STATUTORY INSTRUMENTS

2026 No. 986

CONSUMER PROTECTION

The Toys (Safety) (Permitted Uses for Cobalt) (England and Wales and Scotland) Regulations 2026

Made - - - -	*7th September 2026*
Laid before Parliament	*8th September 2026*
Coming into force - -	*8th March 2027*

The Secretary of State makes these Regulations in exercise of the powers conferred by regulation 39D(2), regulation 39D(3)(a) to (c) and regulation 39D(4) of the Toys (Safety) Regulations 2011 ("the Toys Regulations")(**a**).

In accordance with regulation 39D(3)(a) of the Toys Regulations, the Secretary of State considers there is sufficient scientific evidence to demonstrate that the presence of cobalt in toys and toy components for uses specified in the Schedule to these Regulations is safe for use in toys, particular in view of exposure.

In accordance with regulation 39D(3)(b) of the Toys Regulations, cobalt is not a substance prohibited for use in consumer articles by Regulation (EC) No 1907/2006(**b**).

In accordance with regulation 39D(3)(c) of the Toys Regulations, the Secretary of State considers there are no suitable alternative substances or mixtures available, as documented in an analysis of alternatives.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Toys (Safety) (Permitted Uses for Cobalt) (England and Wales and Scotland) Regulations 2026 and come into force on 8th March 2027.

(2) These Regulations extend to England and Wales and Scotland.

(**a**) S.I. 2011/1881. The instrument was made in part under section 2(2) of the European Communities Act (c. 68) and saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16), as that section was amended by section 25(1) of the European Union (Withdrawal) Act 2020 (c. 1). The powers provided for in regulation 39D were inserted by regulation 18 of and paragraphs 1 and 27 of Schedule 15 to S.I. 2019/696 in respect of England and Wales and Scotland. There are other amending instruments that are not relevant to this instrument.

(**b**) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

Amendment to the Toys (Safety) Regulations 2011

2.—(1) The Toys Regulations are amended as follows.

(2) In regulation 3, for the definition of "the Directive" substitute—

> ""The Directive" means Directive 2009/48/EC of the European Parliament and of the Council of 18th June 2009 on the safety of toys"(**a**).

(3) In Schedule 2 (particular safety requirements), at the end of the table in Appendix A (list of CMR substances and their permitted uses in accordance with points 4, 5 and 6 of Part 3), insert the entry set out in the Schedule to these Regulations(**b**).

Kate Dearden
Minister of State
7th September 2026 Department for Business, Innovation, Science and Trade

(**a**) OJ No. L 170, 30.6.2009, p. 1, relevant amendments to which were made by Commission Directive (EU) No. 2019/1922, Commission Directive (EU) No. 2019/1929, Commission Directive (EU) No. 2020/2089, Commission Directive (EU) No. 2021/903, Commission Directive (EU) No. 2025/2509 and Commission Directive (EU) No. 2026/192.

(**b**) CMR are those substances classified under category 1A, 1B or 2 as carcinogenic, mutagenic or toxic for reproduction under Regulation 1272/2008.

SCHEDULE

Regulation 2(3)

Amendments to Appendix A

Cobalt	Carc 1B, Muta 2, Repr 1B	In toys and toy components made of stainless steel, as an impurity in the nickel contained in the stainless steel. In toy components which are intended to conduct an electric current. In neodymium-based magnets used in toys if those magnets cannot be swallowed or inhaled.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Toys (Safety) Regulations 2011 ("the Toys Regulations"), to permit the presence of cobalt in toys and toy components for uses as set out in the Schedule to these Regulations.

Cobalt is classified as a Carcinogenic, Mutagenic or Reprotoxic substance, which is a substance that is not permitted in toys. Regulation 2(3) amends Appendix A in Schedule 2 (particular safety requirements), to the Regulations to permit the presence of cobalt in toys and toy components made of stainless steel or as an impurity in the nickel contained in stainless steel, in components which are intended to conduct an electric current, and in neodymium-based magnets used in toys if those magnets cannot be swallowed or inhaled. A scientific assessment determined there to be sufficient evidence to form the opinion that cobalt presented a tolerable level of risk in light of the exposures identified in these specific circumstances.

These Regulations also make a supplemental and consequential amendment to update the reference to Directive 2009/48/EC for the purpose of continuing to recognise CE marked toys in Great Britain.

An Impact Assessment has not been prepared for this instrument because the impacts of The Toys (Safety) (Permitted Uses for Cobalt) (England and Wales and Scotland) Regulations 2026 are expected to be de-minimis. An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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