b) certificate of approval has been granted by the Controller;

- (c) it is marked or affixed with the conformity mark; and
- (d) it is marked or affixed with the name and address of the manufacturer or importer.

PART IV

CERTIFICATION OF APPROVAL

5. Certificate of approval

- (1) Any person who manufactures or imports any goods must obtain a certificate of approval from the Controller before the goods are supplied in Malaysia.
- (2) The approval under subsection 5(1) shall valid for the duration of not more than 5 years, or any other lesser period that the Controller shall determine.

6. Submission of application for certificate of approval

- (1) An application for a certificate of approval under section 5 shall be made in a prescribed form accompanied with-
 - (a) a copy of a conformity assessment report issued by the authorized agency;
 - (b) a copy of the memorandum and articles of association or other constituent documents under which the applicant is established; and
 - (c) such other information or documents as may be specified by the Controller for the purposes of determining the

application and the suitability of the applicant for the granting of the certificate of approval.

- (2) At any time after receiving an application and before it is determined, the Controller may, by written notice, requires the applicant or any person who is or is to be a director or manager of the applicant to provide additional information or documents.
- (3) Where any additional information or document required under subsection 6(2) is not provided by the applicant or its director or manager, as the case may be, within the time specified in the requirement or any extension thereof granted by the Controller, the application shall be deemed to have been withdrawn and shall not be further proceeded with, but without prejudice to a fresh application being made by the applicant.
- (4) Any person who provides false or misleading information or documents under these Regulations shall be guilty of an offence.

7. Certification process of certificate of approval

- (1) The application for certificate of approval shall first obtain a conformity assessment report from the authorized agency and may involve paper evaluation, laboratory or field tests or a combination of them as stipulated under Part V of these Regulations.
- (2) The Controller, the Government of Malaysia or the authorized agency, as the case may be, shall not be liable for any damage caused during or loss arising from the testing of the goods.
- (3) The applicant shall give to the Controller or the authorized agency, as the case may be, any assistance and clarification on technical matters pertaining to the goods as may be required for the purposes of its assessment.

8. Approval by Controller

Upon receipt of an application together with the documents and information required under section 6, the Controller may grant the approval, with or without conditions.

9. Power to impose new conditions and to vary or revoke conditions

The Controller may at any time impose new conditions on an approval granted under section 7, or vary or revoke any condition imposed on such approval.

10. Renewal of certificate of approval

- (1) The renewal for certificate of approval must be made not less than six months from the expiry date of that approval.
- (2) The applicant must obtain a new conformity assessment report from the authorized agency for the purpose of obtaining the renewal of certificate of approval.

11. Revocation of approval

- (1) The Controller may revoke an approval granted under Section 7 if he is satisfied that—
 - (a) the certificate holder has failed to comply with any obligation imposed upon it by the Act or under these Regulations; and
 - (b) the certificate holder or any person who is or is to be a director, manager, secretary or other similar officer of certificate holder has, either in connection with the application for the certificate of approval, or at any time

after the grant of the approval, provided false, misleading or inaccurate information to the Controller.

PART V

CONFORMITY ASSESSMENT REPORT

12. Conformity assessment report.

- (1) An application to obtain a conformity assessment report may be made by submitting an application to the authorized agency accompanied by—
 - (a) a representative sample of the goods in the quantity as determined by the authorized agency;
 - (b) a detailed description of the goods;
 - (c) the name and address of the manufacturer of the goods;
 - (d) any fees as prescribed by the authorized agency; and
 - (e) any other documents required by the authorized agency for the purpose of ascertaining the compliance of the goods to the standard specifications.

13. Issuance of conformity assessment report

Upon receipt of an application together with the items, documents, information and fees required under section 11, the authorized agency may issue the conformity assessment report, if the goods comply with the standard specifications prescribed under the corresponding Regulations in column II of the Second Schedule.

PART VI

MARKING REQUIREMENTS

14. Manner of marking or affixing

- (1) The particulars required to be marked or affixed in section 4 shall be visibly, intelligibly and indelibly marked or affixed either:
 - (a) on the goods; or
 - (b) if not practical, on each unit of packaging or box or container in which the goods are supplied to consumers if the Controller decided after presentation by the applicant that the requirement under subsection (13)(1)(a) is not feasible due to a reasonable effect.
- (2) The particulars required to be marked or affixed in section 4 shall be in Malay or English language.
- (3) It shall be the duty of manufacturer or the importer to mark or affix the particulars required under section 4 on the goods.
- (4) The conformity mark indicates the representation of the manufacturer or importer that the product conforms with the requirements of these Regulations.

PART VII

OFFENCES AND PENALTIES

15. Offences and penalties

Any person who—

- (a) supplies, or offers to or advertises for supply of any goods in contravention with subsection 4 (1);
- (b) marks or affixes the conformity mark to goods other than those granted in the approval under section 5; and
- (c) produces, supplies or possesses fake certificate of approval or conformity assessment report,

commits an offence under this Act.

PART VIII

MISCELLANEOUS

16. Maintenance of records

Every certificate holder shall maintain and keep complete and true records written up to date of the names and addresses of the persons on which the goods has been supplied.

17. Authorized agency

- (1) The Minister may appoint any agency to be an authorized agency for the purpose of issuing the conformity assessment report under section 12.

- (2) The authorized agency for the goods mentioned in column I of Second Schedule shall be the corresponding agency mentioned in column III of the said Schedule.

18. Savings and transitional

(1) Any person who supplies or offer to or advertise for supply any goods which are already in the market on the appointed date shall mark or affix the conformity mark to such goods within twelve months after the appointed date.

(2) For the purpose of this section, “appointed date” for the goods prescribed in column I of Second Schedule means the date of coming into force of the corresponding Regulations stipulated under column II of the said Schedule.

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DATO' SHAHRIR ABDUL SAMAD
Minister of Domestic Trade and Consumer Affairs

FIRST SCHEDULE

(Section 2)

CONFORMITY MARK



SECOND SCHEDULE

(Section 4)

COMPLIANCE WITH SAFETY STANDARDS

No.	(I) Goods	(II) Regulations	(III) Authorized agency
1.	Toys	Consumer Protection (Safety Standards For Toys) Regulations 2008 [P.U. (A)xxx/2008]	SIRIM QAS International Sdn. Bhd.