

1989 No. 2358

CONSUMER PROTECTION
PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND

The Furniture and Furnishings (Fire) (Safety)
(Amendment) Regulations 1989

Made - - - - - 13th December 1989

Laid before Parliament 15th December 1989

Coming into force
regulations 1, 2, 3, 6 and 12 on 8th January 1990;
regulations 4, 5, 7, 8, 9, 10 and 11 on 1st March 1990

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987^(a), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations and such other persons as he considers appropriate:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 11 of the said Act, and the powers conferred by section 30 and section 34 of the Rag Flock and Other Filling Materials Act 1951^(b) and now vested in him ^(c), hereby makes the following regulations:—

1.—(1) These Regulations may be cited as the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989 and shall come into force in accordance with paragraph (2) of this regulation.

(2) This regulation, and regulations 2, 3, 6 and 12 shall come into force on 8th January 1990 and regulations 4, 5, 7, 8, 9, 10 and 11 shall come into force on 1st March 1990.

2. The Furniture and Furnishings (Fire) (Safety) Regulations 1988^(d) (hereinafter called “the 1988 Regulations”) shall have effect subject to the amendments set out in regulations 3 to 11 below.

3. The following shall be substituted for regulation 1(2)(h) of the 1988 Regulations:—

- “(h) (i) regulation 8 (except in relation to those products mentioned in (ii) of this sub-paragraph) and regulations 9, 10, 11, 12, 13 and 15 (insofar as they are not already in force) shall come into force on 1st March 1990; and
- (ii) regulation 8 shall come into force in relation to cots, including carry-cots, playpens, prams and pushchairs and any other article of a like nature and use designed to contain a baby or small child, and high-chairs on 1st September 1990.”.

^(a) 1987 c.43.

^(b) 1951 c.63.

^(c) See S.I. 1951/1900, 1970/1681, 1989/979.

^(d) S.I. 1988/1324.

4. Regulation 3(1) of the 1988 Regulations shall be amended by—
 - (a) the insertion in the definition of “cushions” of the words “and in the definition of ‘invisible part’ in relation to covers and permanent covers in this sub-paragraph” after the word ‘paragraph’;
 - (b) the deletion of the definitions of “cigarette test” and “match test”;
 - (c) the insertion of the following before the definition of “relevant ignitability test”:

“‘invisible part’ in relation to covers and permanent covers means—

 - (a) any part of the cover on that part of the furniture on which any back, arm or seat cushions are intended to rest;
 - (b) the underside or reverse side of any seat or back cushions which are not designed to be reversible;
 - (c) the underside of any arm cushions which are not designed to be reversible and which are secured in such a way that they cannot be displaced in normal use; and
 - (d) the dust cover on the underside of the article of furniture,

and ‘visible part’ in relation to covers and permanent covers means any part of the cover other than an invisible part”.
5. The following shall be substituted for regulation 5 of the 1988 Regulations—

“5(1) Subject to paragraph 2 below no furniture to which this regulation applies shall include upholstery which does not pass the cigarette test in Part I of Schedule 4 to these Regulations.

(2) An invisible part of the cover on any part of furniture which includes upholstery shall not be required to pass the test in paragraph (1) above if that upholstery (including such invisible part of the cover) passes the cigarette test in Part II of Schedule 4 to these Regulations.

(3) This regulation applies to all furniture (except mattresses, bed-bases, pillows and cushions).”
6. The following shall be substituted for regulation 7 of the 1988 Regulations:—

“(1) No person shall supply—

 - (a) any polyurethane foam in slab or cushion form which fails the test specified in Part I of Schedule 1 to these Regulations;
 - (b) any foam in crumb form which may not be included in furniture by virtue of regulation 6(2) above; or
 - (c) any latex rubber foam which fails the test specified in Part III of Schedule 1 to these Regulations,

in any case where he knows or has reasonable cause to believe that the material will be used—

 - (i) for filling a cushion or a pillow; or
 - (ii) for the purpose of upholstering or re-upholstering furniture.

(2) Without prejudice to paragraph (1) above, no person shall supply any other filling material which fails test (d) or (e) in the definition of relevant ignitability test in regulation 3(1) above in any case where he knows or has reasonable cause to believe that the material will be used, otherwise than in the course of business, for a purpose mentioned in sub-paragraphs (i) or (ii) of paragraph (1) above.”
7. The following shall be substituted for regulation 8 of the 1988 Regulations:—

“(1) Subject to paragraph (2) below, if furniture specified in paragraph (5)(b) below which contains filling material is supplied with a cover on it (whether or not the cover is over the filling material), any visible part of the cover shall pass the match test in Part I of Schedule 5 to these Regulations and any invisible part of the cover shall pass the match test in Part III of that Schedule.

(2) Where furniture is supplied with a cover on it and there is between it and any part of the cover an interliner which passes the test in Schedule 3 to these Regulations then provided that such part of the cover is made of a relevant material it need not pass the match test which would otherwise have been applicable to it under paragraph (1) above.

(3) Subject to paragraph (4) below, no person shall supply any cover or fabric knowing or having reasonable cause to believe that it will be used to provide or replace—

- (a) a visible part of the permanent cover of any furniture specified in paragraph (5)(b) below which contains filling material or
 - (b) an invisible part of such a permanent cover,
- unless the cover or fabric passes, in the case of (a), the match test in Part I of Schedule 5 to these Regulations or, in the case of (b), the match test in Part III of that Schedule.

(4) Paragraph (3) above does not apply if the fabric or cover supplied is made of a relevant material and the person who supplies it knows or has reasonable cause to believe that it will be used to replace or provide any part (whether visible or invisible) of the permanent cover on furniture and that there is or will be between the furniture and such part an interliner which passes the test in Schedule 3 to these Regulations.

(5) In this regulation—

- (a) a “relevant material” means a material containing at least 75 per cent by weight of cotton, flax, viscose, modal, silk or wool, used separately or together and not coated with polyurethane or a polyurethane preparation; and
- (b) “furniture” means any furniture other than the following: mattresses, bed-bases, pillows, cushions and insulated bags designed for carrying infants under the age of six months”.

8.—(1) Regulation 14(2) of the 1988 Regulations shall be amended by the substitution of “8(1) and (2)” for “8(1) to (3)”.

(2) The following shall be substituted for regulation 14(3)(a) of the 1988 Regulations:—
“in the case of furniture to which regulation 3(1) of the Upholstered Furniture (Safety) Regulations 1980(a) as amended by the Upholstered Furniture (Safety) (Amendment) Regulations 1983(b) applied, any visible part of any cover on the furniture passes the cigarette test in Part I of Schedule 4 to these Regulations;”

9. Schedule 4 to these Regulations shall be amended by—

- (a) the substitution of the side heading “Regulation 5” for the side heading to that Schedule;
- (b) the insertion of “Part I” after the heading “The Cigarette Test”;
- (c) the substitution of the following for “Modifications to BS 5852: Part I”:- “The smouldering cigarette test specified in BS 5852: Part I shall be conducted subject to the following modifications.”
- (d) the insertion of the following at the end of paragraph 6 of Part I of Schedule 4:-

“ PART II

CIGARETTE TEST FOR INVISIBLE PARTS

The cigarette test for the invisible parts of covers shall be conducted in the way set out in Part I of this Schedule except that those parts need not be subjected to the water-soaking procedure set out in paragraph 3 thereof.”

10. Schedule 5 to the 1988 Regulations shall be amended by—

- (a) the substitution of the side heading “Regulation 8 and 9” for the side heading of that Schedule;
- (b) the substitution of the number “9” for the number “4” in paragraph 4 of Part I of that Schedule; and
- (c) the addition of the following at the end of that Schedule:-

“ PART III

(a) S.I. 1980/725.

(b) S.I. 1983/519.

THE MATCH TEST FOR INVISIBLE PARTS OF COVERS

1. The test shall be carried out in accordance with those provisions of BS 5852: Part 1. which relate to butane flame ignition source 1. The filling material for this test shall be a foam which passes the ignitability test in Part 1 of Schedule 1 and which has a density of 24–26 kg per m³.

2. The criteria of failure shall be those specified in clause 9 of BS 5852: Part 1.”.

11. Schedule 6 to the 1988 Regulations shall be amended by–

(a) the substitution of the following for the words from “Where” to “these regulations” in Part III of that Schedule:– “Where the furniture has a permanent cover which does not (or part of which does not) comply with regulation 8(1) and which (or that part of which does not comply) is made of a relevant material within the meaning of regulation 8(5)(a) and there is between the furniture and the cover (or any part of the cover which does not so comply) an interliner which passes the test in Schedule 3 to these Regulations”; and

(b) the substitution of the following for the words from “During” to “with” in Part IV of that Schedule:–

“ During the period between 1st March 1990 and 31st August 1990 for cots, including carry-cots, playpens, prams and pushchairs and any other article of a like nature and use designed to contain a baby or small child (including insulated bags designed for carrying infants under the age of six months), and high-chairs and from 1st September 1990 for insulated bags designed for carrying infants under the age of six months where in any case only the requirements of regulations 5 and 6 are complied with”;

(c) the substitution of the word “product” for “furniture” in the side of the display label shown second in Part IV of that Schedule.

12. Regulation 4 of the Rag Flock and Other Filling Materials Regulations 1981(a) is hereby amended by the addition of the following at the end of paragraph (1):–

“; provided that a requirement set out in the said column 3 shall be taken to be satisfied if the only reason for a failure to satisfy such a requirement is that the materials have been treated with a fire retardant additive for the purpose of compliance with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.”

13th December 1989

Eric Forth
Parliamentary Under Secretary of State,
Department of Trade and Industry

(a) S.I. 1981/1218.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Furniture and Furnishings (Fire) (Safety) Regulations 1988 ("the 1988 Regulations") and the Rag Flock and Other Filling Materials Regulations 1981 ("the 1981 Regulations").

The principal amendments are as follows:-

regulation 5 amends regulation 5 of the 1988 Regulations by providing a modified cigarette test for the invisible parts of permanent covers as defined in regulation 3(1) of the 1988 Regulations as amended by regulation 4(c) of these Regulations. This test is set out in Part II of Schedule 4 to the 1988 Regulations as inserted by regulation 9 of these Regulations;

regulation 6 amends regulation 7 of the 1988 Regulations by excluding all non-foam fillings that are supplied to industry from any requirement to meet an ignitability test. Foam fillings supplied to furniture manufacturers and re-upholsterers must continue to pass the relevant ignitability test and it will remain an offence for a fillings supplier to supply to private individuals any filling material (whether foam or non-foam) which does not pass the relevant ignitability test;

regulation 7 amends regulation 8 of the 1988 Regulations by providing a modified match test for the invisible parts of permanent covers. This test is set out in Part III of Schedule 5 to the 1988 Regulations as inserted by regulation 10 of these Regulations. The provisions of regulation 8 of the 1988 Regulations as amended by these Regulations will come into force for nursery furniture on 1st September 1990 instead of 1st March 1990 when they will come into force for all other furniture specified in regulation 8(5)(b) (regulation 3 of these Regulations). Regulation 8 of the 1988 Regulations (that is, regulation 8 as so amended) does not apply to baby nests.

regulation 12 amends the 1981 Regulations by providing that the requirements as to standards of cleanliness prescribed in regulation 4 of those Regulations are to be taken to be satisfied if the only reason for failing to satisfy them is that the relevant materials have been treated with a fire retardant additive for the purpose of complying with the 1988 Regulations.

Regulations 1, 2, 3, 6 and 12 come into force on 8th January 1990 and regulations 4, 5, 7, 8, 9, 10 and 11 come into force on 1st March 1990.