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DRAFT STATUTORY INSTRUMENTS

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**20XX No.**

**CONSUMER PROTECTION**

**HEALTH AND SAFETY**

**The Furniture and Furnishings (Fire) (Safety) Regulations  
20XX**

*Made* - - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* - - - [1st October 2024]

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a).

The Secretary of State has consulted organisations which appear to the Secretary of State to be representative of interests substantially affected by the proposal to make these Regulations and other persons as the Secretary of State considers appropriate in accordance with section 11(5) of that Act.

## PART 1

### Introductory

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Furniture and Furnishings (Fire) (Safety) Regulations 20XX.

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(a) 1987 c. 43. Section 11 was amended by S.I. 2005/1803 and 2008/960. There are other amendments to section 11 but none is relevant.

- (2) These Regulations come into force on [1 October 2024].
- (3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

### **Application**

2.—(1) These Regulations apply to—

- (a) the supply of new or second-hand upholstered products, and
- (b) the supply, by re-upholsterers, of upholstery added by them to upholstered products or to other products constituted as upholstered products through the addition of the upholstery,

where those upholstered products were manufactured on or after 1 January 1950 and are ordinarily intended for use indoors or outdoors at domestic premises.

(2) In paragraph (1) “domestic premises” means premises occupied as a private dwelling including any garden, yard, garage, outhouse or other appurtenance of the premises which is not used in common by the occupants of more than one dwelling of that kind.

(3) In paragraph (2)—

“premises”—

- (a) includes any park home or caravan, and
- (b) excludes any motor caravan or other motor vehicle, or houseboat or accommodation on any other boat, ship or vessel of any description;

“private dwelling” includes a dwelling let to persons for their private use for a holiday or other short-term stay away from their sole or main place of residence.

### **Meaning of “supply”**

3.—(1) In these Regulations “supply”(a)—

- (a) means supply on the market of the United Kingdom, and
- (b) includes—
  - (i) offering to supply,
  - (ii) agreeing to supply,
  - (iii) exposing for supply, and
  - (iv) possessing for supply(b), and
- (c) includes hiring out or lending to a tenant in connection with a tenancy agreement.

(2) In these Regulations “supply” does not include—

- (a) a supply by means of hiring out or lending to a lodger in connection with a lodging agreement, or
- (b) a supply, in relation to a product, where the supplier knows or has reasonable cause to believe that the product will not be used in the United Kingdom.

(3) In paragraph (2)—

“lodger” includes a person who proposes to be, or is considering becoming, a lodger;

“lodging agreement” has the meaning given in Schedule 1.

### **Meaning of “new”**

4. In these Regulations—

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(a) See section 46 of the Consumer Protection Act 1987.  
(b) Section 11(2)(j) of the Consumer Protection Act 1987 confers power to make provision in respect offering to supply, agreeing to supply, exposing for supply or possessing for supply, as well as supply.

- (a) “new”, in respect of an upholstered product or other product, means a product which has not previously been supplied to a consumer of the upholstered product or other product;
- (b) “second-hand”, in respect of an upholstered product or other product, means a product which has previously been supplied to a consumer of the upholstered product or other product.

**Meaning of “upholstered”**

5. In these Regulations “upholstered” means—

- (a) wholly or partly composed of—
  - (i) a fabric, leather or other cover material, and
  - (ii) a material used for filling, bulking out or stuffing covered components, or
- (b) wholly or partly composed of foam.

**Meaning of “upholstered product”**

6.—(1) In these Regulations “upholstered product” means any furniture or furnishing (whether for use by a person or a pet) which is upholstered except any—

- (a) bean bag, if the total surface area is less than 1.08 m<sup>2</sup>,
- (b) floor cushion, if the total surface area is less than 1.08 m<sup>2</sup>,
- (c) scatter cushion, if—
  - (i) the width and height are less than 45 cm x 45 cm respectively, and
  - (ii) the total surface area is less than 0.405 m<sup>2</sup>,
- (d) seat pad, if—
  - (i) the width and length are less than 45 cm x 45 cm respectively, and
  - (ii) the total surface area is less than 0.405 m<sup>2</sup>,
- (e) mattress, if the width and length are less than 75 cm x 190 cm respectively,
- (f) pet furniture, if the total surface area is less than 1.08 m<sup>2</sup>,
- (g) bedding, for example any pillow, duvet, quilt, weighted or other blanket, sleeping bag or mattress protector,
- (h) floor covering, for example any carpet or mat,
- (i) curtains,
- (j) upholstered bed side barrier intended to be used to prevent a child falling out of bed,
- (k) upholstery intended to be used with baby furniture,
- (l) Moses basket,
- (m) bassinet,
- (n) baby changing mat,
- (o) carry cot,
- (p) play pen,
- (q) play mat,
- (r) cot bumper,
- (s) baby nest, or
- (t) baby rocker or bouncer.

(2) Schedule 2 contains diagrams showing examples of how the width, height or length of any scatter cushion, seat pad or mattress is to be determined for the purposes of paragraph (1).

(3) For the purposes of these Regulations “upholstered product” does not, where the upholstered product is supplied as a collection of pieces (for example a three-piece suite of furniture), include any individual piece which is not upholstered.

(4) In these Regulations “upholstered product”, except in the expression “upholstered product in its final form”, includes any upholstered product by means of a collection of parts designed or intended to be assembled by the consumer.

## Other definitions

7. In these Regulations, the following words and expressions have the meaning indicated—

<i>Word or expression</i>	<i>Meaning</i>
FFR 1988	the Furniture and Furnishings (Fire) (Safety) Regulations 1988(a)
1980 permanent label	a label which meets the requirements of regulation 4(4) of the Upholstered Furniture Safety Regulations 1980(b)
1988 permanent label	a label which meets the requirements of Part II or Part III of Schedule 7 to the FFR 1988
accredited laboratory	a laboratory which is accredited against standard EN ISO/IEC 17025: 2017 (general requirements for the competence of testing and calibration laboratories)(c) by— (a) the United Kingdom Accreditation Service(d), or (b) an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement(e) or the European co-operation for Accreditation Multilateral Agreement(f)
added upholstery	has the meaning given in regulation 23(2)
chemical flame retardant	a substance added, or a treatment applied, to a material in order to suppress or delay ignition or reduce the rate of burning
declaration of conformity	the declaration drawn up under regulation 15
designated standard	has the meaning given by regulation 32(3)
enforcement authority	see section 45(1) of the Consumer Protection Act 1987

(a) S.I. 1988/1324, amended by S.I. 1989/2358, 1993/207, 2010/2205, 2015/1630.

(b) S.I. 1980/725, to which there are amendments not relevant to these Regulations.

(c) A copy of standard EN ISO/IEC 17025: 2017 may be obtained from the British Standards Institution, either online ([www.bsigroup.com](http://www.bsigroup.com)) or by post (BSI Customer Services, 389 Chiswick High Road, London, W4 4AL).

(d) The United Kingdom Accreditation Service is a company limited by guarantee incorporated in England and Wales under number 03076190.

(e) The International Laboratory Accreditation Cooperation is an international organisation which coordinates the work of its signatory national accreditation bodies which are themselves involved in the accreditation of conformity assessment bodies, testing laboratories, and medical testing laboratories.

(f) The European Co-operation for Accreditation is a regional organisation which coordinates the work of its signatory national accreditation bodies. It is recognised by and works closely with the International Laboratory Accreditation Cooperation.

essential safety requirements (in respect of a new upholstered product)	is to be read in accordance with regulation 11
essential safety requirements (in respect of added upholstery)	is to be read in accordance with regulation 25
foam	polyurethane in slab or crumb form or latex foam
further supplier	any person in the supply chain for a new upholstered product, other than the manufacturer or importer
further supply	supply by a further supplier
hire out or lend	includes— (a) offering to hire out or lend, (b) agreeing to hire out or lend, (c) exposing to hire out or lend, and (d) possessing for hiring out or lending
importer (in relation to an upholstered product from outside the United Kingdom)	a person who is— (a) established in the United Kingdom, and (b) places the upholstered product on the market
inherently flame-retardant material	a material which offers a level of flame resistance without the use of additional chemical additives or treatments
lodging agreement	has the meaning given in Schedule 1
manufacturer (in relation to an upholstered product)	the person who— (a) manufactures the upholstered product or has it designed or manufactured, and (b) markets it under their name or trademark
new upholstered product permanent label	a label which meets the requirements of regulation 16
outdoor upholstered product warning label	a label meeting the requirements of Schedule 3
place on the market	supply for the first time
re-upholsterer	a person who adds upholstery to an upholstered product or other product in the course of the re-upholstery, upholstery or repair of that upholstered product or other product
re-upholstery permanent label	a label which meets the requirements of regulation 28
supply	see section 46 of the Consumer Protection Act 1987 and regulation 3

technical documentation	the technical documentation listed in regulation 17
tenancy agreement	an agreement, except a lodging agreement, granting a tenancy to a tenant
tenant	includes a person who proposes to be, or is considering becoming, a tenant under a tenancy agreement
upholstered	has the meaning given in regulation 5
upholstered product	has the meaning given in regulation 6
upholstery	any one or more of the materials mentioned in regulation 5(a)(i), (a)(ii) or (b)

## PART 2

### New upholstered products

#### CHAPTER 1

##### Application

#### Application of Part 2

8.—(1) This Part applies to new upholstered products only.

(2) This Part does not apply to new upholstered products which bear an outdoor upholstered product warning label.

#### CHAPTER 2

##### Manufacturers

#### Application of Chapter 2

9.—(1) This Chapter applies to a manufacturer of an upholstered product.

(2) Where a manufacturer of an upholstered product is also the importer of the upholstered product this Chapter applies to that person and Chapter 3 is to be disregarded.

#### Prohibitions

10.—(1) A manufacturer of an upholstered product must not place the upholstered product on the market unless—

- (a) the upholstered product is in conformity with the essential safety requirements, and
- (b) they have complied with regulations 12 to 17.

(2) This regulation is subject to regulations 42 and 43.

#### Essential safety requirements – new upholstered products

11.—(1) An upholstered product in its final form must be in a condition so that it will conform with paragraphs (2), (3) and (4) while it is used as intended or in a foreseeable way.

(2) The upholstered product—



- (a) must not readily ignite if the upholstered product comes into contact with a flaming or non-flaming ignition source, and
  - (b) must, if the upholstered product is ignited, self-extinguish or burn slowly.
- (3) Any foam used in the upholstered product—
- (a) must not readily ignite if the foam comes into contact with a flaming or non-flaming ignition source, and
  - (b) must, if the foam is ignited, self-extinguish or burn slowly.
- (4) The upholstered product must not, in respect of any chemical flame retardants it contains, jeopardise the safety of any consumer or other person, taking into account the foreseeable behaviour of that consumer or other person.

### **Conformity assessment**

12.—(1) The manufacturer must, during the design and manufacture of an upholstered product—

- (a) identify the applicable essential safety requirements,
- (b) assess the risks that the design and manufacture process will result in an upholstered product which is not in conformity with the essential safety requirements,
- (c) ensure that appropriate internal checks and controls are in place to reduce or avoid those risks,
- (d) ensure that tests are carried out in accordance with regulation 13, and
- (e) assess whether it is demonstrated that the upholstered product is in conformity with the essential safety requirements.

(2) The manufacturer must take into account the complexity of the upholstered product and the quantity of production when complying with this regulation.

### **Testing**

13.—(1) The manufacturer must—

- (a) identify designated standards or other appropriate standards against which tests of the upholstered product in its final form will be carried out, and
- (b) ensure that those tests against those standards are carried out—
  - (i) in respect of the first upholstered product in its final form, or a representative sample of that upholstered product, and
  - (ii) periodically, in the case of any series production of that upholstered product on a sample of the upholstered products in their final form, or representative samples of those upholstered products.

(2) If foam is used in the upholstered product, the manufacturer must also—

- (a) identify designated standards or other appropriate standards against which tests of the foam will be carried out, and
- (b) ensure that those tests against those standards are carried out—
  - (i) in respect of the first batch of foam, and
  - (ii) periodically, in the case of any further batches of the foam.

(3) The manufacturer must ensure that an accredited laboratory carries out the tests mentioned in paragraphs (1)(b) and (2)(b).

(4) In the case of any series or batch production, the manufacturer must determine how often it will be appropriate for the periodic testing mentioned in paragraphs (1)(b) and (2)(b) to be carried out.

(5) The manufacturer must take into account the complexity of the upholstered product and the quantity of production when complying with this regulation.

### **Flame retardant technology hierarchy**

**14.**—(1) A manufacturer must not manufacture an upholstered product containing chemical flame retardants, except in accordance with paragraph (2).

(2) A manufacturer may use chemical flame retardants to the extent that during the design phase they considered—

- (a) using inherently flame-retardant materials, and
- (b) adapting the design of the upholstered product,

instead of using chemical flame retardants and concluded that it would not be practicable to take either or both of those steps.

### **Declaration of conformity**

**15.**—(1) Where it is demonstrated under regulations 12 and 13 that the upholstered product is in conformity with the essential safety requirements the manufacturer must draw up a declaration of conformity.

(2) The declaration must include—

- (a) the name of the manufacturer,
- (b) the registered trade name or registered trade mark of the manufacturer (if any),
- (c) the contact details of the manufacturer including a postal address, an email address and a telephone number,
- (d) a short description of the upholstered product,
- (e) a statement that it has been demonstrated that the upholstered product is in conformity with the essential safety requirements in the Furniture and Furnishings (Fire) (Safety) Regulations 20XX,
- (f) a statement that the manufacturer takes full responsibility for the upholstered product's compliance with these Regulations,
- (g) the details of the accredited laboratory which carried out the testing,
- (h) the signature of, or for and on behalf of, the manufacturer, and
- (i) the date the declaration was issued.

### **New upholstered product permanent label**

**16.**—(1) Where it is demonstrated under regulation 12 and 13 that the upholstered product is in conformity with the essential safety requirements, the manufacturer must affix a permanent label to the upholstered product.

(2) The label must be securely affixed to the external surface of the upholstered product.

(3) The label must be affixed in an inconspicuous place, taking into account—

- (a) the intended or foreseeable way in which the upholstered product will be used, and
- (b) in the case of an upholstered product which can be reconfigured, each configuration.

(4) The writing on the label must be clearly visible, legible and indelible.

(5) The writing must include—

- (a) the following words (with bold and capitalised text as indicated)—

#### **CARELESSNESS CAUSES FIRE**

**DO NOT REMOVE THIS LABEL** – this label is required for the product to be resold on the second-hand market, and to ensure the product is disposed of appropriately

This product complies with The Furniture and Furnishings (Fire) (Safety) Regulations 20XX

- (b) the name and address of the principal place of business of the manufacturer,
- (c) the batch number or identification number (if any),
- (d) the date on which the upholstered product was manufactured,
- (e) if the upholstered product contains chemical flame retardants, the words “This product contains chemical flame retardants to meet the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 20XX”, and
- (f) if the upholstered product contains chemical flame retardants, a list of those chemical flame retardants.

(6) Where the upholstered product is supplied as a collection of pieces (for example a three-piece suite of furniture) each upholstered piece must be labelled.

### **Technical documentation**

17.—(1) The manufacturer must compile the documents mentioned in paragraphs (2) to (11) in respect of an upholstered product.

- (2) A document setting out—
  - (a) the name of the manufacturer,
  - (b) the registered trade name or registered trade mark of the manufacturer (if any),
  - (c) the contact details of the manufacturer including a postal address, an email address and a telephone number,
  - (d) the addresses of the places of manufacture and storage of the upholstered product, and
  - (e) the date on which the upholstered product was constituted in its final form or by means of a collection of parts designed or intended to be assembled by the consumer.
- (3) A document setting out—
  - (a) the name of any person who supplied materials used in the upholstery of the upholstered product,
  - (b) the registered trade name or registered trade mark of that person (if any),
  - (c) the contact details of that person including a postal address, an email address and a telephone number, and
  - (d) a list of the materials mentioned in sub-paragraph (a) which were supplied and the batch or other identifying numbers which were allocated by the supplier of the materials.
- (4) A document—
  - (a) identifying the applicable essential safety requirements,
  - (b) setting out the manufacturer’s assessment of the risks that the design and manufacture process will result in an upholstered product which is not in conformity with the essential safety requirements,
  - (c) setting out the internal checks and controls which are in place to reduce or avoid those risks,
  - (d) identifying the designated standards or other appropriate standards against which tests in respect of the upholstered product and any foam were carried out, and
  - (e) in the case of any series or batch production, stating the frequency of the periodic tests.
- (5) A document which demonstrates—
  - (a) that an accredited laboratory carried out initial and, in the case of any series or batch production, periodic tests in respect of the upholstered product and any foam against designated standards or other appropriate standards, and
  - (b) the results of those tests.
- (6) A document setting out—

- (a) the name of the accredited laboratory involved under regulation 13, and
- (b) the contact details of that laboratory including a postal address, an email address and a telephone number.

(7) Photographs taken at the time of the first test described in regulation 13(1)(b)(i) of the upholstered product or representative sample of that upholstered product which is being tested.

(8) Photographs taken at the time of any subsequent testing described in regulation 13(1)(b)(ii) of an upholstered product or representative sample of that upholstered product which is being tested.

(9) Where the upholstered product contains chemical flame retardants—

- (a) a document stating that chemical flame retardants have been used and a list of those retardants, and
- (b) the safety data sheets associated with the upholstered product from the chemical suppliers.

(10) Where the upholstered product contains chemical flame retardants, evidence that it contains those retardants only to the extent set out in regulation 14, including—

- (a) a statement signed and dated by, or for and on behalf of, the manufacturer that the manufacturer has complied with regulation 14, and
- (b) supporting information, for example costings, upholstered product designs and evidence of the application of a process map.

(11) The declaration of conformity.

(12) If the upholstered product has been subject to reassessment or redesign, the technical documentation must reflect all versions of the upholstered product, the changes made, and how the various versions can be identified.

## CHAPTER 3

### Importers

#### Application of Chapter 3

**18.—**(1) This Chapter applies to an importer of an upholstered product.

(2) Where an importer supplies the upholstered product in one of the following ways they are deemed to be the manufacturer of the upholstered product so that Chapter 2 applies and regulations 19 and 20 are to be disregarded—

- (a) the importer supplies the upholstered product under their name or trademark, or
- (b) the importer supplies the upholstered product having modified it in a way that may affect its conformity with the essential safety requirements.

#### Prohibitions

**19.—**(1) An importer of an upholstered product must not place the upholstered product on the market unless—

- (a) it is in conformity with the essential safety requirements,
- (b) the manufacturer of the upholstered product complied with regulation 10 as if, in relation to their placement of the upholstered product, they were placing the upholstered product on the market of the United Kingdom,
- (c) the upholstered product bears a new upholstered product permanent label,
- (d) the importer has obtained a copy of the technical documentation and complied with regulation 20, and
- (e) the importer has, while the upholstered product is under their responsibility, ensured that the conditions under which the upholstered product has been stored or transported have not affected its conformity with the essential safety requirements.

(2) In paragraph (1)(b) “placement” has the same meaning as placing on the market except that it refers to placing on a market other than that of the United Kingdom (rather than placing on the market of the United Kingdom).

(3) This regulation is subject to regulations 42 and 43.

### **Indication of importer’s details**

**20.**—(1) The importer must ensure that the information mentioned in paragraph (2) is—

- (a) marked on the upholstered product,
- (b) marked on the upholstered product’s packaging, or
- (c) included in the documentation accompanying the upholstered product.

(2) The information is—

- (a) the name of the importer,
- (b) the registered trade name or registered trade mark of that person (if any),
- (c) the contact details of that person including a postal address, an email address and a telephone number, and
- (d) the date on which the imported upholstered product was placed on the market.

## **CHAPTER 4**

### **Further suppliers**

### **Application of Chapter 4**

**21.**—(1) This Chapter applies to a further supplier who supplies an upholstered product.

(2) This Chapter does not apply to the further supply of an upholstered product which was placed on the market before [1 October 2024].

(3) Where a further supplier supplies an upholstered product in one of the following ways they are deemed to be the manufacturer of the upholstered product so that Chapter 2 applies and regulation 22 is to be disregarded—

- (a) the further supplier supplies the upholstered product under their name or trademark, or
- (b) the further supplier supplies the upholstered product having modified it in a way that may affect its conformity with the essential safety requirements.

### **Prohibitions**

**22.**—(1) A further supplier must not supply an upholstered product unless they have acted with due care to ensure that—

- (a) the upholstered product is in conformity with the essential safety requirements, and
- (b) the manufacturer or any importer or other further supplier has complied, or is complying, with their obligations relating to the upholstered product under these Regulations.

(2) A further supplier must not supply an upholstered product unless—

- (a) the upholstered product bears a new upholstered product permanent label,
- (b) in the case of an upholstered product imported by an importer, the importer’s details are marked on, or accompany, the upholstered product in accordance with regulation 20 (except where the importer is deemed to be a manufacturer in accordance with regulation 18(2)), and
- (c) they have ensured that while the upholstered product is under the further supplier’s responsibility, the conditions under which the upholstered product has been stored or transported have not affected its conformity with the essential safety requirements.

(3) This regulation is subject to regulations 42 and 43.

## PART 3

### Re-upholstery

#### **Application of Part 3**

- 23.**—(1) This Part applies to the supply, by a re-upholsterer, of added upholstery.
- (2) In these Regulations “added upholstery” means upholstery added by the re-upholsterer—
- (a) to an upholstered product, or
  - (b) to any other product constituted as an upholstered product through the addition of the upholstery.
- (3) This Part does not apply to the supply of upholstery added to any of the following products—
- (a) an upholstered product bearing an outdoor upholstered product warning label,
  - (b) an upholstered product previously placed on the market before [1 October 2024] where there is a clear indication by the manufacturer on the upholstered product that the manufacturer did not consider it suitable for use indoors, or
  - (c) a new upholstered product or other new product.

#### **Prohibition**

- 24.**—(1) A re-upholsterer must not supply added upholstery unless—
- (a) it is in conformity with the essential safety requirements, and
  - (b) they have complied with regulations 26 to 29.
- (2) This regulation is subject to regulations 42 and 43.

#### **Essential safety requirements – added upholstery**

- 25.**—(1) Any added upholstery must be in a condition so that it will conform with paragraphs (2), (3) and (4) while the re-upholstered product is used as intended or in foreseeable way.
- (2) The added upholstery—
- (i) must not readily ignite if the added upholstery comes into contact with a flaming or non-flaming ignition source, and
  - (ii) must, if the added upholstery is ignited, either self-extinguish or burn slowly.
- (3) Any foam used in the added upholstery—
- (a) must not readily ignite if the foam comes into contact with a flaming or non-flaming ignition source, and
  - (b) must, if the foam is ignited, self-extinguish or burn slowly.
- (4) The added upholstery must not, in respect of any chemical flame retardants it contains, jeopardise the safety of any consumer or other person, taking into account the foreseeable behaviour of that consumer or other person.

#### **Conformity assessment**

- 26.** The re-upholsterer must, before the upholstery is added—
- (a) identify the applicable essential safety requirements,
  - (b) ensure that they have documents demonstrating that component testing has been carried out in accordance with regulation 27, and
  - (c) assess whether it is demonstrated that the added upholstery is in conformity with the essential safety requirements.

## Testing

27. The re-upholsterer must, before the upholstery is added, ensure that they have documents which demonstrate—

- (a) that an accredited laboratory carried out initial tests and, in the case of any batch production, periodic tests, of the line of upholstery in question against designated standards or other appropriate standards, and
- (b) the results of those tests.

## Re-upholstery permanent label

28.—(1) This regulation applies where—

- (a) it is demonstrated under regulation 26 that the upholstery to be added is in conformity with the essential safety requirements, and
- (b) that upholstery has been added to the upholstered product.

(2) The re-upholsterer must affix a permanent label to the re-upholstered product (in addition to any existing permanent label).

(3) The label must be securely affixed to the external surface of the re-upholstered product.

(4) The label must be affixed in an inconspicuous place, taking into account—

- (a) the intended or foreseeable way in which the re-upholstered product will be used, and
- (b) in the case of a re-upholstered product which can be reconfigured, each configuration.

(5) The writing on the label must be clearly visible, legible and indelible.

(6) The writing must include—

- (a) the following words (with bold and capitalised text as indicated)—

**CARELESSNESS CAUSES FIRE**

**DO NOT REMOVE THIS LABEL** – this label is required for the product to be resold on the second-hand market, and to ensure the product is disposed of appropriately

This product has been re-upholstered/repared and the materials supplied as part of the re-upholstery/repair comply with the Furniture and Furnishings (Fire) (Safety) Regulations 20XX

- (b) the name and address of the principal place of business of the person carrying out the re-upholstery or repair,
- (c) a description of the added upholstery,
- (d) the date on which the re-upholstery or repair was completed, and
- (e) if the added upholstery contains chemical flame retardants, the words “This product contains chemical flame retardants to meet the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 20XX”.

## Existing permanent label

29.—(1) If any label mentioned in paragraph (2) is removed from an upholstered product in the course of the re-upholstery or repair of that upholstered product, the re-upholsterer must reattach that label in, or as close as possible to, its original position.

(2) The labels are—

- (a) a new upholstered product permanent label,
- (b) a re-upholstery permanent label,
- (c) a 1988 permanent label, and

- (d) a 1980 permanent label.

## PART 4

### Second-hand upholstered products

#### Application of Part 4

**30.**—(1) This Part applies only to the supply of second-hand upholstered products to consumers of those products.

- (2) This Part does not apply to the supply of—
  - (a) second-hand upholstered products which bear an outdoor upholstered product warning label, or
  - (b) second-hand upholstered products placed on the market before [1 October 2024] where there is a clear indication by the manufacturer on the upholstered product that the manufacturer did not consider it suitable for use indoors.

#### Prohibitions

**31.**—(1) A person must not supply an upholstered product to a consumer except in circumstance 1, 2 or 3.

- (2) Circumstance 1 is that—
  - (a) the upholstered product bears a new upholstered product permanent label,
  - (b) the person does not have reason to believe that the upholstered product is no longer in conformity with regulation 11, and
  - (c) if the supply takes place on or after [1 April 2026]—
    - (i) the person has acted with due care to ascertain whether upholstery has been added to the upholstered product on or after that date, and
    - (ii) where the person has reason to believe that upholstery has been so added, the upholstered product bears a re-upholstery permanent label relating to that upholstery.
- (3) Circumstance 2 is that—
  - (a) the upholstered product bears a 1988 permanent label,
  - (b) the person does not have reason to believe that the upholstered product would no longer be in conformity with the FFR 1988 (if they still had effect), and
  - (c) if the supply takes place on or after [1 April 2026]—
    - (i) the person has acted with due care to ascertain whether upholstery has been added to the upholstered product on or after that date, and
    - (ii) where the person has reason to believe that upholstery has been so added, the upholstered product bears a re-upholstery permanent label relating to that upholstery.
- (4) Circumstance 3 is that—
  - (a) the upholstered product bears a 1980 permanent label,
  - (b) the person does not have reason to believe that the upholstered product would no longer be in conformity with the Upholstered Furniture Safety Regulations 1980 (if they still had effect), and
  - (c) if the supply takes place on or after [1 April 2026]—
    - (i) the person has acted with due care to ascertain whether upholstery has been added to the upholstered product on or after that date, and
    - (ii) where the person has reason to believe that upholstery has been so added, the upholstered product bears a re-upholstery permanent label relating to that upholstery.



## PART 5

### Presumption of conformity

#### Presumption of conformity

32.—(1) An upholstered product or added upholstery which is in conformity with a designated standard (or part of a designated standard) is presumed to be in conformity with the essential safety requirements relating to that upholstered product or added upholstery to the extent that those requirements are covered by that standard (or that part of that standard).

(2) The presumption set out in paragraph (1) is rebuttable.

(3) In these Regulations a "designated standard" means a technical specification which is—

- (a) adopted by the British Standards Institution ("BSI") or an international standardising body, for repeated or continuous application, with which compliance is not compulsory, and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(4) In this regulation "technical specification" means a document that prescribes technical requirements to be fulfilled by an upholstered product or added upholstery or process and which lays down one or more of the following—

- (a) the characteristics required of an upholstered product or added upholstery, including—
  - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
  - (ii) the requirements applicable to the upholstered product or added upholstery as regards the name under which the upholstered product or added upholstery is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures, and
- (b) production methods and processes relating to the upholstered product or added upholstery, where these have an effect on the characteristics of the upholstered product or added upholstery.

(5) In this regulation "international standardising body" has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15th April 1994 (as amended or replaced from time to time).

(6) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (3)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(7) Before publishing the reference to a technical specification adopted by the BSI, the Secretary of State must have regard to whether the technical specification is consistent with any technical specifications adopted by international standardising bodies which the Secretary of State considers to be relevant.

(8) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (3)(b).

(9) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

## PART 6

### Upholstered products marketed online

#### Application of Part 6

33. This Part applies to—

- (a) an offer to supply, or
- (b) an exposure for supply,

of a new or second-hand upholstered product online.

#### Duty to display information online

34.—(1) A person who offers to supply, or exposes for supply, an upholstered product online must comply with this regulation, subject to paragraph (6).

(2) The person must ensure that the following information is displayed prominently on the web page on which the upholstered product is offered or exposed (whether by means of a photograph or otherwise)—

- (a) the information set out on the permanent label affixed to the upholstered product, and
- (b) the information set out on any re-upholstery permanent label affixed to the upholstered product.

(3) The information must be displayed for the duration of the offer to, or exposure for, supply online.

(4) In paragraph (2)(a) “permanent label” means—

- (a) the new upholstered product permanent label,
- (b) the outdoor upholstered product warning label,
- (c) the 1988 permanent label, or
- (d) the 1980 permanent label,

(as the case may be).

(5) The information displayed in accordance with paragraph (2)(a) or (b) must be clearly legible.

(6) This regulation does not apply to a person who—

- (a) offers to supply by means of hiring out or lending, or
- (b) exposes for supply by means of hiring out or lending,

an upholstered product online in connection with a tenancy agreement.

## PART 7

### Provision of information

#### Immediate provision of information relating to non-conformity of new upholstered products

35.—(1) A person who supplies a new upholstered product or added upholstery on or after [1 October 2024] who subsequently has reason to believe that the upholstered product or added upholstery—

- (a) is not in conformity with the essential safety requirements, and
- (b) presents a risk to the safety of consumers or third parties,

must comply with paragraph (2).

(2) The person must immediately inform an enforcement authority of the risk, giving details, in particular, of—

- (a) the respect in which the upholstered product or added upholstery is considered not to be in conformity with the essential safety requirements, and
- (b) any corrective measures taken.

(3) This regulation does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

**Provision of information identifying suppliers of new upholstered products**

36.—(1) An enforcement authority may ask a relevant supplier (R) to identify to the authority—

- (a) any other relevant supplier who has supplied R with a new upholstered product, or
- (b) any other relevant supplier to whom R has supplied a new upholstered product.

(2) The authority may, in the request, specify a period within which the information must be provided.

(3) A request may only be made during the period of 10 years beginning with the day on which the upholstered product in question was supplied.

(4) R must comply with a request under this regulation within any time specified in the request.

(5) In this regulation “relevant supplier” means a manufacturer, importer or further supplier.

(6) This regulation does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

**Provision of other information relating to new and second-hand products and added upholstery**

37.—(1) A person who supplies an upholstered product or added upholstery must comply with this regulation.

(2) An enforcement authority may ask the person to provide the authority with all the documentation and other information necessary to demonstrate that they have complied with these Regulations.

(3) The enforcement authority may, in the request, specify a period within which the information must be provided.

(4) A request may only be made during the period of 10 years beginning with the day on which the upholstered product in question is supplied.

(5) A request must be accompanied by the reasons for making the request.

(6) The person must comply with a request under this regulation within any time specified in the request.

(7) This regulation does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

**Retention of documentation relating to new upholstered products and added upholstery**

38.—(1) Each of the following persons must comply with this regulation in respect of the documentation indicated for that person—

Manufacturer	Technical documentation required to be compiled for a new upholstered product in accordance with regulation 17
Importer	Technical documentation required to be obtained for a new upholstered product in accordance with regulation 19(1)(d)
Re-upholsterer	Documents demonstrating component testing

has been carried out in respect of added upholstery in accordance with regulations 26(b) and 27

- (2) The person must keep the documentation—
- (a) in the case of a new upholstered product, for a period of 10 years beginning with the day on which the upholstered product is placed on the market;
  - (b) in the case of added upholstery, for a period of 10 years beginning with the day on which the added upholstery is supplied.
- (3) An enforcement authority may ask the person for the documentation or a copy of the documentation.
- (4) The authority may, in the request, specify a period within which the documentation or the copy of the documentation must be provided.
- (5) The person must comply with a request under this regulation within any time specified in the request.

### **Label misuse on new and second-hand upholstered products**

- 39.—**(1) A person who supplies an upholstered product or added upholstery must not—
- (a) affix a new upholstered product permanent label to the upholstered product, except in the circumstances set out in regulation 16(1),
  - (b) affix a re-upholstery permanent label to the upholstered product, except in the circumstances set out in regulation 28(1),
  - (c) affix a label to the upholstered product other than a new upholstered product permanent label or a re-upholstery permanent label, which purports to attest to the upholstered product's conformity with any essential safety requirements,
  - (d) affix any label, marking, sign or inscription to the upholstered product which is likely to mislead any other person as to the meaning or form of—
    - (i) any new upholstered product permanent label,
    - (ii) any re-upholstery permanent label,
    - (iii) any 1988 permanent label, or
    - (iv) any 1980 permanent label,
  - (e) affix to the upholstered product any other marking, sign or inscription if the visibility, legibility and meaning of any of the following labels affixed to the upholstered product would be impaired as a result—
    - (i) a new upholstered product permanent label,
    - (ii) a outdoor upholstered product warning label,
    - (iii) a 1988 permanent label, or
    - (iv) a 1980 permanent label.
- (2) This regulation does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

## PART 8

### Revocations, saving and transitional provision

#### CHAPTER 1

Revocation and saving of FFR 1988 on [1 October 2024]

##### **Revocation and saving of FFR 1988**

**40.**—(1) The following are revoked—

- (a) the FFR 1988;
- (b) the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989;
- (c) the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993;
- (d) the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 2010.

(2) The FFR 1988 continue to apply on and after [1 October 2024] to the further supply of a new product which—

- (a) is an upholstered product,
- (b) also falls within the definition of “furniture” in regulation 3(1) of the FFR 1988, and
- (c) was placed on the market before [1 October 2024],

while it remains new.

#### CHAPTER 2

Transition period ending with [31 March 2026]

##### **Period of effect**

**41.** This Chapter has effect for the period beginning with [1 October 2024] and ending with [31 March 2026] (but see regulation 42(5) and 43(6)).

##### **Products not in scope of FFR 1988**

**42.**—(1) This regulation applies to an upholstered product which does not fall within the definition of “furniture” in regulation 3(1) of the FFR 1988.

(2) A manufacturer may place an upholstered product on the market without complying with the prohibitions in regulation 10 as long as—

- (a) the upholstered product does not bear a new upholstered product permanent label, and
- (b) the upholstered product does not bear any other label which purports to attest to the upholstered product’s conformity with any essential safety requirements.

(3) An importer may place an upholstered product on the market without complying with the prohibitions in regulation 19 as long as the upholstered product meets the requirements set out in paragraph (2)(a) and (b).

(4) A further supplier may supply an upholstered product without complying with the prohibitions in regulation 22 as long as the upholstered product meets the requirements set out in paragraph (2)(a) and (b).

(5) Paragraph (4) does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

(6) Paragraph (4) continues to apply on or after [1 April 2026] to the further supply of an upholstered product placed on the market before that date in accordance with paragraph (2) or (3), while it remains new.

## Products in scope of FFR 1988

43.—(1) This regulation applies to an upholstered product which also falls within the definition of “furniture” in regulation 3(1) of the FFR 1988.

(2) A manufacturer may place an upholstered product on the market without complying with the prohibitions in regulation 10 as long as—

- (a) the upholstered product meets the requirements indicated for that type of upholstered product in Table 1,
- (b) the upholstered product does not bear a new upholstered product permanent label, and
- (c) the upholstered product does not bear any other label which purports to attest to the upholstered product’s conformity with any essential safety requirements.

(3) An importer may place an upholstered product on the market without complying with the prohibitions in regulation 19 as long as the upholstered product meets the requirements set out in paragraph (2)(a) to (c).

(4) A further supplier may supply an upholstered product without complying with the prohibitions in regulation 22 as long as the upholstered product meets the requirements set out in paragraph (2)(a) to (c).

(5) Paragraph (4) does not apply to the further supply of a new upholstered product which was placed on the market before [1 October 2024], while it remains new.

(6) Paragraph (4) continues to apply on and after [1 April 2026] to the further supply of an upholstered product placed on the market before that date in accordance with paragraph (2) or (3), while it remains new.

**Table 1**

<i>Product</i>	<i>Requirements</i>	<i>Subject</i>
Any upholstered product except any mattress, bed-base or cushion (within the meaning of regulation 3(1) of the FFR 1988)	Those in the following provisions of the FFR 1988—  regulation 5 and Schedule 4,  regulation 6 and Schedules 1 and 2,  regulation 8(1) and (2) and Schedules 3 and 5,  regulation 10 and Schedule 6, and  regulation 11 and Schedule 7.	upholstery and cigarette test  filling material and ignitability test  covers, ignition resistance test for interliners and match test  display label  permanent label
Any cushion (within the meaning of regulation 3(1) of the FFR 1988)	Those in the following provisions of the FFR 1988—  regulation 6 and Schedules 1 and 2, and	filling material and ignitability test

	regulation 11 and Schedule 7	permanent label
Any mattress or bed-base	Those in the following provisions of the FFR 1988—  regulation 6 and Schedules 1 and 2.	filling material and ignitability test

### Re-upholstery and repairs

44.—(1) A person may supply added upholstery without complying with the prohibitions in regulation 24 as long as each component of the added upholstery meets the requirements indicated in Table 2.

**Table 2**

<i>Component</i>	<i>Requirements</i>	<i>Subject</i>
Loose fillings	Those in the following provisions of the FFR 1988—  regulation 7 and Schedule 1.	loose fillings and ignitability test
Permanent cover	regulation 8(3) and (4) and Schedules 3 and 5.	permanent covers, ignition resistance test for interliners and match test

### Transition period: marketing online and provision of information

45.—(1) Regulations 34, 35, 36 and 37 apply to an upholstered product or added upholstery upholstered product or added upholstery supplied in accordance with regulation 42, 43 or 44.

(2) For the purposes of paragraph (1), regulation 35 is to be read as if each reference to the new upholstered product being in conformity with the essential safety requirements were to the upholstered product being in conformity with the relevant requirements set out in regulation 42, 43 or 44 (as the case may be).

(3) Regulations 38 and 39 do not apply to an upholstered product or added upholstery upholstered product or added upholstery supplied in accordance with regulation 42, 43 or 44.

## PART 9

### Final provisions

#### Enforcement time limit

46.—(1) A magistrates' court in England and Wales may try an information for a section 12 offence if the information was laid within twelve months from the time when the offence was committed.

(2) A magistrates' court in Northern Ireland may try a complaint for a section 12 offence if the complaint was made within twelve months from the time when the offence was committed.

(3) Summary proceedings for a section 12 offence may be brought in Scotland at any time within twelve months from the time when the offence was committed.

(4) In this regulation “section 12 offence” means an offence against these Regulations under section 12 of the Consumer Protection Act 1987.

## Review

47.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1 October 2029.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signatory text

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department

## SCHEDULE 1

Regulation 3(3)

### Meaning of lodging agreement

1. In regulation 3(3) a “lodging agreement” means a tenancy or licence under the terms of which the person who is lodging shares accommodation with the landlord or licensor or a member of the landlord’s or licensor’s family.

2. For the purposes of paragraph 1—

- (a) a person who is lodging shares accommodation with another person if the person who is lodging has the use of an amenity in common with that other person (whether or not also in common with others);
- (b) “amenity” includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access;
- (c) a person is a member of the landlord’s or licensor’s family if—
  - (i) the person lives with the landlord or licensor as a couple;

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(a) 2015 c. 26.



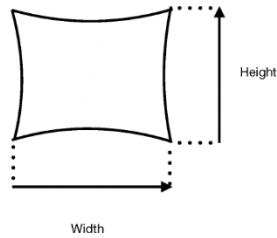
- (ii) they are relatives; or
- (iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple;
- (d) “couple” means two people who are married to, or civil partners of, each other or who live together as if they were a married couple or civil partners;
- (e) “relative” means parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or cousin;
- (f) a relationship of the half-blood is to be treated as a relationship of the whole blood;
- (g) a stepchild of a person is to be treated as that person’s child.

## SCHEDULE 2

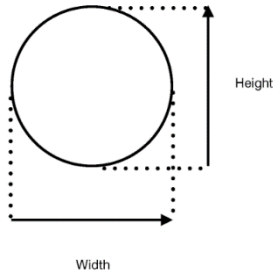
Regulation 6(1)(c), (d) and (e)

### Excluded products: how to determine dimensions

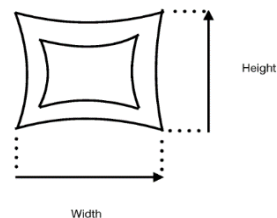
Scatter cushion – square or rectangle:



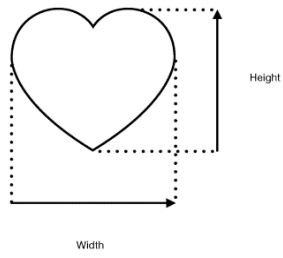
Scatter cushion – round or oval:



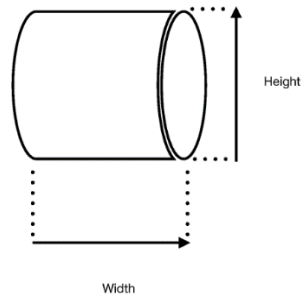
Scatter cushion with trim



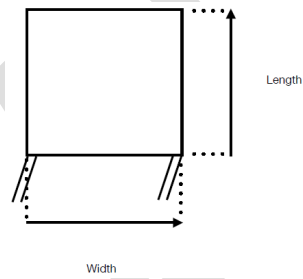
Scatter cushion – complex:



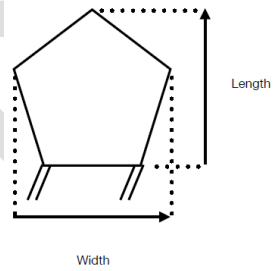
Scatter cushion – bolster:



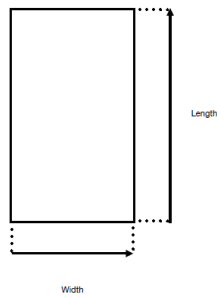
Seat pad – square or rectangle:



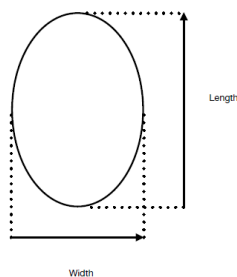
Seat pad – complex:



Mattress – rectangle:



Mattress – oval:



## SCHEDULE 3 Regulation 8(2), 23(3) and 30(2)

### Outdoor upholstered product warning label

1. The requirements for an outdoor upholstered product warning label are as follows.
2. The label must be securely affixed to the external surface of the upholstered product.
3. The label must be affixed in an inconspicuous place, taking into account—
  - (a) the intended or foreseeable way in which the upholstered product will be used, and
  - (b) in the case of an upholstered product which can be reconfigured, each configuration.
4. The writing on the label must be clearly visible, legible and indelible.
5. The writing must include the following words (with bold and capitalised text as indicated)—

**CARELESSNESS CAUSES FIRE**

**DO NOT REMOVE THIS LABEL** – this label is required for the product to be resold on the second-hand market, and to ensure the product is disposed of appropriately

**DO NOT USE OR STORE THIS PRODUCT INSIDE DUE TO RISK OF FIRE.** It has not been assessed for compliance with The Furniture and Furnishings (Fire) (Safety) Regulations 20XX

6. Where the upholstered product is supplied as a collection of pieces (for example a three-piece suite of furniture) each upholstered piece must be labelled.

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the safety, with respect to fire, of upholstered furniture and furnishings used in domestic premises and in related accommodation such as holiday lets.

Part 2 makes provision about the supply of certain new upholstered products.

Chapter 2 of Part 2 prohibits a manufacturer of an upholstered product from supplying the upholstered product unless it is in conformity with essential safety requirements (see regulations 10(1)(a) and 11). It also prohibits the manufacturer from supplying the upholstered product unless they have complied with other requirements relating to conformity assessment, information and labelling (see regulations 10(1)(b) and 12 to 17).

Chapter 3 of Part 2 prohibits an importer of a new upholstered product from supplying the upholstered product unless it is in conformity with essential safety requirements (see regulations 19 and 20).

Chapter 4 of Part 2 prohibits a further supplier from supplying a new upholstered product unless they have acted with due care to ensure it is in conformity with essential safety requirements and they have complied with other, related requirements (see regulation 22).

Part 3 makes provision about the supply, by re-upholsterers, of upholstery added to upholstered products, and other products constituted as upholstered products through the addition of upholstery (see regulation 23). A re-upholsterer is prohibited from supplying added upholstery unless it is in conformity with essential safety requirements and they have complied with other, related requirements (see regulations 24 to 29).

Part 4 makes provision about the supply of certain second-hand upholstered furniture. A person is prohibited from supplying second-hand furniture unless it bears a label of a certain kind, and they have complied with a duty of due care in respect of upholstery added on or after [1 October 2024].

Part 5 contains provisions about the presumption of conformity. Part 6 relates to upholstered products marketed online. Part 7 relates to the provision of information. Part 8 revokes the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (S.I. 1988/1324), saves those Regulations in relation to products placed on the market before [1 October 2024] while they remain new, and sets out different rules which will apply to products placed on the market on or after 1 October 2024 during a transition period ending with 31 March 2026.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available here:

[ ], and is published with the Explanatory Memorandum alongside this instrument. A hard copy may be obtained from the Department for Business, Energy and Industrial Strategy, Energy Efficiency and Local Directorate, 1 Victoria Street, London SW1H 0ET.