
 STATUTORY INSTRUMENTS

1983 No. 519

CONSUMER PROTECTION

**The Upholstered Furniture (Safety) (Amendment) Regulations
1983**
Laid before Parliament in Draft

<i>Made</i> - - - - -	31st March 1983
<i>Coming in Operation</i>	
<i>All except Regulation 2(b)(iii), (c), (d) and (g)</i>	7th April 1983
<i>Regulation 2(b)(iii), (c), (d) and (g)</i>	1st July 1983

Whereas the Secretary of State has, in accordance with the provisions of section 1(4) of the Consumer Safety Act 1978(a), consulted with such organisations as appear to him to be representative of interests substantially affected by these Regulations, with such other persons as he considers appropriate and with the Health and Safety Commission:

And whereas a draft of these Regulations has been approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of the said Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Upholstered Furniture (Safety) (Amendment) Regulations 1983.

(2) These Regulations, except Regulation 2(b)(iii), (c), (d) and (g), shall come into operation on 7th April 1983.

(3) Regulation 2(b)(iii), (c), (d) and (g) shall come into operation on 1st July 1983.

(a) 1978 c. 38.

2. The Upholstered Furniture (Safety) Regulations 1980(a) are hereby amended—

- (a) in Regulation 2(1), in the definition of “upholstery”, by the substitution for the words “4 and 5” of the words “4 to 5A”;
- (b) in Regulation 3—
 - (i) in paragraph (1), by the insertion after the words “These Regulations” of the words “except for Regulation 5A”;
 - (ii) in paragraph (1)(f), by the substitution for the words “young children” of the words “a child under the age of 11 years”; and
 - (iii) in paragraph (2), by the substitution for the words “4 and 5” of the words “4 to 5”;
- (c) by the insertion, after Regulation 4, of the following Regulation—

“4A.—(1) Subject to Regulation 3(2) above, this Regulation applies to upholstered furniture—

 - (a) which either had not been supplied in the United Kingdom before 1st October 1980 or had been so supplied only to an own-brand dealer, and
 - (b) the upholstery of which is such that it will satisfy the smouldering cigarette test and the butane flame test.

(2) Upholstered furniture to which this Regulation applies shall bear a label which shall comply with the provisions of paragraph (3) below:

Provided that—

- (i) where such furniture has been supplied in the United Kingdom before 31st December 1982 other than only to an own-brand dealer, the requirement imposed by this paragraph that the furniture shall bear a label which complies with the provisions of paragraph (3) below shall be deemed to be satisfied if the furniture bears both a display label and a permanent label which relate to the same test or tests and which comply with the provisions of paragraph (3) or (4), as the case may be, of Regulation 4 above;
- (ii) where such furniture has not been supplied in the United Kingdom before 31st December 1982 or has been so supplied only to an own-brand dealer, the requirement imposed by this paragraph that the furniture shall bear a label which complies with the provisions of paragraph (3) below shall be deemed to be satisfied if the furniture bears both the display label and the permanent label which would be required by Regulation 4 above if its upholstery was such that it would not satisfy the butane flame test; and
- (iii) where such furniture is supplied as part of a set or suite together with the other parts thereof, or an offer or agreement is made for the supply of such furniture as part of a set or suite together with the other parts thereof, or such furniture is exposed or possessed for supply as part of a set or suite together with the other parts thereof and the person exposing or possessing it for supply intends that it should not be supplied separately, the requirement imposed by this paragraph that the furniture shall bear a label which complies with the provisions

of paragraph (3) below shall be deemed to be satisfied if one of the other parts of the set or suite, also being upholstered furniture to which this Regulation applies, does so.

(3) Every label required by the provisions of paragraph (2) above shall—

(a) be in the form of a square with each side not less than 90mm long:

Provided that no account shall be taken of any rounding of the corners of the square where the length of each side between the rounded corners is not less than 70mm nor less than seven ninths of that which it would be if the corners were not rounded;

(b) bear on one face, on a green background, the word “RESISTANT” in white roman or sanserif upright letters of 20 point in upper case and a square containing within it, on a white background, a representation of a smouldering cigarette and a representation of a burning match coloured black (save that the flame of the burning match shall be coloured red) all set out substantially as indicated in Part I of Schedule 3 to these Regulations;

(c) bear on the other face, on a white background, the words “Meets the requirements for resistance to cigarette and match ignition in the Upholstered Furniture (Safety) Regulations” in black roman or sanserif upright letters of 14 point in upper and lower case, all set out substantially as indicated in Part II of Schedule 3 to these Regulations;

(d) bear nothing on the face referred to in sub-paragraph (b) above which is not specified in that sub-paragraph, and nothing on the face referred to in sub-paragraph (c) above which is not specified in that sub-paragraph; and

(e) be attached to the furniture in such a way that at all times when the furniture is exposed for sale by retail either both faces are visible and legible or, if only one of them is visible and legible, the other may readily be made so by reversing the label by hand.”;

(d) in Regulation 5, by the insertion after paragraph (2) of the following paragraph—

“(3) Subject to Regulation 3(2) above, no person shall supply, agree to supply, expose for supply or possess for supply upholstered furniture to which Regulation 4A above applies and in respect of which the requirements of paragraph (2) of that Regulation are not satisfied.”;

(e) by the insertion, after Regulation 5, of the following Regulation—

“5A.—(1) This Regulation applies to any children’s furniture other than children’s furniture—

(a) all the upholstery of which is less than 25mm thick:

Provided that where the frame of any such furniture is constructed wholly or in part of material with a bulk density of less than 0.08 grammes per cubic centimetre and any of its upholstery which is in immediate juxtaposition to any part of such a frame is, together with such part of such a frame, more than 25mm thick, this Regulation shall apply to that furniture; or

(b) (i) the material of which includes less than 200 grammes of polymeric material; and

- (ii) which was first supplied in the United Kingdom before 7th October 1983; and
- (iii) which was first supplied by retail in the United Kingdom before 7th April 1984.

(2) In this Regulation—

“B.S.5852: Part 2” means British Standard 5852: Part 2: 1982 published by the British Standards Institution, which came into effect on 31st August 1982;

“furniture” means any furniture designed or suitable for domestic use (including furniture which is intended to be assembled only after it has been supplied) other than furniture designed or intended for use wholly or mainly as a bed;

“children’s furniture” means furniture that is so designed and constructed that it would normally be considered suitable for use only by a child under the age of 11 years; and

“polymeric material” means material consisting of either:

- (a) polymers in a cellular form and characterised by recurring urethane functional groups; or
- (b) polymers in an expanded form and characterised by recurring styrene functional groups.

(3) No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any item of children’s furniture the upholstery of which is not such that it will satisfy the crib ignition source 5 test.

(4) For the purposes of this Regulation, upholstery is such that it will satisfy the crib ignition source 5 test if the materials of which it is made are of such types and are so arranged that if those materials, or materials which in all significant respects are identical to those materials, were substantially similarly arranged upon a test rig and subjected to the appropriate test in accordance with B.S. 5852: Part 2, a failed result would not be recorded; and for the purposes of this paragraph, materials shall be deemed to be substantially similarly arranged upon a test rig if the only substantial differences between the arrangement of the upholstery upon the furniture in question and the arrangement of the materials upon the test rig are differences required by B.S. 5852: Part 2.

(5) Any test of goods seized or purchased by or on behalf of an enforcement authority in pursuance of Schedule 2 to the Consumer Safety Act 1978 (which relates to the enforcement of regulations) for the purpose of ascertaining whether the provisions of this regulation have been contravened or are being complied with shall in all cases be carried out, in the manner specified in B.S. 5852: Part 2, by the authority or, at the expense of the authority, by such a person as may be determined by the Secretary of State.”;

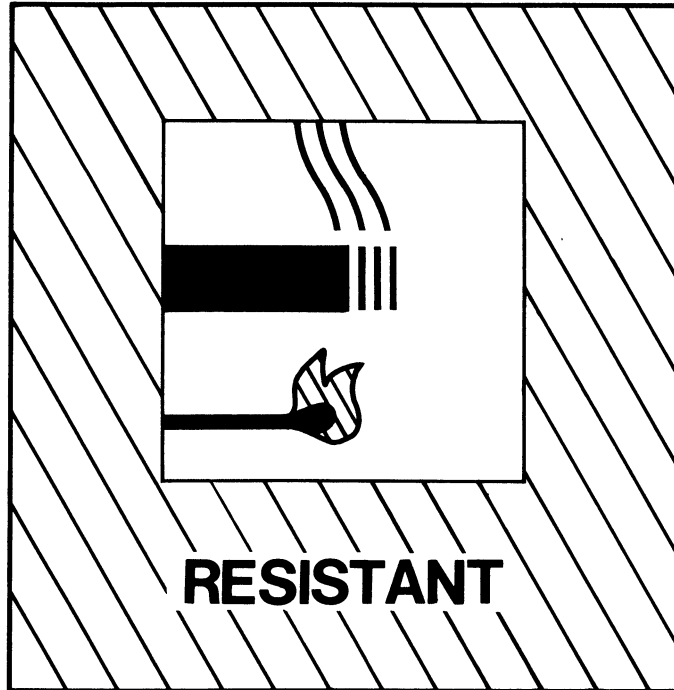
- (f) in Regulation 6, by the insertion after the words “enforcement of regulations)” of the words “for the purpose of ascertaining whether the provisions of these Regulations have been contravened or are being complied with”; and
- (g) by the insertion, after Schedule 2, of the following Schedule—

“

SCHEDULE 3

Regulation 4A(3)(b) and (c)

PART I



PART II

**Meets the requirements
for resistance to cigarette
and match ignition in the
Upholstered Furniture
(Safety) Regulations**

Gerard Vaughan,
Minister of State,
Department of Trade.

31st March 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Upholstered Furniture (Safety) Regulations 1980 ("the principal Regulations") which prescribe tests to verify the resistance of upholstery to ignition by smouldering cigarettes and by lighted matches (simulated in the tests by a butane flame) and provide for the attachment of warning labels to certain upholstered furniture if it does not satisfy those tests.

These Regulations provide that furniture first supplied in the United Kingdom on or after 1st October 1980 and furniture supplied before that date but only to an own-brand dealer, must, when it is supplied, offered for supply, agreed to be supplied, or exposed or possessed for supply on or after 1st July 1983 bear a label if it satisfies those tests (New Regulation 4A in Regulation 2(c) and Regulation 2(d) and (g)).

In provisions coming into operation on 7th April 1983, these Regulations also prohibit persons from supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply any item of children's furniture (with certain exceptions) which does not satisfy the crib ignition source 5 test (New Regulation 5A in Regulation 2(e)). Provisions relating to children's furniture were formerly contained in the Children's Furniture (Safety) Order 1982 (S.I. 1982/523), which provided that it would cease to have effect twelve months after it came into operation on 7th April 1982.

The principal Regulations are also amended by providing that only goods seized or purchased for the purpose of ascertaining whether the provisions of the principal Regulations have been contravened or are being complied with need be tested in the manner laid down in Regulation 6 of the principal Regulations (Regulation 2(f)). Provision for the testing of children's furniture is made by new Regulation 5A(5) in Regulation 2(e).

The British Standard referred to in these Regulations may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.

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