
STATUTORY INSTRUMENTS

1988 No. 1324

The Furniture and Furnishings (Fire) (Safety) Regulations 1988

Citation and Commencement

1.—(1) These Regulations may be cited as the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

(2) These Regulations shall come into force as follows:—

- (a) this regulation and regulations 3 and 4 shall come into force on 1st November 1988;
- (b) subject to subparagraph (i) below, regulation 6 (insofar as it relates to foam), 11 (insofar as it relates to foam-filled furniture), 12 (insofar as it relates to foam-filled furniture) and 13 (insofar as it relates to foam-filled furniture) and 15 shall come into force as regards the duties of manufacturers and importers, on 1st November 1988;
- (c) regulation 2, insofar as it relates to the revocation of that part of the Upholstered Furniture (Safety) Regulations 1980⁽¹⁾ as amended by the Upholstered Furniture (Safety) (Amendment) Regulations 1983⁽²⁾ which imposes requirements with respect to permanent labels for certain furniture (insofar as those requirements apply to manufacturers and importers), shall come into force on 1st November 1988;
- (d) regulation 7 (insofar as it relates to foam filling materials) shall come into force on 1st November 1988 and (insofar as it is not already in force) shall come into force on 1st March 1989;
- (e) regulation 2, insofar as it relates to the revocation of that part of the Upholstered Furniture (Safety) Regulations 1980 as amended by the Upholstered Furniture (Safety) (Amendment) Regulations 1983 which imposes requirements with respect to display labels for certain furniture, shall come into force on 1st March 1989;
- (f) subject to subparagraph (i) below, regulations 5, 6 (insofar as it relates to non-foam fillings), 11 (insofar as it relates to furniture), 12 (insofar as it relates to furniture) 13 and 15 shall come into force as regards the duties of manufacturers and importers (insofar as they are not already so in force) on 1st March 1989;
- (g) subject to subparagraph (i) below, regulations 5, 6, 10, 11 (insofar as it relates to furniture), 12 (insofar as it relates to furniture) and 15 shall come into force as regards the duties of retailers on 1st March 1989;
- (h) regulations 8, 9, 10, 11, 12, 13 and 15 (insofar as they are not already in force) shall come into force on 1st March 1990;
- (i) insofar as regulations 5, 6, 10, 11, 12 and 13 apply to or in respect of—
 - (i) furniture (whether ready-assembled or in component form) which is ordinarily intended for private use in the open air but which is also suitable for use in a dwelling;
 - (ii) furniture which is ordinarily intended to be affixed to and form part of a caravan;they shall come into force on 1st March 1990;

(1) S.I.1980/725.

(2) S.I. 1983/519.

- (j) regulation 14(2) shall come into force on 1st March 1993; and
- (k) otherwise, on 1st March 1990.

Revocation

2. The Upholstered Furniture (Safety) Regulations 1980 and the Upholstered Furniture (Safety) (Amendment) Regulations 1983 are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“BS 3379” means the British Standard Specification for flexible urethane foam for loadbearing applications BS 3379: 1975 published by the British Standards Institution on 30th May 1975, as amended on 28th April 1978⁽³⁾, subject to any further amendments made thereto and approved by the Secretary of State;

“BS 5651” means the British Standard Specification for cleansing and wetting procedures for use in the assessment of the effect of cleansing and wetting on the flammability of textiles and fabric assemblies BS 5651: 1978 published by the British Standards Institution on 29th December 1978⁽⁴⁾ subject to any amendments made thereto and approved by the Secretary of State;

“BS 5852: Part 1” means the British Standard for fire tests for furniture BS 5852: Part 1: 1979 published by the British Standards Institution and which came into effect on 30th November 1979⁽⁵⁾ subject to any amendments made thereto and approved by the Secretary of State;

“BS 5852: Part 2” means the British Standard for fire tests for furniture BS 5852: Part 2: 1982 published by the British Standards Institution and which came into effect on 31st August 1982⁽⁶⁾ subject to any amendments made thereto and approved by the Secretary of State;

“BS 6807” means the British Standard Methods of test for the ignitability of mattresses with primary and secondary sources of ignition BS 6807: 1986 published by the British Standards Institution and which came into effect on 31st December 1986⁽⁷⁾ subject to any amendments made thereto and approved by the Secretary of State;

“cigarette test” means the smouldering cigarette test specified in BS 5852: Part 1 as modified in accordance with the provisions of Schedule 4 to these Regulations;

“cushions” (except in (a) of the definition of “relevant ignitability test” in this paragraph) means scatter cushions and cushions of the kind commonly used on the seats of wooden chairs;

“dwelling” includes any caravan, but does not include boats or any other vessels or motor vehicles;

“filling material” means any material used for filling or stuffing the upholstered parts of furniture or for filling, bulking-out or stuffing such articles as cushions, mattresses and pillows;

“furniture” means—

- (a) furniture of any description which is ordinarily intended for private use in a dwelling and includes beds and divans (including the bases and headboards of both), sofa-beds, children’s furniture, 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), cushions,

(3) ISBN 0 580 08189 3.

(4) ISBN 0 580 10449 4.

(5) ISBN 0 580 11106 7.

(6) ISBN 0 580 12842 3.

(7) ISBN 0 580 15542 0.

high-chairs, mattresses (of any size) and pillows, but does not include bedding or floor coverings (including carpets and mats);

- (b) furniture which is ordinarily intended for private use in the open air but which is also suitable for use in a dwelling; and
- (c) any collection of components designed or intended to be assembled into any article of furniture defined in subparagraphs (a) and (b) above;

and “furniture” includes furniture mentioned in regulation 14(1) (second-hand furniture)–
in regulations 4, 7 and 15, from 1st November 1988;
in regulations 8(4), 9 and 14, from 1st March 1990;
in regulations 5, 6 and 8(1)–(3) from 1st March 1993.

“match test” means the test specified in Part I or Part II as appropriate of Schedule 5 to these Regulations;

“relevant ignitability test” in relation to any filling which–

- (a) consists solely of polyurethane foam in slab or cushion form means the test specified in Part I of Schedule 1 to these Regulations;
- (b) consists solely of polyurethane foam in crumb form means the test specified in Part II of Schedule 1 to these Regulations;
- (c) consists solely of latex rubber foam means the test specified in Part III of Schedule 1 to these Regulations;
- (d) consists of a single filling material other than the materials mentioned in paragraph (a), (b) or (c) above means the test specified in Part I of Schedule 2 to these Regulations;
- (e) consists of more than one filling material means either:–
 - (i) the test specified in Part I of Schedule 2 to these Regulations for each individual filling material tested separately; or
 - (ii) the appropriate test specified in Part II, III or IV of that Schedule for the filling material tested as a composite:

provided that if the filling material includes foam of any of the kinds mentioned in paragraph (a), (b) or (c) above, the relevant ignitability test for that part of the filling which consists of such foam shall be the test (or tests) specified in paragraph (a), (b) or (c), as the case may be;

“supply”, where the context so admits, includes offering and agreeing to supply and exposing and possessing for supply, and cognate expressions shall be construed accordingly.

(2) For the purposes of these Regulations any references in BS 3379, BS 5651, BS 5852: Part 1, BS 5852: Part 2 or BS 6807 to any other British Standards shall be construed as references to those other British Standards as they had effect on 28th April 1978, 29th December 1978, 30th November 1979, 31st August 1982 and 31st December 1986 respectively or as they had effect on those dates respectively subject to amendments made to them by the British Standards Institution and approved by the Secretary of State.

Exclusion of goods made before 1950 and of supply of materials for re-upholstery of furniture made before that date and of goods for export

4. The requirements of these Regulations do not apply–

- (a) in relation to the supply of any goods manufactured before 1 January 1950;

- (b) in relation to the supply of materials when the person supplying them knows or has reasonable cause to believe that they will be used for re-covering or re-upholstering furniture manufactured before 1st January 1950; or
- (c) in any case where the person supplying goods to which those requirements relate knows or has reasonable cause to believe that the goods will not be used in the United Kingdom.

Upholstery

5.—(1) No furniture to which this regulation applies shall include upholstery which does not pass the cigarette test.

- (2) This regulation applies to all furniture (except mattresses, bed-bases, pillows and cushions).

Filling material

6.—(1) Subject to paragraphs (3) and (4) below, no furniture shall include any filling material which fails the relevant ignitability test.

- (2) No furniture shall include as filling any foam in crumb form unless both—
 - (a) the foam from which the crumb is derived passes the ignitability test specified in Part I of Schedule 1 to these Regulations; and
 - (b) the foam in crumb form itself passes the ignitability test specified in Part II of that Schedule.

(3) A cushion may include filling material which does not pass the ignitability test specified in Part I or Part II (or both such parts) of Schedule 2 to these Regulations if the cushion has a primary cover and, with that cover, passes the ignitability test in Part III of that Schedule.

(4) A pillow may include filling material which does not pass the ignitability test specified in Part I or Part II (or both such parts) of Schedule 2 to these Regulations if the pillow, when tested with its primary cover, passes the ignitability test in Part III of that Schedule.

Loose fillings

7. No person shall supply any filling material which fails the relevant ignitability test, or which contains foam in crumb form which may not be included in furniture by virtue of regulation 6(2) above, in any case where he knows or has reasonable cause to believe that the material will be used—

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

Permanent Covers

8.—(1) Subject to paragraphs (2) and (3) below, if furniture (other than mattresses, bed-bases, pillows and cushions) is supplied with a cover on it, the cover shall pass the match test in Part I of Schedule 5 to these Regulations.

(2) Where furniture is supplied with a cover on it and there is between it and the cover an interliner which passes the test in Schedule 3 to these Regulations, the cover need not pass the match test.

(3) Paragraph (2) above only applies where the cover is made of 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.

(4) No person shall supply any cover or fabric knowing or having reasonable cause to believe that it will be used to provide or replace the permanent cover on any furniture (other than mattresses, bed-bases, pillows and cushions) unless either—

- (a) the cover or fabric supplied passes the match test mentioned in paragraph (1) above; or
- (b) the furniture has an interliner which passes the test mentioned in paragraph (2) above and the cover or fabric is of a kind specified in paragraph (3) above.

Covers other than permanent covers

9.—(1) Loose covers (other than stretch covers) for any furniture specified in paragraph (3) below shall pass the match test in Part I of Schedule 5 to these Regulations.

(2) Stretch covers for any furniture specified in paragraph (3) below shall pass the match test in Part II of that Schedule.

(3) In this regulation “furniture” means any furniture other than mattresses, bed-bases, pillows and cushions.

Labelling requirements

Display labels

10.—(1) There shall be attached to furniture to which Schedule 6 to these Regulations applies and which is exposed for supply by retail the appropriate display label specified in that Schedule.

(2) The label mentioned in paragraph (1) above shall be so attached to the furniture as to be clearly visible to anyone inspecting the furniture and to enable him to read both the front and the back of the label with as little inconvenience as is reasonably practicable.

Permanent labels

11. Furniture and covers to which Schedule 7 to these Regulations applies shall bear the permanent labelling specified in Part II or Part III of Schedule 7 to these Regulations in accordance with the provisions of Part II or Part III of that Schedule, as the case may be, (and if the furniture or cover does not bear the permanent labelling specified in Part II of Schedule 7 the requirements of regulation 12 below shall also be complied with in relation to such furniture or cover).

Requirement to give information

12.—(1) This regulation applies to any person who supplies or has supplied within the period of five years (or, if shorter, so much of that period as falls after 1st November 1988) immediately prior to his being required to give the information in question any furniture or cover to which Schedule 7 to these Regulations applies in relation to which the requirements of Part III of Schedule 7 to these Regulations and not those of Part II of that Schedule are satisfied.

(2) The information which may be required by paragraph (4) below is the following information in respect of the furniture or cover specified in paragraph (1) above:—

- (a) the name and the postal code of the address of the principal place of business of the manufacturer or importer who first supplied the article in the United Kingdom;
 - (b) the date on which the article was manufactured or imported (in its finished form) into the United Kingdom;
 - (c) the description of all the filling materials included in the article;
 - (d) the description of all the covering materials included in the article.
- (3) The information specified in paragraph (2) above need not be given in relation to—
- (a) cushions and pillows (except for information required by subparagraphs (a) and (c) of paragraph (2) above);

- (b) cots, carry-cots, playpens, prams and pushchairs (except for information required by subparagraphs (a), (c) and (d) of paragraph (2) above);
- (c) any other article similar in its nature and use to any article in subparagraph (b) of this paragraph and designed to carry a baby or small child (except for information required by subparagraphs (a), (c) and (d) of paragraph (2) above);
- (d) covers (except for information required by subparagraphs (a) and (d) of paragraph (2) above).

(4) Any person to whom this regulation applies shall give to an enforcement authority, or any of its officers, the information specified in paragraph (2) above on his being required to give such information at a reasonable time.

First suppliers: requirement to give information

13.—(1) Any person to whom paragraph (3) below applies shall give to an enforcement authority or any of its officers such information as it or he may reasonably require for the purpose of enabling the authority to enforce any of the requirements of these Regulations relating to any furniture other than mattresses, bed-bases, pillows and cushions.

(2) Without prejudice to the generality of paragraph (1) above, information may be required to be given, in accordance with that paragraph, relating to any of the following matters, that is to say—

- (a) the results of any test prescribed by these Regulations carried out on the furniture in question or any of its components;
- (b) the means by which those results are attributed to furniture or components of a particular description or batch;
- (c) the correspondence of any records with labels, batch numbers or marks appearing on or relating to any goods.

(3) This paragraph applies to any manufacturer or importer who supplies or has supplied within the period of five years (or, if shorter, so much of that period as falls after 1st November 1988) immediately prior to his being required to give the information in question any furniture specified in paragraph (1) above.

Second-hand furniture

14.—(1) This regulation applies to furniture which has previously been supplied (whether before or after 1st March 1990, provided that it is not excluded by regulation 4 above, and whether in the United Kingdom or elsewhere) to any person who acquired it otherwise than for the purposes of a business of dealing in furniture.

(2) Furniture to which this regulation applies shall satisfy the requirements of regulations 5, 6 and 8(1) to (3) subject to the exceptions to those requirements for certain furniture specified in those regulations.

(3) Subject to paragraph (4) below, no person shall supply any furniture to which this regulation applies in the period before 1st March 1993 unless:—

- (a) it meets the cigarette test in the case of furniture to which regulation 3(1) of the Upholstered Furniture (Safety) Regulations 1980⁽⁸⁾ as amended by the Upholstered Furniture (Safety) (Amendment) Regulations 1983⁽⁹⁾ applied; and
- (b) there is attached to the furniture the display label specified in Schedule 8 to these Regulations so as to be clearly visible to anyone inspecting the furniture and to enable

⁽⁸⁾ S.I. 1980/725.

⁽⁹⁾ S.I. 1983/519.

him to read both the front and the back of the label with as little difficulty as is reasonably practicable.

(4) The display label specified in Schedule 8 to these Regulations need not be attached to the furniture if the furniture meets all the requirements of these Regulations which would have had to be met if paragraph 2 of this regulation had been in force.

Prohibition on supply

15.—(1) Subject to paragraph (2) below, no person shall supply any furniture or other article in respect of which any of the requirements of these Regulations is not satisfied.

(2) Paragraph (1) above does not apply where the furniture or other article is supplied as part of the fixtures and fittings of a caravan which is being supplied at the same time and which has previously been supplied (whether before or after 1st November 1988 and whether in the United Kingdom or elsewhere) to any person who acquired it otherwise than for the purposes of a business of dealing in caravans.

26th July 1988

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