

201X No. XXXX

CONSUMER PROTECTION

The Furniture and Furnishings (Fire Safety) Regulations 201X

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - ***

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

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

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Furniture and Furnishings (Fire Safety) Regulations 201X.

(2) They come into force on XX XXXX.

(3) Except for regulation 2, they cease to have effect at the end of the period of seven years beginning with the day on which these Regulations come into force.

Revocation

2. The Regulations specified in Schedule 1 are revoked.

Interpretation

3.—(1) In these Regulations—

“the 1988 Regulations” means the Furniture and Furnishings (Fire) (Safety) Regulations 1988(b);

“BS 3379” means the British Standard Specification for flexible urethane foam for load-bearing applications BS 3379: 1975 published by the British Standards Institution on 30th May 1975, as amended on 28th April 1978;

(a) 1987 c. 43; section 11 was amended by S.I. 2005/1803 and S.I. 2008/960.

(b) S. I. 1988/1324, as amended by S.I. 1989/2358, 1993/207 and 2010/2205.

“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;

“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;

“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;

“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;

the “1988 Regulations” means the Furniture and Furnishings (Fire) (Safety) Regulations 1988(a);

“component close to the cover” means a material inside the furniture and within 40mm of the cover that is not required to pass any of the tests specified in regulation 12;

“cushions” (except in the definition of “non-visible part”) means—

- (a) scatter cushions with a length and width of no more than 60cm in each case; and
- (b) seat pads of the kind commonly used on the seats of wooden chairs with a length and width of no more than 30cm in each case and a thickness of no more than 1cm;

“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 articles such as cushions, mattresses and pillows;

“furniture” has the meaning set out in regulation 4(2);

“importer” means any person who—

- (a) is established within the United Kingdom; and
- (b) supplies an article of furniture, or a component designed or intended to be assembled into any article of furniture, from a third country;

“non-visible part” in relation to covers means—

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

and “visible part” in relation to covers means any part of the cover other than a non-visible part;

“manufacturer” means a person who—

- (a) manufactures an article of furniture or a component designed or intended to be assembled into any article of furniture; and
- (b) supplies that article of furniture or component under that person’s name or trademark;

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

“relevant material” means a material containing at least 75 per cent by weight of cotton, flax, viscose, modal, silk or wool, used separately or together and not coated with polyurethane or a polyurethane preparation;

“second-hand furniture” means furniture that has previously been supplied (whether before, on or after [COMING INTO FORCE DATE] and whether in the United Kingdom or elsewhere) to a person who did not acquire it for the purposes of a business dealing in furniture;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and related expressions shall be construed accordingly.

PART 2

Application

Definition of “furniture”

4.—(1) Subject to regulations 5 to 8, these Regulations apply to any furniture.

(2) Subject to paragraphs 3 and 4, in these Regulations, “furniture” means furniture of any description which is ordinarily intended for private use in a dwelling and is comprised of a cover fabric and a filling, including—

- (a) beds and divans (including the bases and headboards of both), sofa-beds;
- (b) children’s furniture, cots, playpens, high-chairs;
- (c) cushions, floor cushions, scatter back sofa cushions;
- (d) mattresses (of any size), mattress toppers and pillows;
- (e) furniture that is ordinarily intended for private use in the open air but which is also suitable for use in a dwelling;
- (f) any collection of components designed or intended to be assembled into any article of furniture defined in sub-paragraphs (a), (b) or (c) above.

(3) The following articles are excluded from the definition in paragraph (2)—

- (a) bedding (including duvets);
- (b) prams, pushchairs and any other article of a like nature and use designed to contain a baby or small child, including car seats;
- (c) carry-cots and Moses baskets and any other article of a like nature and use comprising a base, sides, ends and carrying handle or handles, within which a baby can be laid down and transported by hand;
- (d) floor coverings (including carpets and mats);
- (e) sleeping bags, including insulated bags designed for carrying babies under the age of six months;
- (f) mattress protectors that can be washed;
- (g) furniture that is ordinarily intended for private use in the open air and which is—
 - (i) not suitable for use in a dwelling; and
 - (ii) marked with the words “For outdoor use only. This article does not comply with the Furniture and Furnishings (Fire Safety) Regulations 201X” in a manner that is clear, legible and permanent.

(4) The definition in paragraph 2 includes second-hand furniture for the purposes of regulations 4(1), 5, 10, 11, 15 and 17.

Exclusion of furniture manufactured before 1950 and furniture to be used outside the United Kingdom

5. These Regulations do not apply to—

- (a) furniture manufactured before 1st January 1950;
- (b) materials for the re-upholstery of furniture in paragraph (a);
- (c) furniture and materials where the person supplying these goods knows or has reasonable cause to believe that the goods will not be used in the United Kingdom.

Exclusion until [DATE TWO YEARS AFTER COMING INTO FORCE DATE] of furniture complying with provisions in force on [DAY BEFORE COMING INTO FORCE DATE]

6. These Regulations do not apply to furniture or any other material supplied in the United Kingdom before [DATE TWO YEARS AFTER COMING INTO FORCE DATE] which complies with any provisions that it would have been required to comply with for it to be supplied on [DAY BEFORE COMING INTO FORCE DATE].

Exclusion of mattresses, bed-bases, pillows, cushions, cots and playpens from certain requirements

7.—(1) Regulations 12, 14, 15, 18 and 19 do not apply to mattresses, bed-bases, pillows, cushions, cots and playpens.

(2) Regulation 17 does not apply to—

- (a) mattresses, bed-bases, cots and playpens;
- (b) covers for mattresses, bed-bases, pillows and cushions.

Exclusion from requirement to bear a permanent label of second-hand furniture complying with the requirement to bear a permanent label in force on [DAY BEFORE COMING INTO FORCE DATE]

8. Regulation 17 does not apply in relation to second-hand furniture supplied in the United Kingdom which bears a permanent label in accordance with regulation 11 of, and Schedule 7 to, the 1988 Regulations.

PART 3

Prohibitions

Prohibition on supply of non-compliant furniture

9. A person must not supply any furniture unless the requirements of regulations 12 to 14 and 16 to 18 are satisfied.

Prohibition on supply of non-compliant covers or fabrics

10.—(1) A person must not supply any cover or fabric that does not pass the test in regulation 14(1) where that person knows or has reasonable cause to believe that the cover or fabric will be used to provide or replace a visible part of a permanent cover of any furniture to which regulation 14 applies.

(2) Paragraph (1) does not apply if the cover or fabric is made of a relevant material and the person who supplies it knows or has reasonable cause to believe that it will be used to replace or provide any part (whether visible or non-visible) of the permanent cover on furniture and that there is or will be between the furniture and such part an interliner which passes the test in Schedule 3.

(3) A person must not supply a loose cover that does not pass the test in regulation 15(1) for any furniture to which regulation 15 applies.

(4) A person must not supply a cover that does not comply with regulation 18 (identification number for covers) where that person knows or has reasonable cause to believe that the cover or fabric will be used to cover any furniture to which regulation 18 applies.

Prohibition on supply of non-compliant filling material

11.—(1) A person must not supply—

- (a) any polyurethane foam in slab or cushion form that does not pass the test specified in regulation 13(2)(a);
- (b) any latex rubber foam that does not pass the test specified in regulation 13(2)(c);
- (c) any foam in crumb form that does not pass the test specified in regulation 13(2)(d);

where that person knows or has reasonable cause to believe that the material will be used for one of the purposes specified in paragraph (2) below.

(2) The purposes referred to in paragraph (1) are:

- (a) filling a cushion or a pillow; or
- (b) upholstering or re-upholstering furniture.

(3) A person must not supply any filling material that does not pass the relevant test specified for that filling material in regulation 13(2)(e) and (f) where that person knows or has reasonable cause to believe that the material will be used, otherwise than in the course of business, for a purpose mentioned in paragraph (2).

PART 4

Product Requirements

Cigarette test for upholstery

12.—(1) Subject to paragraphs (2) to (4), furniture must not include upholstery that does not pass the cigarette test specified in Schedule 2.

(2) The non-visible part of a cover on any part of furniture is not required to pass the test in paragraph (1).

(3) The cover on any part of furniture is not required to pass the test referred to in paragraph (1) if it passes the match test in Part 1 of Schedule 5.

Ignitability test for filling material

13.—(1) Subject to paragraphs (3) and (4), where furniture includes filling material, that filling material must pass the relevant ignitability test or tests specified in paragraph (2).

(2) The relevant ignitability test or tests for filling material that—

- (a) consists solely of polyurethane foam in slab or cushion form, is the test specified in Part 1 of Schedule 4;
- (b) consists solely of polyurethane foam in crumb form, is the test specified in Part 2 of Schedule 4;
- (c) consists solely of latex rubber foam, is the test specified in Part 3 of Schedule 4;
- (d) includes foam in crumb form, is—
 - (i) in relation to the foam from which the crumb is derived, the test specified in Part 1 of Schedule 4; and
 - (ii) in relation to the foam in crumb form itself, the test specified in Part 2 of Schedule 4;
- (e) consists of a single type of material other than the materials specified in paragraphs (a), (b) or (c), is the test specified in Part 4 of Schedule 4;
- (f) consists of more than one type of material, is—
 - (i) the test specified in Part 4 of Schedule 4 for each individual material tested separately; or

- (ii) the appropriate test specified in Part 5, 6 or 7 of Schedule 4 for the materials tested as a composite,

provided that if the filling material includes any of the materials specified in paragraphs (a), (b) or (c), the test for that part of the filling material is the test specified in paragraph (a), (b) or (c), as the case may be.

(3) A cushion may include filling material that has not passed the ignitability test specified in Part 4 or 5 (or both those parts) of Schedule 4 if the cushion has a primary cover and, with that cover, passes the ignitability test specified in Part 6 of Schedule 4.

(4) A pillow may include filling material which does not pass the ignitability test specified in 4 or 5 (or both those parts) of Schedule 4 if the pillow, when test with its primary cover, passes the ignitability test specified in Part 7 of Schedule 4.

Match test for permanent covers

14.—(1) Subject to paragraph (2), where furniture has a permanent cover on it (whether or not the cover is over the filling material)—

- (a) any visible part of that cover must pass the match test in Part 1 of Schedule 5; and
- (b) any non-visible part of the cover must pass the match test in Part 2 of Schedule 5.

(2) A part of a cover is not required to pass the test in paragraph (1) if—

- (a) there is an interliner between that part of the cover and the filling material;
- (b) the interliner passes the test in Schedule 3; and
- (c) the part of the cover is made of a relevant material.

Match test for loose covers

15. Loose covers for any furniture must pass the match test in Part 1 of Schedule 5.

Match test for components close to the cover

16.—(1) Subject to paragraph (2), where furniture includes a component close to the cover, that component must pass the test in Part 3 of Schedule 5.

(2) A part of a component close to the cover is not required to pass the test in paragraph (1) if—

- (a) that part of the component is directly under a protective cover; or
- (b) that part of the component is directly under an interliner that passes the test in Schedule 3.

(3) For the purposes of paragraph (2), a protective cover is a cover that has been tested, in accordance with the test in Part 1 of Schedule 5, five times and—

- (i) it has passed the test at least four times; and
- (ii) in no more than one of the five tests has a visible hole of more than 2mm in diameter formed in the cover.

PART 5

Labelling Requirements

Permanent labels

17.—(1) Furniture and loose covers must bear a permanent label in accordance with Schedule 6.

(2) The nature of the label and its attachment to the furniture or cover must be such as to ensure, so far as reasonably possible, that, for the expected lifetime of the furniture or cover—

- (a) the label remains permanently attached to the furniture or cover; and

- (b) the information on the label is clear and legible.

Identification number for covers

18.—(1) A cover must bear a batch, type or serial number allowing the fabric or fabrics from which the cover was made to be identified.

(2) The identification number must be added to the cover so as to ensure, so far as reasonably possible, that the number remains legible for the expected lifetime of the cover.

PART 6

Record-keeping Requirements

Manufacturers and importers to keep technical documentation

19. A manufacturer or importer must keep the following technical documentation for a period of 10 years beginning with the day on which the furniture is supplied—

- (a) the name and registered trade name or registered trade mark of the manufacturer or, as appropriate, the importer;
- (b) a single postal address at which the manufacturer or, as appropriate, importer can be contacted;
- (c) the date on which the article was manufactured or, as appropriate, imported (in its finished form) into the United Kingdom;
- (d) the type, batch, serial or model number, or other element enabling the article to be identified;
- (e) a description of all the—
 - (i) filling materials;
 - (ii) covering materials;
 - (iii) components close to the cover; and
 - (iv) any other components not listed under sub-paragraph (iii), included in the article;
- (f) a description of the flame retardants included in the article, where applicable;
- (g) evidence, including the details and results of any test carried out on the article or any of its components, to demonstrate that the product is compliant with the Regulations.

PART 3

Miscellaneous

Commencement of proceedings

20.—(1) This regulation applies in respect of an offence committed under section 12 of the Consumer Protection Act 1987 in relation to a contravention of these Regulations.

(2) A magistrates' court in England and Wales may try an information if it is laid within twelve months from the time when the offence was committed.

(3) A magistrates' court in Northern Ireland may try a complaint if it is made within twelve months from the time when the offence was committed.

(4) Summary proceedings for an offence may be brought in Scotland at any time within twelve months from the time when the offence was committed.

Review

- 21.**—(1) Before the end of the review period, the Secretary of State must—
- (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) “Review period” means the period of five years beginning with the day on which these Regulations come into force.

Transitional provisions

22. For the purposes of these Regulations, a certificate, label or approval decision issued under the 1988 Regulations is to be treated as a certificate, label or approval decision issued under these Regulations.

Savings

- 23.**—(1) The 1988 Regulations continue to apply, as if they had not been revoked, to—
- (a) furniture supplied before [COMING INTO FORCE DATE]; and
 - (b) furniture supplied on or after [COMING INTO FORCE DATE] and before [DATE TWO YEARS AFTER COMING INTO FORCE DATE] that does not comply with these Regulations.
- (2) Regulation 11 of the 1988 Regulations continues to apply, as if it had not been revoked, to second-hand furniture that does not comply with regulation 17.

	<i>Name</i>
	Title
Date	Department for Business, Innovation and Skills

SCHEDULES

SCHEDULE 1

Regulation 2

Revocations

<i>(1)</i>	<i>(2)</i>
Regulations revoked	References
The Furniture and Furnishings (Fire) (Safety) Regulations 1988	S.I. 1988/1324
The Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989	S.I. 1989/2358
The Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993	S.I. 1993/207
The Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 2010	S.I. 2010/2205

SCHEDULE 2

Regulation 12

The cigarette test

1. The smouldering cigarette test specified in BS 5852: Part 1 must be conducted subject to the following modifications.

- (a) Appendix A of BS 5852: Part 1 must be disregarded.
- (b) All braids and trimmings must be removed from the material upon which the test is to be conducted.

2. Any covering fabric or fire-barrier material which has been treated with a fire-retardant chemical to reduce the ignitability of the upholstery must, before it is conditioned in accordance with clause 7.1 of B.S. 5852: Part 1, be subjected to the water-soaking procedure set out in clauses 4.2 to 4.5 of B.S. 5651, save that for the second subclause of clause 4.5 there is substituted the following: "After 30 minutes, remove the specimen, rinse in water (4.2.1) using a liquor ratio of 1:20 for 2 minutes, and then dry the specimen by any method suitable for the fabric type."

3. Where a test is to be conducted in respect of furniture which has no upholstered back and no upholstered arms, the materials on the test rig must be arranged as if the furniture had an upholstered back the upholstery of which consisted of the same materials as the upholstery of the seat; and where a test is to be conducted in respect of furniture which has an upholstered back or upholstered arms but no upholstered seat, the materials on the test rig must be arranged as if the furniture had an upholstered seat the upholstery of which consisted of the same materials as the upholstery of the back or arms.

4. Where the upholstery to be tested is such that the materials in one part of the furniture are not the same as those in another part, separate tests must be conducted in respect of each part as if each part were the seat of furniture which had no upholstered back and no upholstered arms, save that no test must be conducted in respect of a part the upholstery of which consists of the same materials as the upholstery of a part in respect of which a test has already been conducted; and in this paragraph, "part" means the back, the seat or the arms.

5. Where seams are exposed as part of the design of the covering material, at least one seam in respect of each test to be conducted must be so aligned on the test rig that it crosses the junction of the back and the seat at approximately right angles thereto and not less than 50 mm from the nearest side edge, and the test (or, in the case of a test which is repeated, the first test) must be conducted with the cigarette placed across the seam at that junction.

SCHEDULE 3

Regulations 10, 14 and 16

The ignition resistance test for interliners

1. An interliner which is a fabric that has been treated with a fire-retardant chemical to reduce the ignitability of the upholstery must, before it is conditioned in accordance with clause 7.1 of B.S. 5852: Part 1, be subjected to the water-soaking procedure set out in clauses 4.2 to 4.5 of B.S. 5651, save that for the second subclause of clause 4.5 there is substituted the following: "After 30 minutes, remove the specimen, rinse in water (4.2.1) using a liquor ratio of 1:20 for 2 minutes, and then line dry the specimen by any method suitable for the fabric type."

2. The interliner, water-soaked or not as the case may be, must be tested using cover fabric corresponding to the specification set out in paragraph 3 and foam filling corresponding to the specification set out in paragraph 4. The test must be conducted using ignition source 5 of BS 5852: Part 2.

- 3.** The fabric must meet the following conditions.
- (a) The fabric must be made of 100 per cent flame retardant polyester fibre.
 - (b) The construction of the fabric must be woven to a plain weave.
 - (c) The yarn in the warp must be spun to a linear density of 37 tex plus or minus 10 per cent.
 - (d) The yarn in the weft must be spun to a linear density of 100 tex plus or minus 10 per cent.
 - (e) The fabric must be scoured and heat set.
 - (f) The fabric must be woven so as to have a finished fabric construction of—
 - (i) 20.5 plus or minus 1 yarn threads per centimetre in the warp; and
 - (ii) 12.5 plus or minus 1 yarn threads per centimetre in the weft.
 - (g) The fabric must have a mass of 220 g per square metre plus or minus 5 per cent.
- 4.** The filling material for the test shall be non fire-retardant polyurethane foam corresponding to the specification set out in BS 3379 Type B Hardness grade 130 and of a density of 20–22 kg per square metre.
- 5.** The criteria of failure shall be those specified in clause 4 of BS 5852: Part 2.

SCHEDULE 4

Regulation 13

Ignitability tests

PART 1

Ignitability test for polyurethane foam in slab or cushion form

- 1.** The foam must be tested in accordance with the method set out in BS 5852: Part 2 using cover fabric corresponding to the specification set out in paragraph 2.
- 2.** The fabric must meet the following conditions.
- (a) The fabric must be made of 100 per cent flame retardant polyester fibre.
 - (b) The construction of the fabric must be woven to a plain weave.
 - (c) The yarn in the warp must be spun to a linear density of 37 tex plus or minus 10 per cent.
 - (d) The yarn in the weft must be spun to a linear density of 100 tex plus or minus 10 per cent.
 - (e) The fabric must be scoured and heat set.
 - (f) The fabric must be woven so as to have a finished fabric construction of—
 - (i) 20.5 plus or minus 1 yarn threads per centimetre in the warp; and
 - (ii) 12.5 plus or minus 1 yarn threads per centimetre in the weft.
 - (g) The fabric must have a mass of 220 g per square metre plus or minus 5 per cent.
- 3.** The test rig as specified in clause 6.1.1 of BS 5852: Part 2 must have expanded steel platforms of not less than 28 x 6 mm mesh size. The test rig is placed on a metal tray of sufficient dimensions to collect any debris falling from specimens being tested. The rig and debris tray must be mounted on a weighing balance with a remote readout having a full-scale deflection of at least 0 to 20 kg to an accuracy of 2 g.
- 4.** The foam under test, cut to the specified dimensions is placed on the test rig, covered with the fabric specified in paragraph 2 above and tensioned with clips as set out in BS 5852: Part 2. An ignition source 5 crib is placed in position. The mass of the complete assembly is determined (“initial mass”). The test must be carried out in accordance with BS 5852: Part 2. In particular, flaming or smouldering failure must be determined against the criteria of clause 4 of BS 5852: Part 2. After flaming and smouldering has ceased, any debris which has

become detached from the specimen must be removed. The remaining mass of the assembly (“final mass”) is then recorded.

5. If failure against the criteria of clause 4 of BS 5852: Part 2 has occurred but only by way of damage exceeding the limits defined in clauses 4.1(e), 4.1(f) and 4.2(f) and provided that the resultant mass loss (initial mass less final mass) is less than 60 g the foam passes the ignitability test.

PART 2

Ignitability test for polyurethane foam in crumb form

6. The foam shall be tested in accordance with the method set out in BS 5852: Part 2 using cover fabric corresponding to the specification set out in paragraph 2.

7. The test rig panels are lined with the fabric specified in paragraph 2 above. Sufficient crumb foam must be placed upon the seat and back panels so that when the cover fabric piece is placed over them, both are stuffed to the density used in the furniture as intended. The test is then carried out in accordance with BS 5852; Part 2 using ignition source 2 as specified therein.

8. If smouldering or flaming failure against the criteria of clause 4 of BS 5852: Part 2 has not occurred or has occurred only by way of damage exceeding the limits defined in clauses 4.1(e), 4.1(f) and 4.2(f), the crumb foam passes the ignitability test.

PART 3

Ignitability test for latex rubber foam

9. The foam must be tested in accordance with the method set out in BS 5852: Part 2 using cover fabric corresponding to the specification set out in paragraph 2.

10. The foam under test cut to the specified dimensions is placed on the test rig, covered with the fabric specified in paragraph 2 above and tensioned with clips as set out in BS 5852: Part 2. The test is then carried out using ignition source 2 as specified therein.

11. If smouldering or flaming failure against the criteria of clause 4 of BS 5852: Part 2 does not occur, the latex rubber foam passes the ignitability test.

PART 4

Ignitability test for non-foam filling materials singly

12. The filling material must be tested in accordance with the method set out in BS 5852: Part 2 using cover fabric to the specification in paragraph 2 in Part 1 to these Regulations.

13. The specimen comprising the filling material to be tested and the specified cover fabric must be tested with ignition source 2 as specified in BS 5852: Part 2. Where the filling material is loose it must be packed as indicated in paragraph 7.

14. If smouldering or flaming failure against the criteria of clause 4 of BS 5852: Part 2 has not occurred or has occurred only by way of damage exceeding the limits defined in clause 4.1(e), 4.1(f) and 4(2)(f) the non-foam filling passes the ignitability test.

PART 5

Ignitability test for composite fillings for furniture other than mattresses, bed-bases, cushions and pillows

15. The composite fillings, covered with the primary cover are built up on the test rig as described in BS 5852: Part 2. The covering fabric must be that specified in paragraph 2.

16. The test procedure with the use of ignition source 2 specified in BS 5852: Part 2 and the criteria of failure must be as specified in BS 5852: Part 2.

PART 6

Composite ignitability test for pillows and cushions with primary covers

17. For pillows the test specimen must comprise the filling and the primary cover of the pillow. Where the filling is of a loose nature the specimen must be prepared as set out for loose fillings in paragraph 7. The test procedure using ignition source 2 must be as specified in BS 5852: Part 2. If smouldering or flaming failure against the criteria of clause 4 of BS 5852: Part 2 has not occurred or has occurred only by way of damage exceeding the limits defined in clause 4(1)(e), 4(1)(f) and 4(2)(f), the composite pillow filling passes the ignitability test.

18. For cushions with primary covers the test specimen must be made up of filling, the primary cover and standard fabric as specified in paragraph 2. Where the filling is loose, it must be packed as set out in paragraph 7. The test procedure using ignition source 2 shall be as specified in BS 5852: Part 2. If smouldering or flaming failure against the criteria of clause 4 of BS 5852: Part 2 has not occurred or has occurred only by way of damage exceeding the limits defined in clause 4(1)(e), 4(1)(f) and 4(2)(f) the composite cushion filling passes the ignitability test.

PART 7

Ignitability test for composite fillings of mattresses and bed-bases

19. The test specimen must be prepared as set out in BS 6807. It may be constructed from the filling materials to be used or by removing existing ticking from a mattress or upholstered divan or bed-base.

20. The specified test fabric as in paragraph 2 must be used as the cover fabric. It must be fitted so as to reproduce the tension in the original article where this is being tested.

21. The test must be carried out according to Section Four of BS 6807 using ignition source 2 as specified in BS 5852: Part 2. Smouldering or flaming failure must be as defined in BS 5852: Part 2.

SCHEDULE 5

Regulations 12, 14, 15 and 16

Match tests

PART 1

The match test for visible parts of covers

1. All braids and other trimmings must be removed from material upon which a test is to be conducted.

2. Any covering fabric which has been treated with a fire-retardant chemical to reduce the ignitability of the upholstery must, before it is conditioned in accordance with clause 7.1 of B.S. 5852: Part 1, as modified by paragraph 3, be subjected to the water-soaking procedure set out in clauses 4.2 to 4.5 of B.S. 5651, save that for the second subclause of clause 4.5 there is substituted the following: “After 30 minutes, remove the specimen, rinse in water (4.2.1) using a liquor ratio of 1:20 for 2 minutes, and then line dry the specimen by any method suitable for the fabric type.”

3. Any covering fabric must be conditioned in accordance with clause 7.1 of B.S. 5852: Part 1, save that the requirement that conditioning for 72 hours at indoor ambient conditions must not apply to that covering fabric.

4. The test shall be carried out in accordance with those provisions of BS 5852: Part I, as modified by paragraph 2A, which relate to butane flame ignition source 1. The filling material for this test shall be thermally bonded polyester sheet fibre that is compliant with Part I of Schedule 2 to these Regulations and that has not been treated with a flame retardant and is of a thickness of $20\text{mm} \pm 5\text{mm}$ when measured using BS EN ISO 5084: 1996. A presser foot of 2000mm^2 shall be applied to the test filling material with an application pressure of 0.1KPa and with a weight of 200 grammes per square metre. The test filling material shall be placed over a melamine-modified foam which passes the ignitability test in Part I of Schedule 1 to these Regulations and which has a density of 24-26 kg per m^3 and a hardness of 115-150N when determined using BS 3379. The overall thickness of the test filling material must be 75mm as required by BS 5852: Part 1.

5. The criteria of failure are those specified in clause 9 of BS 5852: Part 1.

PART 2

The match test for non-visible parts of covers

6. The test must be carried out in accordance with those provisions of BS 5852: Part 1 which relate to butane flame ignition source 1. The filling material for this test must be a foam which passes the ignitability test in Part 1 of Schedule 3 and which has a density of 24-26 kg per square metre.

7. The criteria of failure are those specified in clause 9 of BS 5852: Part 1.

PART 3

The match test for components close to the cover

8. The test shall be carried out in accordance with the provisions of BS 5852: Part 1 which relate to butane flame ignition source 1 with the following modifications—

- (a) The material to be tested shall be of the same thickness as the material intended for use in the final article, save that the maximum thickness of the material to be tested shall be 75mm, which measurement shall be taken from the surface of the material that is closest to the cover.
- (b) Only the back frame as described in clause 6.1 of B.S. 5852: Part 1 needs to be filled with material to be tested. The material may be secured by any means suitable and provided that the damage from the application of the ignition source does not extend beyond the boundaries of the material under test, the material may be of a smaller volume than required by clause 8.3 of B.S. 5852: Part 1.
- (c) The ignition source shall be applied to a point on the face of the material which would normally be the closest point to the exterior of the furniture. The application point shall be 45mm above the lower edge of the material under test or, where this is not possible, it shall be as far as possible from the lower edge of the material under test.

- (d) The criteria of failure shall be any flaming which continues for more than 10 seconds after the removal of the ignition source and any smouldering which continues for more than 120 seconds.

SCHEDULE 6

Regulation 17

Permanent Labelling Requirements

1. Subject to paragraphs 2 to 4, furniture and covers must bear a label that includes, in order, the following—

- (a) the words “CARELESSNESS CAUSES FIRE”;
- (b) the name and registered trade name or registered trade mark of the manufacturer;
- (c) a single postal address at which the manufacturer can be contacted;
- (d) the name and registered trade name or registered trade mark of the importer, where applicable;
- (e) a single postal address at which the importer can be contacted, where applicable;
- (f) the type, batch, serial or model number, or other element enabling the article to be identified;
- (g) a declaration that the article complies with the requirements of these Regulations;
- (h) where applicable, a statement that the article complies with these Regulations through the use of a Schedule 3 interliner; and
- (i) an indication (by text, symbol or other means) of whether flame retardants have been used to ensure that the cover meets the requirements of the Regulations.

2. The matters set out in sub-paragraphs (f) and (h) of paragraph 1 need not appear on labels required for covers, cushions and pillows.

3. The labels specified in this Part of this Schedule may appear—

- (a) in the case of covers, anywhere on the cover;
- (b) in the case of other articles, on an external surface of the article,

but in every case, the labels must not obscure any label or mark required to appear on the article by or under any enactment.

4. In the case of furniture sold as a collection of pieces (such as three-piece suites) and in the case of covers which are so sold, the label must be attached to each individual piece.

5. The wording and numbering specified in this Part of this Schedule must—

- (a) appear in medium letters of at least 10 point in upper or lower case;
- (b) be set out in legible and durable form; and
- (c) be on a background of a sufficiently contrasting colour to enable the wording and numbering to be clearly seen.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (the “Regulations”) impose requirements in relation to new domestic furniture, including some garden furniture which may be used indoors and furniture for use in caravans, subject to exceptions from some of the Regulations for certain furniture. Some of the Regulations apply in relation to second-hand furniture. The Regulations do not apply to goods for export or to the supply of goods made before 1st January 1950 or to the supply of materials intended for re-upholstering furniture made before that date. These Regulations revoke the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (S.I. 1988/1324) and its amending instruments.

Regulation 1(3) provides that these Regulations are to cease to have effect seven years after they come into force.

Regulation 4 sets out the definition of “furniture”.

Regulations 5 to 8 set out certain exclusions in relation to furniture made before 1st January 1950 and material for the re-upholstery of such furniture; furniture and materials supplied within the two years following the coming into force of these Regulations and which comply with the provisions that it would have been required to comply with the day before the coming into force of these Regulations; mattresses, bed-bases, etc.; and the requirement to bear a permanent label for second-hand furniture.

Regulations 9 to 11 prohibit the supply of non-compliant furniture and non-compliant covers, fabrics and filling materials.

Regulations 12 to 16 set out the requirements for furniture including the requirement for: upholstery to pass the cigarette test; filling material to pass the relevant ignitability test; permanent and loose covers and components close to the cover to pass the match test.

Regulation 17 sets out the requirement for furniture and loose covers to bear a permanent label. Regulation 18 sets out the requirement for covers to bear an identification number.

Regulation 19 sets out the record-keeping requirements for manufacturers and importers.

Part 6 sets out miscellaneous provisions including transitional provisions and savings. Regulation 21 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(3) provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the Regulations in force with or without amendments or to revoke them early.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.