
 STATUTORY INSTRUMENTS

1980 No. 725

CONSUMER PROTECTION

The Upholstered Furniture (Safety) Regulations 1980

Laid before Parliament in draft

<i>Made</i>	- - - - -	23rd May 1980
<i>Coming into Operation</i>	- -	
<i>All except Regulation 5(1)</i>		1st October 1980
<i>Regulation 5(1)</i>	- - -	31st December 1982

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

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

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

1.—(1) These Regulations may be cited as the Upholstered Furniture (Safety) Regulations 1980.

(2) These Regulations, except Regulation 5(1), shall come into operation on 1st October 1980.

(3) Regulation 5(1) shall come into operation on 31st December 1982.

2.—(1) In these Regulations—

“arms” (in relation to furniture) means any part of furniture which is designed or intended for a person sitting upon the seat of that furniture to rest his arms on;

“back” (in relation to furniture) means any part of furniture which is designed or intended for a person sitting upon the seat of that furniture to rest his back against;

“B.S. 5852” means British Standard 5852: Part I: 1979 published by the British Standards Institution, which came into effect on 30th November 1979;

“the butane flame test” and “the smouldering cigarette test” shall be construed in accordance with paragraph (2)(b) below;

(a) 1978 c. 38.

“own-brand dealer” means, in relation to a particular piece of furniture, the person who lawfully applies a trade mark to that furniture;

“seat” (in relation to furniture) means any part of furniture which is designed or intended to be sat upon;

“upholstered furniture” means furniture to which these Regulations apply by virtue of Regulation 3(1) below;

“upholstery” does not include any braid or other trimming and, for the purposes of Regulations 4 and 5 below, does not include any material the presence of which is neither necessary nor sufficient to cause the furniture of which it is part to be upholstered furniture and which is not in immediate juxtaposition to material the presence of which is either necessary or sufficient for that purpose.

(2) For the purposes of these Regulations—

- (a) a detachable cushion which forms an integral part of furniture shall be treated as part of that furniture; and
- (b) upholstery is such that it will satisfy the smouldering cigarette test or (as the case may be) the butane flame test if the materials of which it is made are of such types and are so arranged that if those materials, or materials which in all significant respects are identical to those materials, were substantially similarly arranged upon a test rig and subjected to the appropriate test in accordance with B.S. 5852, as modified in accordance with the provisions of Schedule 1 to these Regulations, a failed result would not be recorded; and for the purposes of this subparagraph, materials shall be deemed to be substantially similarly arranged upon a test rig if the only substantial differences between the arrangement of the upholstery upon the furniture in question and the arrangement of the materials upon the test rig are differences required by B.S. 5852 as modified as aforesaid.

3.—(1) These Regulations apply to any furniture designed or suitable for domestic use which has an upholstered seat, an upholstered back or upholstered arms (including furniture which is intended to be assembled only after it has been supplied), other than—

- (a) furniture designed or intended for use wholly or mainly as a bed,
- (b) music stools,
- (c) furniture of which the seat is not upholstered and is not in immediate juxtaposition to any upholstered part of either the back or the arms,
- (d) furniture with no back and no arms and with a seat the surface of which has an area of not more than 2,600 square centimetres and either is square or circular or, if it is rectangular, has no side more than 60 cm in length or, if it is triangular, has no side more than 78 cm in length or, if it is of any other shape, has no dimension in any direction more than 60 cm in length,
- (e) furniture designed or intended for use wholly or mainly out-of-doors,
- (f) furniture that is so designed and constructed that it would normally be considered suitable for use only by young children, and
- (g) furniture which has previously been supplied (whether before or after these Regulations have come into operation and whether in the United Kingdom or elsewhere) to any person who acquired it otherwise than for the purposes of a business of dealing in furniture.

(2) Regulations 4 and 5 below do not apply—

(a) in any case in which the furniture is supplied by retail or is intended to be supplied (in the course of the supply in question or of a subsequent supply) by retail and in which the upholstery of the furniture includes or is intended to include covering material which has been or is intended to be specified by the person to whom the furniture is or is intended to be supplied by retail and which—

(i) has been or is intended to be supplied by retail to that person (whether by the supplier of the furniture or by any other person) before becoming part of the said upholstery, or

(ii) at the time of specification was or is otherwise in the ownership and possession of that person, or

(iii) is not in all significant respects identical to material which is habitually included as covering material in the upholstery of upholstered furniture supplied by the supplier of the furniture, and in this subparagraph references to the person to whom the furniture is or is intended to be supplied by retail include references to any person acting on his behalf; or

(b) in any case in which the person supplying the furniture, offering or agreeing to supply the furniture or exposing or possessing the furniture for supply reasonably believes that it will not be used in the United Kingdom.

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

(a) which either had not been supplied in the United Kingdom before 1st October 1980 or had been so supplied only to an own-brand dealer, and

(b) the upholstery of which is not such that it will satisfy the smouldering cigarette test and the butane flame test.

(2) Upholstered furniture to which this Regulation applies shall bear two labels, one of which (the “display label”) shall comply with the provisions of paragraph (3) below and the other of which (the “permanent label”) shall comply with the provisions of paragraph (4) below:

Provided that where such furniture is supplied as part of a set or suite together with the other parts thereof, or an offer or agreement is made for the supply of such furniture as part of a set or suite together with the other parts thereof, or such furniture is exposed or possessed for supply as part of a set or suite together with the other parts thereof and the person exposing or possessing it for supply intends that it should not be supplied separately, the requirement imposed by this paragraph that the furniture shall bear a display label which complies with the provisions of paragraph (3) below shall be deemed to be satisfied if one of the other parts of the set or suite, also being upholstered furniture to which this Regulation applies, does so.

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

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

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

- (b) bear on one face, on a red background, the word "CAUTION" in white roman or sanserif upright letters of 20 point in upper case and a triangle containing within it, on a white background, the appropriate symbol or symbols prescribed in paragraph (5), (6) or (7) below coloured black (save that the flame of the burning match prescribed in paragraph (5) shall be coloured red), all set out substantially as indicated in Part I, II or III of Schedule 2 to these Regulations;
 - (c) bear on the other face the word "CAUTION" in white roman or sanserif upright letters of 20 point in upper case on a red background and the appropriate additional words prescribed in paragraph (5), (6) or (7) below in red roman or sanserif upright letters of 14 point in upper and lower case on a white background, all set out substantially as indicated in Part IV, V or VI of Schedule 2 to these Regulations and so arranged that the word "CAUTION" is parallel to the same side as that to which the word "CAUTION" is on the other face;
 - (d) bear nothing on the face referred to in subparagraph (b) above which is not specified in that subparagraph, and nothing on the face referred to in subparagraph (c) above which is not specified in that subparagraph; and
 - (e) be attached to the furniture in such a way that at all times when the furniture is exposed for supply by retail either both faces are visible and legible or, if only one of them is visible and legible, the other may readily be made so by reversing the label by hand.
- (4) Every permanent label required by the provisions of paragraph (2) above shall—
- (a) be rectangular, with each of one pair of sides not less than 75mm long and each of the other pair of sides not less than 50mm long;
 - (b) bear the word "CAUTION" in white roman or sanserif upright letters of 20 point in upper case on a red background, and the appropriate additional words prescribed in paragraph (5), (6) or (7) below in red roman or sanserif upright letters of 14 point in upper and lower case on a white background, all set out substantially as indicated in Part VII, VIII or IX of Schedule 2 to these Regulations and so arranged that the word "CAUTION" is parallel to one pair of sides (if the label is square) or to the shorter pair of sides (in any other case);
 - (c) bear nothing which is not specified in subparagraph (b) above; and
 - (d) be durable, attached to the furniture in such a way that it cannot easily be removed and either—
 - (i) attached to the furniture in such a position that it would become visible either if the furniture were tilted at right angles to its normal position or if a detachable cushion of the type referred to in Regulation 2(2)(a) above were removed, or
 - (ii) attached to such a cushion.
- (5) Where the upholstery of upholstered furniture to which this Regulation applies is such that it will satisfy neither the smouldering cigarette test nor the butane flame test, the appropriate symbols required by paragraph (3)(b) above shall be a representation of a smouldering cigarette and a representation of a burning match, and the additional words required by paragraphs (3)(c) and (4)(b) above shall be, "Careless use of cigarettes and matches could set fire to this furniture".

(6) Where the upholstery of upholstered furniture to which this Regulation applies is such that it will satisfy the smouldering cigarette test but not the butane flame test, the appropriate symbol required by paragraph (3)(b) above shall be an exclamation mark, and the additional words required by paragraphs (3)(c) and (4)(b) above shall be, "Careless use of matches could set fire to this furniture".

(7) Where the upholstery of upholstered furniture to which this Regulation applies is such that it will satisfy the butane flame test but not the smouldering cigarette test, the appropriate symbol required by paragraph (3)(b) above shall be a representation of a smouldering cigarette, and the additional words required by paragraphs (3)(c) and (4)(b) above shall be, "Careless use of cigarettes could set fire to this furniture".

5.—(1) Subject to Regulation 3(2) above, no person shall supply, offer to supply, agree to supply, expose for supply or possess for supply upholstered furniture which has not previously been supplied in the United Kingdom or has previously been supplied in the United Kingdom only to an own-brand dealer and (in either case) the upholstery of which is not such that it will satisfy the smouldering cigarette test.

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

6. Any test of goods seized or purchased by or on behalf of an enforcement authority in pursuance of Schedule 2 to the Consumer Safety Act 1978 (which relates to the enforcement of regulations) shall in all cases be carried out, in the manner specified in B.S. 5852 as modified in accordance with the provisions of Schedule 1 to these Regulations, by the authority or, at the expense of the authority, by such a person as may be determined by the Secretary of State.

Sally Oppenheim,
Minister of State,
Department of Trade.

23rd May 1980.

Regulations 2(2)(b) and 6

SCHEDULE 1

MODIFICATIONS TO B.S. 5852

1. Appendix A of B.S. 5852 shall be disregarded.
2. All braids and other trimmings shall be removed from material upon which a test is to be conducted.
3. Any covering fabric or fire-barrier material which has been treated with a fire-retardent chemical to reduce the ignitability of the upholstery shall, before it is conditioned in accordance with paragraph 7.1 of B.S. 5852, be subjected to the water-soaking procedure set out in paragraphs 4.2 to 4.5 of British Standard 5651: 1978 published by the British Standards Institution on 29th December 1978, save that for the second subparagraph of paragraph 4.5 there shall be 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.”
4. 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 shall 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 shall 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.
5. 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 shall 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 shall 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.
6. 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 shall 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 50mm from the nearest side edge, and the test (or, in the case of a test which is repeated, the first test) shall be conducted with the cigarette or (as the case may be) the butane flame placed across the seam at that junction.

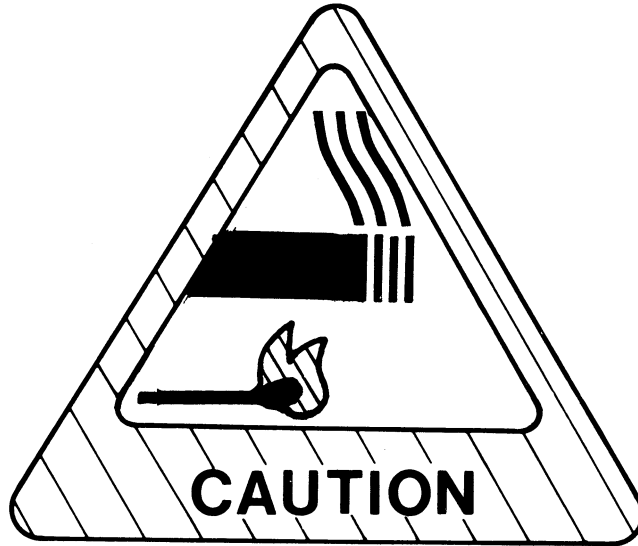
Regulation 4(3)(b) and (c) and (4)(b)

SCHEDULE 2

LABELS

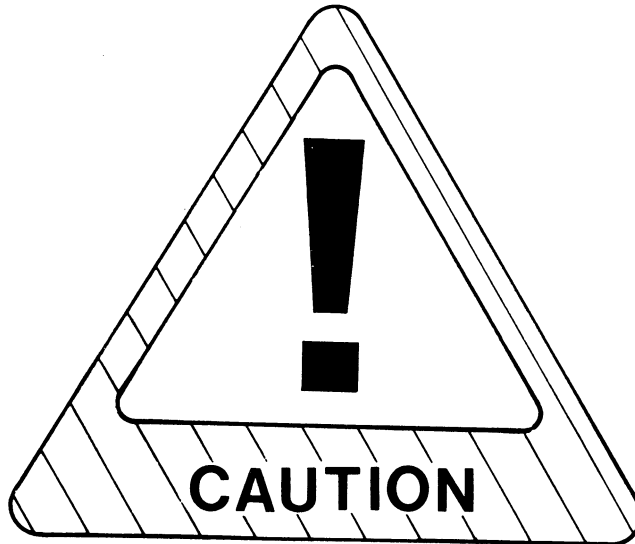
PART I

DISPLAY LABEL—BOTH TESTS FAILED

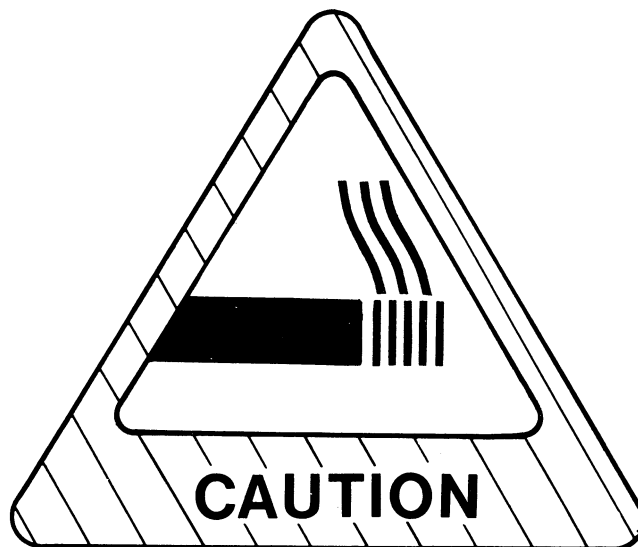


PART II

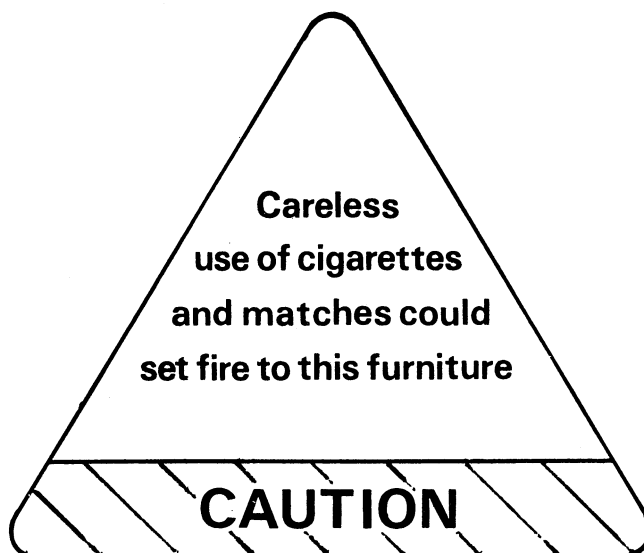
DISPLAY LABEL—BUTANE FLAME TEST FAILED



PART III
DISPLAY LABEL—SMOULDERING CIGARETTE TEST FAILED

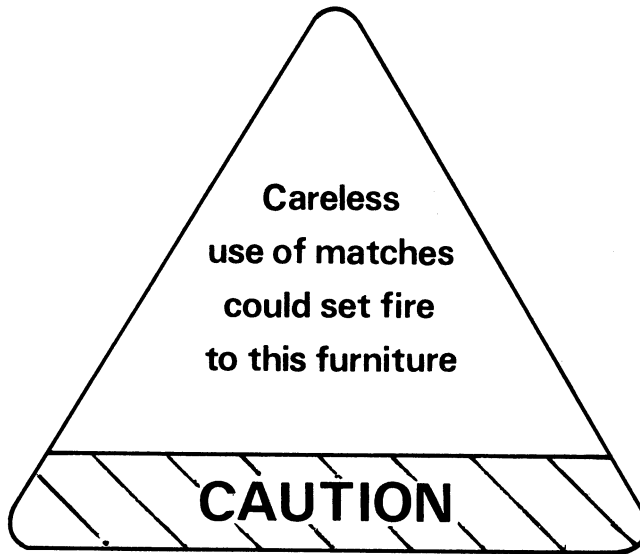


PART IV
DISPLAY LABEL—BOTH TESTS FAILED



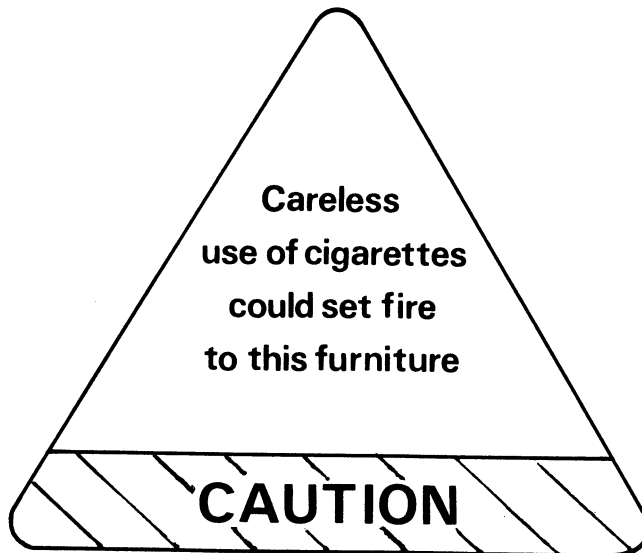
PART V

DISPLAY LABEL—BUTANE FLAME TEST FAILED

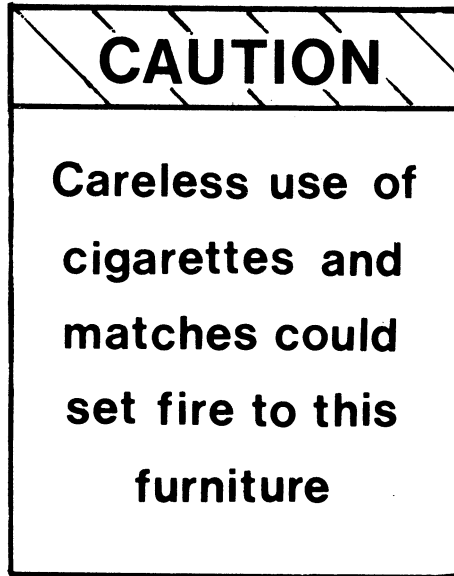


PART VI

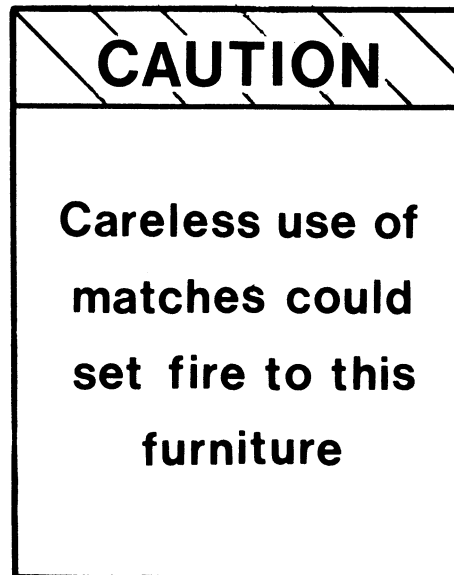
DISPLAY LABEL—SMOLDERING CIGARETTE TEST FAILED



PART VII
PERMANENT LABEL—BOTH TESTS FAILED

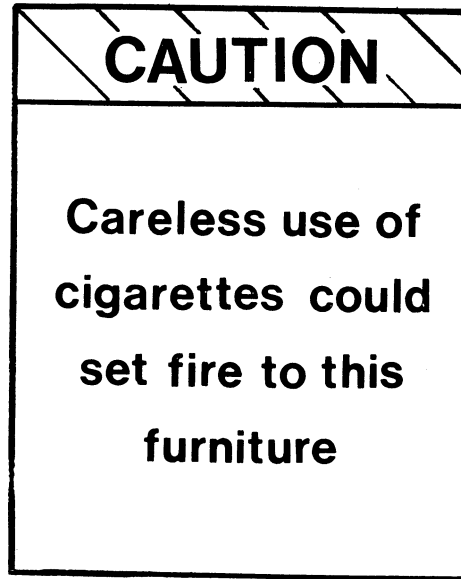


PART VIII
PERMANENT LABEL—BUTANE FLAME TEST FAILED



PART IX

PERMANENT LABEL—SMOLDERING CIGARETTE TEST FAILED



EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to certain types of upholstered seating furniture, and prescribe tests to verify the resistance of the upholstery to ignition by smouldering cigarettes and by lighted matches (simulated in the tests by a butane flame).

Furniture first supplied in the United Kingdom on or after 1st October 1980, and furniture supplied before that date but only to an own-brand dealer, must bear warning labels from that date if it does not satisfy those tests. The Regulations prohibit persons from supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply any furniture not bearing a label required by the Regulations.

From 31st December 1982, the Regulations will prohibit manufacturers and importers and own-brand dealers from supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply furniture which does not satisfy the smouldering cigarette test.

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