



Fire safety of furniture and furnishings in the home

A Guide to the UK Regulations



Photo courtesy of Wesley-Barrell



Photo courtesy of Nova Garden Furniture

This Guide was compiled by the Furniture Industry Research Association (FIRA) in collaboration with the Executive of the British Furniture Confederation (BCFA, NBF and BFM). Thanks are also extended to all other organisations and individuals who contributed to the Guide.

Front cover photographs courtesy of Wesley-Barrell, Romo, Relyon and The Swift Group.

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All efforts have been made to ensure this document is correct at the time of going to press. The opinions and advice expressed are given in good faith. However, the authors cannot be held responsible for any action resulting from the contents of this Guide as the ultimate interpretation of the Regulations rests with the Courts. Where serious doubt occurs professional legal opinion should be sought.

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Foreword

I am pleased to provide the foreword for this comprehensive Guide to UK flammability regulations. It is a mark of the considerable and progressive work of the British Furniture Confederation (BFC), and represents the active nature of the British furniture industry as a whole.



The Guide has been prepared in consultation with the All Party Parliamentary Furniture Group (APPPFG) and is intended to build upon the previous DTI publication, A Guide to the Furniture and Furnishings (Fire) (Safety) Regulations, and more recent UK and European developments.

The previous guide on the flammability of furniture and related materials has historically been seen as a vital document for anyone involved in the supply or sale of furniture. However, times move on and an update is necessary to reflect the changes and precedents that have occurred in the intervening period.

The UK flammability regulations have been in existence for over 20 years and in 2000 it was estimated that they had saved up to 1860 lives since their introduction. However, these requirements are complex and the BFC felt that there was a need to produce an updated Guide while we await the promised revision to the Regulations. This Guide helps to clarify ambiguities, addresses misinterpretations and outlines the responsibilities of all those involved in the supply, manufacture and retailing of upholstered furniture.

We must not underestimate the importance of ensuring that modern British furniture, and furniture imported into the UK, is made to the most exacting standards. I wholeheartedly support the efforts of the BFC, and warmly welcome this guide.

Madeleine Moon MP

Chair of the All Party Parliamentary Furniture Group



Preface

Having been heavily involved with the flammability of upholstered furniture for over 25 years, including the development of UK's Furniture & Furnishings (Fire) (Safety) Regulations in 1988, and through my work at a large upholstery group, I understand how profoundly important the Regulations have been in saving lives since their introduction.



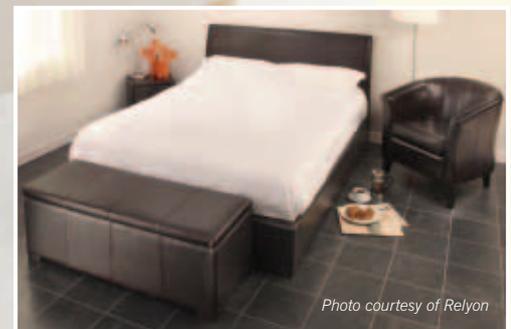
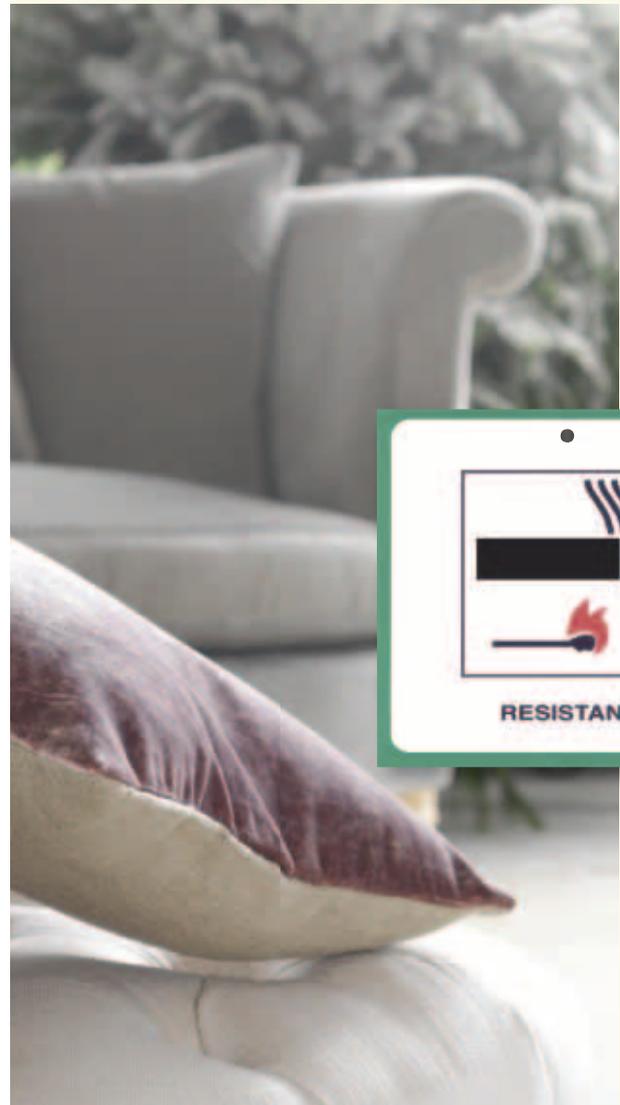
I also appreciate how difficult these Regulations are to interpret for the layman. This has been compounded over recent years with the introduction of new products and processes that were not around when the Regulations were first drafted over twenty years ago.

While some of the changes can only be addressed in a revision of the Regulations themselves, this British Furniture Confederation Guide goes a long way to simplifying the very complex issue of fire safety in furniture, and includes explanations of many of the anomalies that often cause confusion. Using the most up to date interpretations, and incorporating the decisions of the courts, guidance from Trading Standards Officers and industry best practice, this Guide is an essential reference document for anybody involved in the supply chain for upholstered domestic furniture in the UK, including material suppliers, furniture manufacturers, importers, re-upholsterers and retailers.

I whole heartedly recommend this guide to the industry.

Dr David Hawkrige

Independent flammability & upholstery expert



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Introduction

The number of UK fire-related deaths in the home showed an increasing trend from the 1960s to the late 1980s. These deaths rose from 400 per year at the start of 1960 to 700 by the end of the decade with further increases in the 1970s. A gradual decrease was observed in the 1980s however the number of domestic fire-related deaths in 1988 was still 731 per year.

As a response to these worrying statistics, the UK Government took action through the introduction of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010) alongside previously published material and campaigns regarding fire safety in the home.

Government commissioned research conducted since the introduction of the Regulations indicates that by 2000 at least 710 lives have been saved (1,860 if other factors are taken into account) and the number of injuries reduced. However, twenty years on, it is clear from the high number of enquiries received by the British Furniture Confederation (BFC) members that the industry does not have a full understanding of what needs to be done to ensure product compliance, and which tests apply to which products. In addition, there are still many products, especially imported items, which do not comply. Changes in materials usage, plus novel products, design and technologies and a growth in imports mean that vigilance is still required to ensure all those responsible understand their obligations.

The Guide has been formulated using the independent expertise of FIRA which has been testing and advising on flammability issues since before the inception of the Regulations, with valuable contributions from the Executive of the BFC and the wider industry. The opinions and advice expressed reflect this combined expertise and are given in good faith. However, the authors cannot be held responsible for any action resulting from the contents of this Guide as the ultimate interpretation of the Regulations rests with the Courts. Where serious doubt occurs professional legal opinion should be sought.

Original text from the Department for Business, Enterprise & Regulatory Reform (BERR - formerly DTI) publication "A Guide to the Furniture and Furnishings (Fire) (Safety) Regulations" has been used where appropriate. It is important to note that it is not the intention of this Guide to replace the Regulations.

The Regulations, and this Guide, do not cover the requirements for upholstered product used in a non-domestic environment (e.g. offices, schools, hotels, hospitals etc). Such uses are covered by the Regulatory Reform (Fire Safety) Order 2005.

Failure to comply with product safety requirements could lead to prosecution. Pleading ignorance is not accepted as a defence.

This Guide intends to:

- Outline the Regulations
- Reflect the current practice and changes in the industry
- Clarify and address areas of current debate, anomalies and ambiguities which often result in misinterpretation of the Regulations
- Outline the responsibilities of different organisations in the furniture supply chain such as manufacturers, importers and retailers

Definitions

For the purposes of this Guide, the following definitions are used:-

Domestic Upholstered Furniture

Furniture that has a filling material inside a cover and is destined for private use in a domestic dwelling hence falls within the scope of the Regulations.

Enforcement Officers

Trading Standards Authority Enforcement Officers.

Filling

Any material that is used in and on furniture to pad, fill or bulk out the cover.

First supplier of upholstered domestic furniture in the UK

The person that is responsible for ensuring that the Regulations are met (i.e. manufacturers, importers or retailers as discussed in Section 3.2).

FR

Fire or flame retardant

GPSR

General Product Safety Regulations 2005.

Importer

First supplier of furniture manufactured outside of the UK.

Manufacturer

Person within the UK responsible for completing the construction of the furniture. This includes instances where the manufacturer produces goods against a retailer's exclusive 'own-brand' specification.

Pillow

The item used on a bed to support a sleeper's head.

Regulations

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010).

Retailer

Supplier of products to the consumer through different outlets such as high street shops, online shopping, mail order traders and wholesalers. Supply of items is not confined to retail sales but includes supplying on loan, holding and displaying for supply, or other forms of supply, even where no charge is made (e.g. gifting).

Schedules (1, 2, 3, 4, 5, 6 and 7) of the Regulations

Provide detail regarding the testing and labelling requirements of items defined in the main body of the Regulations.

UKAS

United Kingdom Accreditation Service, the National Body in the UK authorised to accredit test laboratories to the International Standard for quality – BS EN ISO/IEC 17025: 2005.

Upholstered furniture covers

- **Visible fabric** - the exterior cover of a piece of furniture that is not hidden during normal use.
- **Non-visible fabric** - part of the exterior cover of a piece of furniture that is hidden during normal use but which can be revealed by removing a loose cushion or by turning the item over (e.g. fabric underneath a chair or sofa, a platform cloth or the reverse of a non-reversible cushion).

These fabrics are termed as 'invisible' in the Regulations.



Photo courtesy of Wesley-Barrell

Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010)

3.1 Summary of the Regulations

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010) are UK law and are designed to ensure that upholstery components and composites used for furniture supplied in the UK meet specified ignition resistance levels.

There are six main elements contained within the Regulations:

- 1 Filling materials must meet specified ignition requirements
- 2 Upholstery composites must be cigarette resistant
- 3 Covers must be match resistant (with certain exceptions as outlined in Section 8.2 and Appendix A5)
- 4 A permanent label must be fitted to every item of new furniture (with the exception of mattresses and bed-bases)
- 5 A display label must be fitted to every item of new furniture at the point of sale (with the exception of mattresses, bed-bases, pillows, scatter cushions, seat pads, loose covers sold separately from the furniture and stretch covers)
- 6 The first supplier of domestic upholstered furniture in the UK must maintain records for five years to prove compliance.

The requirements regarding testing and labelling of items are detailed in Schedules 1-7 of the Regulations. Schedules 1-5 provide detailed information regarding the testing requirements for foam and non-foam fillings, composites, interliners and covers. Schedules 6-7 provide detailed information regarding the display and permanent labelling of the final item.

3.2 Suppliers affected by the Regulations

The Regulations apply to all persons in the business supply chain from the supply of materials for use in furniture through to the supply of the finished article as well as re-upholstery and re-covering.

They affect:

- Persons who supply furniture, furnishings or re-upholstery services including:
 - Manufacturers
 - Retailers
 - Importers
- Persons who supply filling materials and fabrics to the furniture industry or direct to consumers
- Persons who supply re-upholstery and re-covering services
- Persons who supply second-hand furniture in the course of business or trade (e.g. auctioneers, charities).

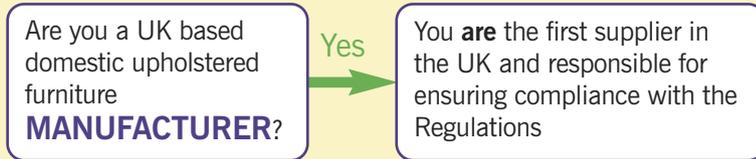
The Regulations also apply to persons who hire out furniture in the course of a business. This embraces furniture included in accommodation let in the course of business, such as holiday homes and residential furnished lettings (including houses, flats and bed-sits). As such, the Regulations apply to landlords, estate agents and letting agents who let such accommodation.

The first supplier of domestic upholstered furniture in the UK is the person responsible for ensuring that the Regulations are met. In this context, the definition of the first supplier in the UK with respect to manufacturers, importers and retailers is explained in Figure 1.

Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010)

► **Figure 1** Definition of the first supplier in the UK

Manufacturers...



You assume the roles and responsibilities of an **IMPORTER** as first supplier in the UK and are responsible for ensuring compliance with the Regulations

Retailers...



Importers...

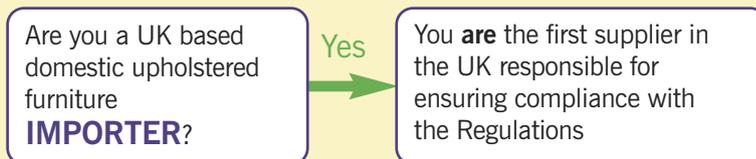


Photo courtesy of Romo

Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989, 1993 and 2010)

3.3 Legal aspects of the Regulations

The Regulations are the Statutory Instrument of the Consumer Protection Act 1987 relating to the fire safety of domestic upholstered furniture. Whether or not an item is covered by the Regulations, the suppliers of domestic furniture also still need to ensure that the items are deemed 'fit for purpose', of 'satisfactory quality' and 'safe' in accordance with the General Product Safety Regulations 2005 (GPSR). The GPSR aim to ensure that all products intended for, or likely to be used by consumers under normal or reasonably foreseeable conditions are safe.

All suppliers of domestic upholstered furniture and furnishings are responsible, with little defence, for product liability under the Consumer Protection Act 1987. Therefore suppliers of domestic upholstered furniture and furnishings need to meet the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 and the GPSR as it is **illegal** to supply goods that do not comply. This remains the case whether the furniture is manufactured in the UK or imported.

Non-compliance with the Regulations and the GPSR may result in:

- Substantial fines
- Criminal prosecution
- Civil claims
- Product recalls

It is a criminal offence to supply goods to the public which are not safe and an offence can be deemed to have been committed even if nobody has been injured. Recall of items already sold may therefore be required to avert further criminal or civil claims.

In addition to the substantial cost implications of any fines, criminal prosecution, civil claims and product recalls, the damage and effect on future sales that such action may bring to a company's reputation and product brand can be significant.

Pleading ignorance to the requirements of the Regulations and the GPSR is not accepted as a defence. If a product is shown to not meet the Regulations, the enforcement officers will look for evidence of due diligence – that is to say demonstrable evidence that all reasonable steps were taken to ensure that any risk was minimised. Appropriate testing and supporting documentation can be a crucial part of a due diligence defence. It is not an absolute defence, but if all reasonable steps to avoid committing the offence have been taken it may be looked on favourably by a court.

The Local Authorities Coordinators of Regulatory Services (LACORS) promotes the 'Primary Authority' principle. This means that advice and support should be sought from enforcement officers who are located in the same area as the supplier's registered place of business (e.g. head office).

It is the responsibility of enforcement officers to enforce the Regulations. They have the power to select products from retail outlets at random and, should the item fail to comply, to bring a prosecution. It is in the suppliers' own interests to discuss at an early stage with their primary authority any problems they may have in applying the Regulations, and under the GPSR it is a requirement for suppliers to report any safety issues to the Primary Authority.

Although overseas suppliers cannot be prosecuted by the UK courts, an understanding of the UK Regulations is essential to minimise the risk of the importer and retailer falling foul of the law. Furthermore, it is the responsibility of the first supplier of the furniture in the UK to ensure that their overseas supplier understands the requirements of the Regulations.

Product ranges covered by the Regulations

Products covered by the Regulations comprise six groups (Table 1).

► **Table 1** Range of domestic upholstered furniture and furnishings

Item group	Items within group
A	All types of upholstered seating including chairs, settees, padded stools and ottomans, children's furniture, foot stools, sofa-beds, futons and other convertibles, bean bags and floor cushions Nursery furniture and upholstered items designed to contain a baby or small child Domestic upholstered furniture that is supplied in kit form for self-assembly Second hand furniture Upholstered head-boards, footboards and side rails of beds
B	Furniture for use in the open air (garden and outdoor furniture) which is suitable for use in a dwelling (homes and caravans) Upholstery in caravans (although not vehicles or boats) Cane furniture which includes upholstery
C	Divans, bed-bases, mattresses, pillows, and mattress pads (toppers) FILLING MATERIAL ONLY*
D	Scatter cushions and seat pads FILLING MATERIAL ONLY
E	Permanent covers for furniture (textiles, coated textiles, leather etc) Loose and stretch covers for furniture Covers for non-visible parts of furniture
F	Foam and non-foam filling material for furniture

*For the products listed in Group C, the Regulations apply to filling material only. However the complete product should conform to the low hazard category of BS 7177 to comply with the requirements of the GPSR.



Photo courtesy of Relyon

All furniture and products in the above groups need to comply with the Regulations. The specific information and exceptions to each group are discussed separately in Appendix 1.

The Regulations do not apply to furniture intended for export and furniture manufactured prior to 1950.

The Regulations do not apply to sleeping bags, bed-clothes (including duvets), loose covers for mattresses (i.e. mattress protectors), pillowcases, curtains and carpets. However, it is important to note that these products are covered under GPSR.

Testing

Responsibilities of manufacturers, importers and retailers

5.1 General testing requirements

Manufacturers, importers and retailers in the UK needs to ensure that:

- Furniture is **not** supplied which contains foam fillings (block or crumb polyurethane or latex rubber) that do not meet the requirements outlined in Schedule 1 of the Regulations.
- Furniture is **not** supplied which contains non-foam fillings that do not meet the requirements outlined in Schedule 2 of the Regulations.
- Composite fillings consisting of more than one filling material comply either by each individual filling separately complying or by the total composite being tested. In either case, any foam incorporated in the composite must comply with Schedule 1 of the Regulations.



- Furniture is **not** supplied with upholstery composites that do not pass the cigarette test as outlined in Schedule 4 of the Regulations.
- Furniture is **not** supplied with permanent, loose or stretch covers which do not pass the match test as outlined in Schedule 5 of the Regulations.

The testing requirements for items are summarised in Tables 2 and 3.

Table 2 Summary of testing requirements for fillings as outlined in the Regulation Schedules

Filling type	Schedule 1			Schedule 2			
	Part 1	Part 2	Part 3	Part 1	Part 2	Part 3	Part 4
Foam:							
Polyurethane, Slab or cushion	🔥						
Polyurethane, crumb		🔥					
Latex rubber			🔥				
Non-foam:							
Single filling				🔥			
Composite fillings:							
Furniture*					🔥		
Pillows/Scatter Cushions*						🔥	
Mattresses*							🔥
Futons*							🔥

*If there is foam in these products, it should also be tested to Schedule 1, Part 1 in addition to the testing schedules marked in Table 2.

Testing

Responsibilities of manufacturers, importers and retailers

► **Table 3** Summary of testing requirements for interliners, upholstery and covers as outlined in the Regulation Schedules

Material	Schedule 3	Schedule 4		Schedule 5			Water soak
		Part 1	Part 2	Part 1	Part 2	Part 3	
Upholstery composites (Cigarette Resistance)							
Visible: FR treated							
Visible: Non-FR treated							
Non-visible: FR and non-FR treated							
Covers (Match Resistance)							
Visible/Permanent: FR treated							
Visible/Permanent: Non-FR treated							
Non-visible: FR and non-FR treated							
Loose: FR treated							
Loose: Non-FR treated							
Stretch							
Fire-Barriers/interliners							
FR treated							
Non-FR treated							

It is recommended that any testing should be conducted by a UKAS or similar accredited test laboratory. Test laboratories should be specifically accredited for the full set of bed/mattress/furniture and foam/fillings fire testing. So for example if importing mattresses and beds then the importer should ensure that the test laboratory is specifically accredited for tests for both the Regulations and BS 7177.

Furthermore, it is strongly recommended that any test reports or certificates issued by these test houses should indicate compliance, not with the British Standard specifications, but with the appropriate Schedule to the Regulations, since these Schedules are the true definition of what is required and incorporate modifications to test procedures where necessary. A test strictly in accordance with the British Standard may be no guarantee of

compliance with the Regulations and in some circumstances the Regulations may not require full conformance to the British Standard. Tests should also provide traceability to product batches.

In this context it is important to note that testing of domestic upholstered furniture which is covered by the Regulations is linked to the specific versions of the British Standards outlined in Schedules 1-5 of the 1988 Regulations (i.e. not the latest issue of the British Standard specification).

Testing

Responsibilities of manufacturers, importers and retailers

5.2 Testing frequency

Initial testing when the product is first introduced does not necessarily guarantee on-going compliance. In effect, test data applies to the item evaluated; not to the actual item supplied. Therefore, it is essential that there is an adequate, planned re-testing regime in place.

Frequency of testing is not covered by the Regulations. The appropriate frequency of testing is dependent on the volume of the product that is produced and should be based upon a risk assessment. It is the supplier's responsibility to assess the risk and decide on the frequency of testing required for a certain product.

However manufacturers, importers and retailers are advised to remember that enforcement officers expect to see a test certificate from a UKAS, or similar, accredited laboratory, which is no more than 1 year old and preferably less than 6 months old.

In addition there is a frequency of testing requirement in BS 7176 (non-domestic seating) and BS 7177 (mattresses, divans and bed bases). It is recommended that any risk assessment to determine a suitable frequency of testing programme to satisfy the Regulations should take account of this information. Hence, it is recommended that products should be tested once every 2500 units for seating, 2400 for mattresses or once per month whichever is most practicable.

In the case of mattresses, divans and bed bases, where conformance to BS 7177 low hazard is claimed, the frequency of testing requirement in the standard must be met.

Manufacturers, importers and retailers are responsible for compliance and are therefore advised to seek reassurance concerning the validity of any test certificate provided by suppliers or third parties. Manufacturers, importers and retailers are dependent on suppliers to provide compliant fillings and should ask for current copies of full test results (i.e. not abbreviated ones) on an ongoing basis. Some purchasers incorporate requirements into purchase orders, stipulating that quality and make-up of products are not to be altered without prior notice, and to seek written assurance that this has been adhered to. Therefore manufacturers, importers and retailers are advised to ask their suppliers for new certificates if there are any substantive changes to the product specification. In addition, repeat test(s) will be required if the manufacturers, importers and retailers or their suppliers make any major changes to material construction or if there is a change in suppliers.

It is advisable for manufacturers, importers and retailers to carry out regular spot checks to ensure materials continue to meet requirements. The testing frequency recommendations outlined previously should be used as a guide.

Finally, documentation regarding quality assurance and traceability should be readily available to the enforcement officers on request.

In addition to these general requirements; there are some differences between the responsibilities of manufacturers, retailers and importers in terms of product testing. These differences are discussed in Section 5.3.

5.3 Specific testing requirements

5.3.1 Manufacturers and importers

Manufacturers and importers who are the first supplier of the upholstered furniture in the UK have responsibilities under the Regulations for ensuring that no domestic upholstered furniture is supplied which contains non-compliant upholstery materials or composites. It must be ensured that all requirements of the Regulations are met.

Should a furniture component contain foam, non-foam fillings and/or cover materials, which have been imported into the UK for incorporation into UK manufactured furniture, then it is recommended that each batch be supported by documentary evidence of compliance.

Importers must ensure correlation and traceability between the foam and the furniture in which it is used. It is not advisable to rely solely on the tests conducted by overseas suppliers or manufacturers unless there is a guaranteed system of traceability and conformance in place. Importers should check the authenticity of any test certificates provided by suppliers, which should ideally be from a laboratory accredited to BS EN ISO/IEC 17025 by UKAS or a similar national accreditation body.

5.3.2 Retailers

Retailers are not expected to be responsible for testing upholstered products unless acting as the prime importer. However retailers are obliged (under both the Regulations and the GPSR) to ensure that the products that are sold are safe and comply with any fire resistance requirements. It is not acceptable to rely on verbal confirmation and product labelling supplied by other parties.

Labelling

Responsibilities of manufacturers, importers and retailers

6.1 General display labelling requirements

Display labelling is required to indicate the ignition resistance of each item of furniture and needs to be attached to all new furniture at the point of sale, with the exception of mattresses, bed-bases, pillows, scatter cushions, seat pads, loose covers (sold separately from the furniture) and stretch covers.

Furniture sold as a collection of items, such as three-piece suites or a set of dining chairs must carry the appropriate display label on each individual item.

In all cases the display label must be attached to the furniture in a prominent position so that the label will be clearly visible to a potential purchaser of the furniture and the wording on both sides can be read with reasonable ease.

Example illustrations and explanations for display labels are shown in Figure 2.



▶ **Figure 2** Example illustrations and explanations of display labels

Display labels contain valuable information regarding the steps taken to ensure compliance and should be specific to each piece of furniture.

Explanation for label	Label illustration (front and back of label)
Appropriate for new furniture which meets the filling requirements and is both cigarette and match resistant.	
Appropriate for new furniture with a limited range of cover fabrics. The cover fabric is not match resistant, but the furniture has an interliner which passes the specified test. The furniture meets the filling requirements and is cigarette resistant.	
Appropriate for new furniture which meets the filling requirements and is cigarette resistant, (i.e. baby nests). The word "product" may be substituted for the word "furniture" on the second side of this label.	

6.2 Specific requirements for display labels

6.2.1 Manufacturers, importers and retailers

The display label should be provided by the furniture manufacturer, or importer, and the retailer needs to ensure it is fitted on display models and, if for some reason it becomes detached, it is replaced by the correct label.

6.3 General permanent labelling requirements

Permanent labelling on furniture is intended to assist enforcement officers and show compliance with the specific ignition requirements for covers and fillings. The prime objective of the permanent label is for enforcement officers to examine a label on a piece of furniture and obtain relevant information which will enable them to find out and confirm that the materials used in the item do comply with the Regulations. They will also be able to complete a cross check of the claims being made on the label with the manufacturer's records.

Permanent labels need to be carried on all items of furniture with the exception of mattresses divans and bed-bases. The labelling specifications for mattresses, divans and bed-bases are covered separately by BS 7177. Permanent labels may be incorporated into other labels (e.g. care labels).

Furniture sold as a collection of items, such as three-piece suites, must carry a label on each individual item. In contrast to the requirements for display labels, loose and stretch covers for furniture must also carry a permanent label.

There are two versions of permanent labels that manufacturers and importers can choose from.

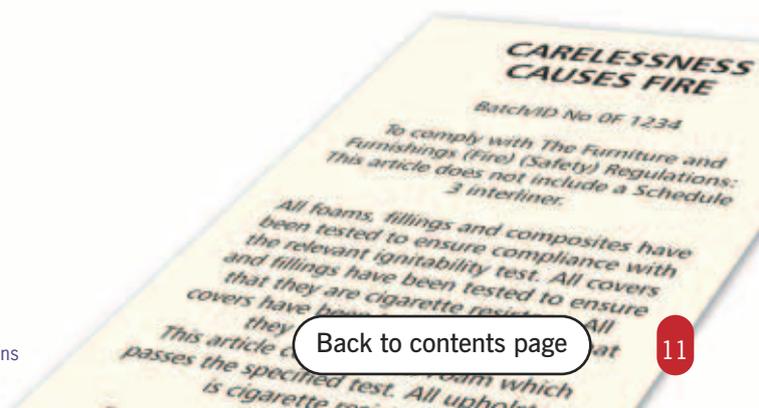
These are:

- 1) A label giving full information about the furniture
- 2) A shorter label giving only the minimum information about the furniture.

A full description of what must be included in these labels is given in Parts 2 and 3, respectively, of Schedule 7 of the Regulations. The following (Figures 3 and 4) are examples of a permanent label for an item of domestic upholstered

furniture. It is important to emphasise that these labels are **only examples** and the actual design of the permanent label is left entirely to the manufacturer or importer. However, the requirements regarding the information that appears on the labels (a-g in Figures 3 and 4), the minimum size of letters and position and durability of the label **must** be followed:

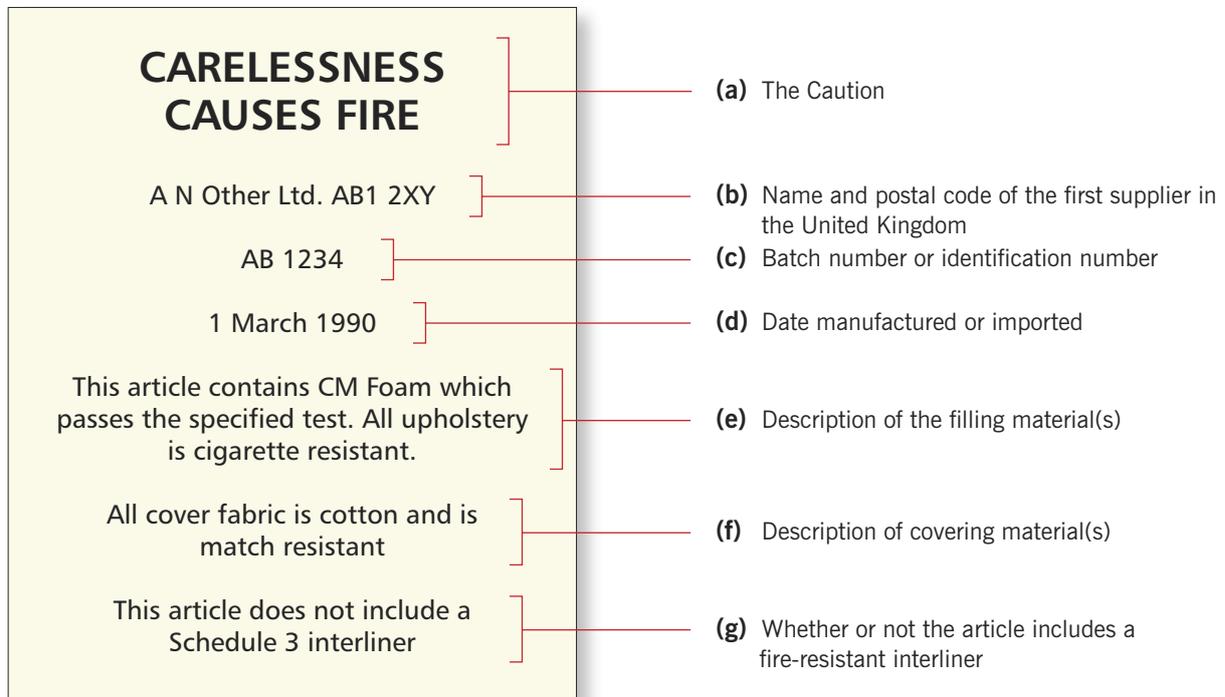
- All words and numbers on the permanent label must be in medium letters of at least 10 point (approx 2.5 millimetres high) in upper or lower case. The letters must be legible, in durable print, and appear on a label of sufficient colour contrast to enable them to be seen clearly
- The label must be durable and securely attached to the furniture (i.e. cannot be removed without causing damage to the label or the product and must be able to withstand the normal wear and tear of everyday use and misuse). The durability period for permanent labels is not defined in the Regulations. However bearing in mind that any records need to be kept for 5 years and the purpose of the permanent labelling is to link through to those records, a similar period would seem logical. The permanent label has to be securely attached to the external surface of the item. Attachment of the permanent label to the underside of the item is also permissible
- The Regulations state that a Batch/ID number should be provided on the permanent label 'if any' is applicable to the product. However it is recommended that for best practice purposes, products **should** be assigned Batch/ID numbers for traceability and, if there should be a problem, future product recalls
- Finally, as with display labels, permanent labels contain valuable information regarding the steps taken to ensure compliance and should be specific to each piece of furniture.



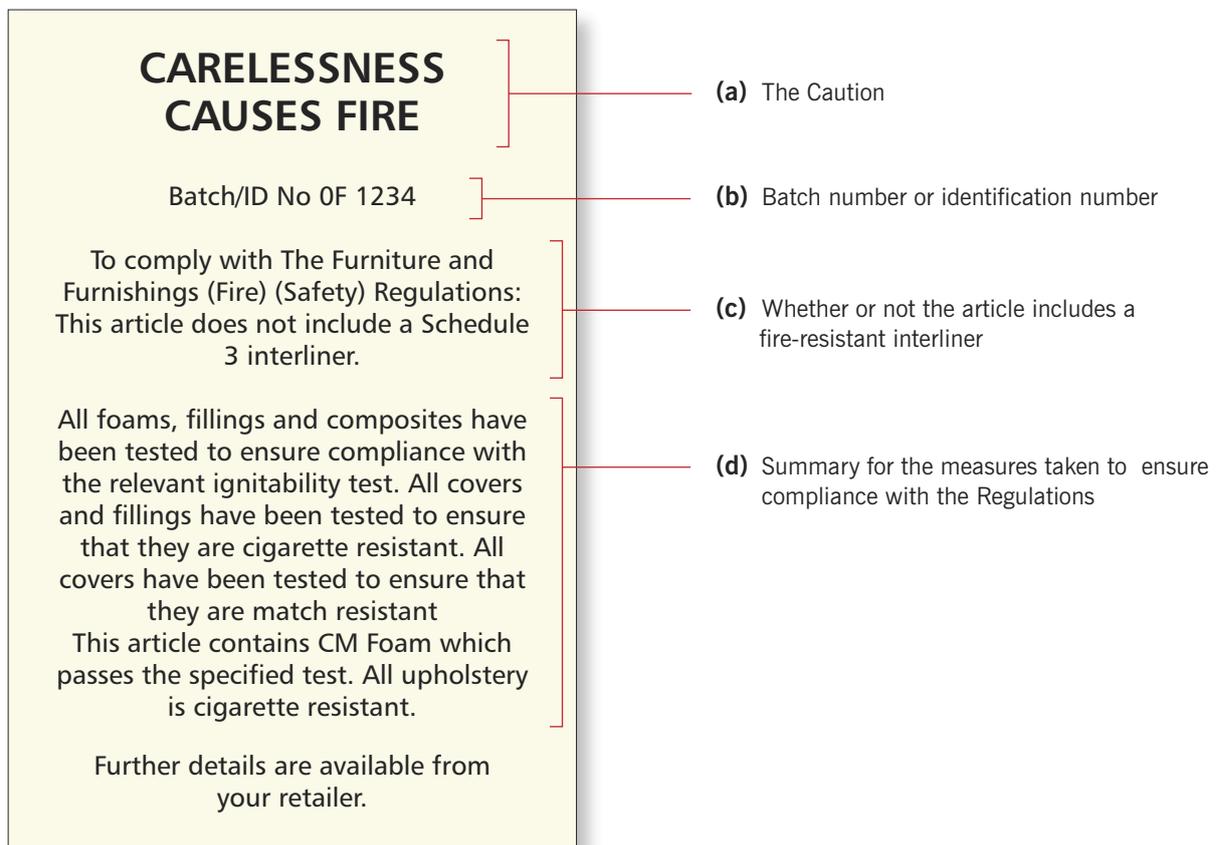
Labelling

Responsibilities of manufacturers, importers and retailers

► **Figure 3** Example of a label giving full information



► **Figure 4** Example of a shorter label



Certain articles do not require the full set of information listed in Figures 3 and 4 to be provided. Full and shorter variants of the label are as follows (Table 4):

Table 4 Full and short label information requirements for certain articles

Article	Relevant items for full label	Relevant items for shorter label
Loose covers and stretch covers for furniture	(a), (b) and (f)	(a) and (d)
Pillows, scatter cushions and seat pads	(a), (b) and (e)	(a) and (d)
Cots, carry-cots, playpens, prams, push-chairs and other similar articles designed to contain a baby or small child	(a), (b), (e) and (f)	(a) and (d)

6.4 Specific requirements for permanent labels

6.4.1 Manufacturers and importers

The responsibility of ensuring that the finished product carries the permanent label is that of the first supplier of the furniture in the UK. Where a product is manufactured outside of the UK, it is essential that the first supplier in the UK communicates with the overseas supplier to ensure that the correct permanent label is attached during the manufacturing process. Therefore, the first supplier in the UK has the responsibility of ensuring that permanent labels are securely attached to an external surface of upholstered domestic furniture containing the necessary information as detailed in Section 6.3. It should be noted that where a full label is used it should contain the name and post code of the first supplier in the UK and not the details of the overseas manufacturer. This is because non-UK companies cannot be held responsible for ensuring compliance with UK legislation and therefore the suppliers' responsibilities only apply to the first supplier in the UK.

6.4.2 Retailer

Retailers are also responsible for ensuring that permanent labels are on items supplied to the consumer. The permanent label is required to be securely attached to the furniture and be durable. A self adhesive label that either falls off, or can easily be picked off, would not satisfy the requirements of the Regulations.

Where the first supplier has used the short permanent label then the retailer needs to make sure that other information usually found on the full label is also made available to them. To avoid confusion and to ensure compliance, retailers are advised to agree on labelling responsibilities with their suppliers (Section 6.3).

6.5 Inspection of information

Enforcement officers have powers to inspect products and related documents. Where the first supplier decides to use the shorter permanent label (Figure 3), any person who supplies that furniture (or loose covers or stretch covers) must make available to an enforcement officer, on request, the additional information required about the product.

The following must be readily available for inspection:

- The name and the postal code of the address of the first supplier (i.e. manufacturer or importer)
- The date on which the article was manufactured or imported
- The description of all the filling materials included in the article
- The description of all the covering materials included in the article.

At the point of inspection, certain articles do not require all of the information listed above to be provided. These are detailed as follows. (Table 5):

Table 5 Information requirements for certain articles at the point of inspection

Article	Relevant items
Loose covers and stretch covers for furniture	(a) and (d)
Pillows, scatter cushions and seat pads	(a) and (c)
Cots, carry-cots, playpens, prams, push-chairs and other similar articles designed to contain a baby or small child	(a), (c) and (f)

Record keeping

Responsibilities of manufacturers, importers and retailers

7.1 Record keeping

All manufacturers, importers and retailers are required to keep records to ensure traceability and compliance of all items of upholstered furniture. Such information must include:

- Statements from suppliers
- The results of any relevant test that have been carried out on the furniture and its components
- The correlation of test results to specific items of furniture
- The correlation of records to labels, batch numbers or marks attached to the furniture.

Furniture designs, drawings and specification sheets will also be valuable aids in linking the test reports to individual materials and particular models and styles of furniture produced. Additionally, where an item is offered in a choice of cover, the sales documentation provides valuable cross reference between the cover used on a particular item and its test report.

Manufacturers, importers and retailers must decide what adjustments to their present record-keeping systems may be necessary to ensure that the materials used in the manufacture of particular batches of furniture are traceable. Any advice in this context is dependent on the systems that manufacturers, importers and retailers operate. However, should there be any concern, it is recommended that independent advice (see Section 11) be sought to ensure that existing and new systems are compliant with the requirements of the Regulations.

7.2 Specific requirements

7.2.1 Manufacturers and Importers

Manufacturers and importers need to retain the information discussed in Section 6 for a period of five years from the date on which the furniture is supplied to the retailer.



7.2.2 Retailers

If a piece of furniture is supplied which carries only the short permanent label (as outlined in Section 6.3), then the retailer needs to ensure that the manufacturer or importer (or any intermediary supplier) provides the details of the following:

- Name and postal code of the address of the first supplier in the UK (i.e. manufacturer or importer)
- Date on which the article was manufactured or imported
- Description of all the filling materials included in the article
- Description of all the covering materials included in the article.

This information could be included, for example, on the supplier's invoice to the retailer. The retailer is required to retain this information for a period of five years from the manufacture of the item.

It is strongly advised that retailers obtain a 'Certificate of Compliance to the Furniture and Furnishings (Fire) (Safety) Regulations 1988' from the manufacturer or supplier/importer.

Specific responsibilities relating to upholstery component suppliers

The compliance of filling materials and covers used in furniture is the responsibility of the supplier of the material in its finished form and not the supplier of the raw materials used to make it. For example, the supplier of a cover fabric is responsible for ensuring that the fabric complies with the Regulations and not the spinner of the yarns from which the fabric is made or the producer of the fibres.

A distinction should also be made between the supplier of the materials and the manufacturer. The compliance of filling materials and covers used in furniture is the responsibility of the organisation who supplies the material for upholstery. This might mean that the actual manufacturer of the fabric is not responsible for compliance with the Regulations - an example of this would be material that is imported. This is because non-UK companies cannot be held responsible for ensuring compliance with UK legislation and therefore the suppliers' responsibilities only apply to the first supplier in the UK.

However, it is important to remind suppliers of fillings and covers that they are only responsible for ensuring compliance of their products as outlined in Schedules 1, 2, 3, 5, 6 and 7 of the Regulations.

All UK foam producers and first suppliers of foam in the UK **are** responsible for ensuring the foam meets the ignition resistant requirements detailed in Schedule 1 of the Regulations

All UK upholstery cover producers and first suppliers of upholstery covers into the UK are responsible for ensuring the cover meets the match test as detailed in Schedule 5 of the Regulations (with certain exceptions as outlined in Section 8.2 and Appendix A5).

The suppliers of the individual components of a composite (i.e. cover or non-foam filling materials) cannot know what other materials their supply will be combined with and hence could not be expected to give firm assurances of behaviours. The Regulations recognise this and in the case of cigarette resistance place no direct responsibility on cover material suppliers to ensure compliance. Furthermore, suppliers of non-foam filling materials are not required to supply product compliant with Schedule 2 of the Regulations. Responsibility for both these issues lies firmly with the manufacturer or first supplier of the final product in the UK. However, a manufacturer will expect information on the cigarette resistance of a cover and the behaviour of some non-foam filling materials (e.g. polyester fibre) to be provided prior to purchase.

Several cover producers and/or suppliers conduct worst

case cigarette tests using a standard filling material to demonstrate Schedule 4 compliance. Numerous non-foam filling suppliers are also able to offer information on the ignition behaviour of certain products. This enables the manufacturer to select materials which are likely to comply when they form part of a composite. Combining this information from the supplier with a suitable additional testing programme ensures that the manufacturer can supply the necessary documentation to demonstrate that compliance is in place for the finished product.

All persons involved in the supply chain bear the responsibility of ensuring compliance with the Regulations. Component suppliers (foam filling, covers etc), furniture manufacturers, importers, retailers, and re-upholsterers must all provide documentary evidence that the material complies with the Regulations.

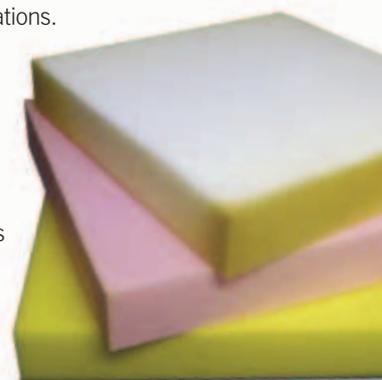
It is strongly recommended that any test reports or certificates issued should indicate compliance, not with the British Standard specifications, but with the appropriate Schedule to the Regulations, since these Schedules are the true definition of what is required and incorporate modifications to test procedures where necessary. A test strictly in accordance with the British Standard may be no guarantee of compliance with the Regulations.

8.1 Suppliers of foam and non-foam filling materials

8.1.1 Foam fillings

The Regulations require that foam fillings that do not meet the relevant requirements as outlined in Schedule 1 of the Regulations shall not be supplied for upholstering or re-upholstering of furniture including mattresses, divans and upholstered bed-bases. In addition, no such foam fillings can be supplied to be used as fillings for scatter cushions and pillows.

It is the responsibility of the supplier of the foam filling material to ensure that the products supplied are compliant with the Regulations even if the end use of the filling is unknown. Therefore, organisations selling filling materials direct to consumers need to ensure that any filling material, whether foam or non-foam, supplied for use in furniture or re-upholstery satisfies Schedule 1, Parts 1, 2 or 3 for foam fillings and Schedule 2, Part 1 for non-foam fillings as required by the Regulations.



Specific responsibilities relating to upholstery component suppliers

Suppliers of foam filling materials to **manufacturers or re-upholsterers** need to ensure that all foam fillings pass Schedule 1, Parts 1, 2 or 3 as required by the Regulations. However, non-foam fillings which are supplied to furniture manufacturers and re-upholsterers need not pass any fire resistance test as in this instance it is the manufacturer's responsibility to ensure compliance.

Suppliers of foam filling materials need to determine whether supply is direct to consumers or to business users. It is strongly advised to ascertain the purpose for which the filling material will be used and to give advice to the user about its suitability for use in furniture. Similarly, if a non-compliant non-foam filling is supplied to a user for furniture, the filling supplier needs to make it clear that the material is only suitable as a component of a complying composite filling.

Suppliers of foam fillings need to provide documentary evidence of compliance in terms of quality records backed by an appropriate testing regime. In this context, it is recommended that every foam grade from every production run is tested to ensure adequate compliance records. Additional testing of samples should be completed where changes in production parameters are made which can affect flammability performance.

Foam fillings which are compliant with the Regulations can fail the tests in the presence of silicone or inorganic particulate lubricants applied to foam-cutting equipment during the preparation of test specimens or used to assist in the filling of cushions. Suppliers are advised to refrain from using such agents on foam cutting equipment or carry out further testing to ensure that the contaminated foam surface still complies with Schedule 1 of the Regulations. Further information and guidance on this topic is available from the British Plastics Federation (<http://www.bpf.co.uk>)

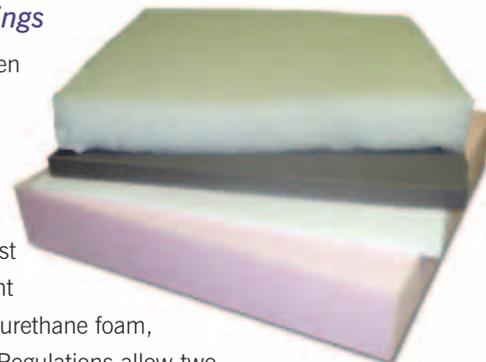
The Regulations make it clear that suppliers and users of crumb foam must ensure that the final product is compliant with Schedule 1, Part 2 and that the original block foam from which the crumb foam is made is compliant with Schedule 1, Part 1.

Crumb foam may be problematical. Its flame resistance can be affected by contamination from the manufacturing process. Also, irrespective of the fact that the block foam is compliant with the Regulations, factors such as the size of the crumb, blend, density and fill weight of cushions can also affect ignition performance. It is advised that producers

of crumb foam and crumb filled products ensure that a suitable mixing of foam types and packing densities (weight of cushion infill material) is used and ensure a comprehensive test programme is in place to reduce the risk of non-compliance.

8.1.2 Composite fillings

There has, historically, been confusion regarding the testing of composite structures. Many upholstery constructions are complex as they consist of several layers of different materials (polyester fibre, urethane foam, cotton wadding etc). The Regulations allow two routes to compliance:



- 1) Each individual layer of material is tested and satisfies the relevant ignition test as outlined in Schedule 2 Part 1 of the Regulations
- 2) Direct testing of the lay up of the multiple layers of filling as outlined in Schedule 2 Part 2 or Part 3 or Part 4 of the Regulations.

There is an additional requirement for urethane foam to comply with Schedule 1 of the Regulations even when part of a composite.

As is described above the requirement appears to be relatively clear. However, the confusion arises because the Regulations offer three options for testing composites/multiple filling lay-ups as listed below:

- 1) **Schedule 2 Part 2** - this method applies to all furniture composites except mattresses, bed bases, pillows and scatter cushions

All filling layers (there must be more than one), and any fabric liners, of the materials below the top decorative cover are required to form the filling of a test assembly which is then covered with a specified test cover fabric and subjected to the relevant ignition source on the 'L' shaped test rig

- 2) **Schedule 2 Part 3** - this method applies to pillows and scatter cushions where the filling is enclosed in a containment bag.

Specific responsibilities relating to upholstery component suppliers



Photo courtesy of Relyon

For pillows - The filling layer (or layers) with containment bag form the test assembly which is then subjected to the relevant ignition source on the 'L' shaped test rig.



Photo courtesy of Wesley-Barrell

For scatter cushions - The filling layer (or layers) with containment bag is required to form the filling of the test assembly which is then covered with the specified test cover fabric and subjected to the relevant ignition source on the 'L' shaped test rig.

3) Schedule 2 Part 4 - this method applies to composite fillings of mattresses, mattress toppers and bed bases

All filling layers (there must be more than one), and any fabric liners, of the materials below the ticking are required to form the filling of the test assembly which is then covered with the specified test cover fabric and subjected to the relevant ignition source on the horizontal (mattress) test rig.

Foam, even when part of a composite, must always satisfy Schedule 1 of the Regulations.

Provided that a non-compliant non-foam filling is used as part of a complying composite, the supplier's responsibilities are met. However, should a non-compliant filling be used as a single filling then it would not comply with the Regulations.

Documentary evidence of compliance is required for products supplied to the industry in terms of quality records or other product tests. It is the responsibility of the manufacturer or first supplier of the final piece of furniture to ensure that an appropriate testing regime exists as a minimum to demonstrate compliance.

8.2 Suppliers of fabrics

8.2.1 Match resistant covers

The Regulations apply to all suppliers of covers including those that sell direct to the consumer (e.g. fabric retailers, market stalls, internet etc). The Regulations require that no person shall supply a cover knowing, or having reasonable cause to believe, that it will be used to provide or replace the permanent cover on furniture (except for mattresses, bed bases, pillows and scatter cushions) unless the cover material passes the test(s) contained in Schedule 5 of the Regulations.

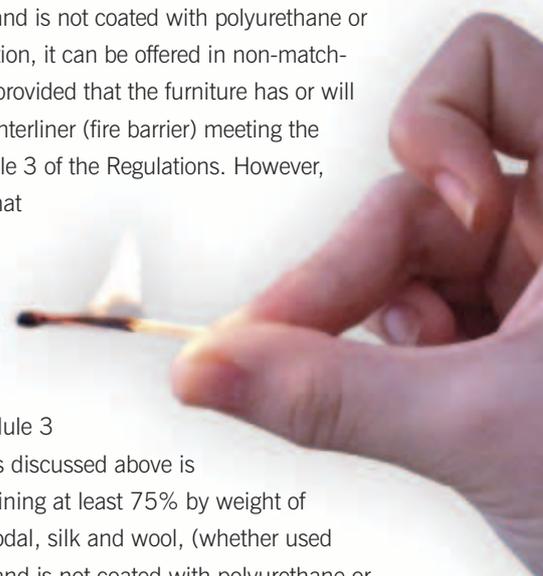
Where a fabric contains at least 75% by weight of cotton, flax, viscose, modal, silk and wool, (whether used separately or together) and is not coated with polyurethane or a polyurethane preparation, it can be offered in non-match-resistant form but only provided that the furniture has or will contain a fire-resistant interliner (fire barrier) meeting the requirements of Schedule 3 of the Regulations. However, it is important to note that furniture using such cover fabrics is still required to pass the appropriate cigarette composite test(s).

The use of a Schedule 3 interliner (fire barrier) as discussed above is specific to fabrics containing at least 75% by weight of cotton, flax, viscose, modal, silk and wool, (whether used separately or together) and is not coated with polyurethane or a polyurethane preparation

The use of the Schedule 3 interliner (fire barrier) with fabrics that do not meet the requirements for the cigarette and match test (e.g. synthetic rich or 100% polyester) is not a route to compliance with the Regulations.

Fibres such as rayon and linen are not specifically addressed by the Regulations. However, both rayon (American terminology for viscose) and linen (from the flax plant) can be considered along with cotton, flax, viscose, modal, silk and wool in the above context.

A manufacturer of fabrics that do not contain 75% by weight of cotton, flax, viscose, modal, silk and wool, but that are specifically targeted at the domestic upholstery industry, needs to produce this fabric either inherently flame retardant or in a form that can be treated to become flame retardant. Please note that the use of a Schedule 3 interliner (fibre) is specific to the fabrics exempted (i.e. 75% by weight of cotton, flax, viscose, modal, silk and wool).



Specific responsibilities relating to upholstery component suppliers

It is important to note that where fabrics are typically constructed from synthetic fibres such as polyester, acrylic, polypropylene etc it may not be sufficient for the fibre construction itself not to ignite from a match equivalent flame. This is due to the fact that the test method requires the cover to protect non-flame retardant urethane foam from being ignited by a match equivalent flame (Ignition Source 1 as defined in the Regulations). Therefore, when inherently flame retardant fibres are used (e.g. flame retardant polyester or flame retardant polypropylene), the fabric produced from them tends to melt or split under the influence of the test flame so that the filling is exposed and then ignited. In this case, this fabric could not be legally used as upholstery covering for domestic furniture. One means of achieving compliance here could be to apply a flame retardant backcoat to the fabric to upgrade ignition behaviour even though the finished fabric consists of inherently flame retardant fibres.

8.2.2 Cigarette resistant upholstery

The requirement for cigarette resistance applies to the upholstery composite. That includes the lay-up of cover, any interliners and the filling assembly. The total lay-up of components is tested in accordance with Schedule 4 of the regulations. It is not simply the cover tested over a standard filling.

Compliance with the cigarette test is the responsibility of the manufacturer or the first supplier of the final product in the UK. This is because they have the knowledge of the upholstery composite used. Suppliers of the covers and the fillings will not know the combination of fillings and cover used in specific furniture items. They are, therefore, unable to carry out tests to show how the fabric or foam will perform with other components.

The Regulations recognises this and do not place responsibility for cigarette resistance on component material suppliers.

However, this would require the manufacturer or first supplier in the UK to test each different fabric/filling combination in a product range resulting in an impractical test load. Enforcement officers recognise this and accept 'worst case' tests.



'Worst case' means the use of a filling that is likely to render the material combination most prone to ignition from a cigarette. Simply, a fabric can be tested over a filling that is either worse than any that is used or is the worst that can be used by an individual manufacturer. A positive test result indicates, but not necessarily confirms, that a particular fabric would be acceptable with other filling combinations.

Although the responsibility for compliance is with the manufacturer or the first supplier in the UK, this 'worst case' test allows the test load to be shared with the fabric supplier. However, an assessment must still be made regarding the production situation rather than relying solely on information provided by component suppliers.

It is recommended that fabric suppliers ask the purpose for which the fabric is being bought and give advice about its suitability for use on furniture, and the conditions under which it can be used.

Specific responsibilities relating to re-upholsterers



The Regulations apply to the re-upholstery of furniture manufactured after 1 January 1950, to the extent that all filling material and cover fabric, supplied by the re-upholsterer, used in refurbishing such furniture must meet the levels of fire resistance defined within the Regulations.

Re-upholstery constitutes either the full stripping down of the furniture to the springs and frame and building it up with new or re-constituted fillings or just replacing the cover and/or some filling materials.

When only re-covering is requested by the consumer, the re-upholsterer must use a match resistant cover but is not obliged to replace any non-conforming filling material which the furniture may contain. In such circumstances, it is strongly advised that the re-upholsterer should draw the consumer's attention to the potential fire risk. The same applies if the re-upholster supplies new filling interiors only in that only materials supplied must satisfy the Regulations although again it is recommended that the consumer's attention is drawn to the potential fire risks of non-compliant materials.

When full furniture refurbishment of items manufactured after 1st January 1950 is requested then it is mandatory that all covers and any filling materials or composites, supplied by the re-upholsterer, must meet the ignition tests specified by the Regulations.

It is advised that when ordering upholstery materials the re-upholsterers seek advice from the supplier about the suitability of the upholstery materials for use in furniture.

When a re-upholstering service only is provided – that is the upholsterer does not provide any fabric or any filling materials for the refurbishment - then this service is outside the scope of the Regulations. Although it is recommended that the client is advised of the potential fire safety risks.

Specific responsibilities relating to other sectors

10.1 Charities

The Regulations state that selling upholstered furniture and furnishings to raise funds for charitable purposes constitutes a business activity and hence there is a need to conform to the requirements of the Regulations.

Therefore the charity will need to ensure that either the item has complied with the appropriate test(s) as outlined in the Regulations or is fitted with a permanent label which outlines the compliance of the particular item. Items which have not complied with the appropriate test(s) or do not carry a permanent label which outlines the compliance of the item cannot be sold. However furniture manufactured prior to 1950 is outside the scope of these Regulations.

The Regulations state that the simple distribution of second-hand upholstered furniture and furnishings by a charity in pursuance of its charitable objectives to needy persons, either free of charge or at a nominal amount only, is not considered to constitute a supply in the course of business and hence is exempt from compliance to the Regulations.

This practice is considered to be unsafe, especially in the case of vulnerable and needy persons, and it is to be discouraged. Charities distributing second-hand furniture are also advised to seek assurance that these items conform to the Regulations in the same way that second hand furniture is sold.

10.2 Letting

10.2.1 Holiday homes and furnished residential properties

An amendment to the Regulations made in 1993 requires that all furniture supplied within rented accommodation (including those classified as ‘fixtures and fittings’) needs to meet the full requirements of the Regulations. These include holiday homes and residential furnished accommodation (such as houses, flats and bed-sits) which are let in the course of business, and affect persons who let such accommodation as a business activity.

Furniture purchased since March 1990 should satisfy the Regulations and be permanently labelled. However, furniture purchased prior to this date will not necessarily satisfy all of the regulatory requirements. Furniture manufactured prior to 1950 is outside the scope of these Regulations.

There are no requirements set for furniture supplied in show homes. However it is advised all items comply with the Regulations, especially if the furniture will then be sold with the show home as part of the “fixtures and fittings” of the residency.

The responsibility imposed by the Regulations applies to the actual supplier of furniture acting in the course of a business. For a residential furnished let this may be either the landlord, estate agent or the letting agent (see Section 10.3).

10.2.2 Chalet hotels and holiday apartments

Furniture within chalet hotels and holiday apartments is a grey area. Whilst holiday apartments and houses are specifically covered by the Regulations, hotels are not and are covered by the Regulatory Reform (Fire Safety) Order 2005 which governs the fire safety of non-domestic premises.

Some areas such as holiday camps and chalet hotels straddle both sectors and it is, therefore, difficult to give clear guidance. As a minimum it is recommended that the level of safety should not be less than that required by the Regulations and it is recommended that the operator seeks advice from a recognised expert (see Section 11).

10.2.3 Sheltered accommodation, care homes and student accommodation

Any upholstered furniture in sheltered accommodation that would be located in the resident’s own room would need to comply with the full requirements of the Regulations. However, the supply of appropriate furniture in the communal areas in sheltered accommodation would be subject to the fire risk assessment completed by the administration of the sheltered accommodation. The risk assessment take into account factors such as the materials, constructions used, the building contents (including furniture), escape routes and fire detection facilities. As a minimum it is recommended that the level of safety should not be less than that required by the Regulations and it is recommended that the operator seeks advice from a recognised expert (see Section 11).

Residential care homes are a grey area depending on whether users are allowed to bring their own furniture into a property and how the property is leased. However residential care homes are not covered by the Regulations but by the Regulatory Reform (Fire Safety) Order 2005

Specific responsibilities relating to other sectors

which governs the fire safety of non-domestic premises. The supply of appropriate furniture into the home would be subject to the fire risk assessment, as detailed above, completed by the administration of the home operator. As a minimum it is recommended that the level of safety should not be less than that required by the Regulations and it is recommended that the operator seeks advice from a recognised expert (see Section 11).

The same principle defined for residential care homes would apply for halls of residence student accommodation (i.e. not private let student accommodation).

The test requirements for those items subject to a risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005 which governs the fire safety of non-domestic premises and its contents (i.e. furniture) are likely to be more onerous than those referenced within the Regulations and specialist advice should be sought (see Section 11).

10.2.4 Canal boats and pleasure craft

The Regulations do not cover canal boats or pleasure craft. However it is recommended that any upholstered furniture used in these vehicles conforms, as a minimum, to the requirements of the Regulations. The supply of such vehicles for consumer use is controlled through the GPSR and, as such, fire safety must be made a consideration.

10.2.5 Caravans

The Regulations apply to upholstered furniture (including beds) supplied with new caravans. The Regulations do not apply to motor homes/camper vans. However it should be noted that holiday caravan parks are similar to chalet hotels and therefore fall into a grey area. As a minimum it is recommended that the level of safety should not be less than that required by the Regulations and it is recommended that the operator seeks advice from a recognised expert (see Section 11).

10.3 Landlords, estate agents and letting agents

Where furniture is supplied by a landlord, the application of the Regulations will depend on whether or not the landlord is acting in the course of a business in letting that property.

For example, if a landlord lets furnished property on a one off short-term basis (i.e. whilst, temporarily working away from home) and is unlikely to do so in the course of a business then the Regulations will not apply.

If the landlord views the primary purpose of the property as a source of income, rather than his own residence, then this would be considered a business activity and the landlord a supplier. As such the Regulations apply in this case.

Similarly, whether an agent can be considered a supplier for the purposes of the Regulations will depend on the capacity in which he acts for the landlord. An agent employed by a landlord to find a suitable tenant for a property and to manage an agreement for its letting between the landlord and the tenant is not supplying furniture. In addition, an agent will not be making a supply for the purposes of the Regulations provided that the contract for the letting of the property, including the furniture (and furnishings), is between the owner and the tenant. In such a case the Regulations will apply to the landlord (only if the supply of the furniture is in the course of his business).

If an agent enters into a contract with the tenant under which the agent agrees to let a furnished property on behalf of a landlord, the agent has assumed responsibility for the actual letting of the property and needs to comply with the Regulations.

10.4 Auctioneers

The Regulations apply to second-hand furniture sold by persons in the course of business or trade such as auctioneers. However, they do not apply to furniture manufactured before 1 January 1950.

10.5 Persons who supply furniture for statutory functions

Local authorities that provide accommodation for the aged, infirm and needy, or accommodation for homeless persons are also within the scope of the Regulations. However, providing guidance and advice on the supply of furniture by local authorities as a part of their statutory duties is considered beyond the scope of this Guide. It is strongly advised that such statutory providers take separate advice.

Photo courtesy of The Swift Group



Useful contacts and acknowledgements

This Guide was prepared by FIRA with the support and assistance of the organisations listed here. The authors would also like to express grateful thanks to all furniture and furnishings industry companies and organisations that have provided invaluable information and help in the production of this Guide.



The British Furniture Confederation (BFC) acts a single voice for UK furniture and bed manufacturers. Led by an Executive, comprising representatives of BCFA, BFM, FIRA and NBF, and supported by associate members (AMUSF, GMB, Proskills and WCFM), its mission is to ensure that the UK furniture industry has a strong and sustainable dialogue with Government. Its roles include:

- Securing the long term future and prosperity of the British furniture industry
- Raising the profile of the industry at a political level
- Formulating strategies for dealing with key industry issues
- Engaging in dialogue and negotiating with Government on these issues
- Working with the All Party Parliamentary Furniture Group to promote cross party discussion and to meet with senior influencers within Government agencies
- Ensuring that the industry gains the recognition and attention that its size deserves

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FIRA can help your business understand and implement the Regulations by providing:

- UKAS accredited testing laboratories to produce reports and test certificates that are recognised by the enforcement officers
- Consultancy services to help companies design and install record keeping systems and to advise on any testing requirements
- Regular flammability training courses geared towards individual needs
- Technical experts to advice on product safety, test programmes and problem solving where upgrade of performance is required
- A dedicated expert witness service for companies, enforcement officers, or the courts to assist when things go wrong.

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Useful contacts and acknowledgements



The **National Bed Federation** represents the interests of UK based bed manufacturers and their component suppliers. Its members account for circa 70% of the UK bed market's turnover. It has been closely involved with the development of the UK's fire safety regulations and standards and has campaigned actively over the years to ensure their correct interpretation and effective enforcement. It advises members on the flame retardant requirements for mattresses and beds for both contract and domestic markets; and supports proper compliance with an active policy to test any suspect products and report any failures to the appropriate authorities.

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The **British Contract Furnishing and Design Association** provides expert advice on the application of the Regulatory Reform (Fire Safety) Order: 2005 to non-domestic premises and on the Standards regime that supports it. BCFA has three relevant publications:

- Contract Furniture Flammability Requirements
- BCFA Guide for Fire Safety in Hotels
- BCFA Guide for Fire Safety in Offices

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British Furniture Manufacturers (BFM) is the premier trade association and employers' organisation and has been representing the interests of the furniture industry for more than 50 years.

BFM provide their members with a first class portfolio of services designed to increase their sales, represent their interests, ensure their legal compliance and reduce their operating costs.

These services, coupled with the wealth of knowledge, data, statistics and network of contacts that BFM holds assists members to compete successfully at home and overseas.

BFM will continue to work with the membership in the creation of a strong and integrated sector; and to serve the interests of the industry.

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Appendix 1

Specific information and exceptions for product ranges

A1 Group A



Photo courtesy of Wesley-Barrell

A1.1 Sofa-beds, futons and other convertibles

The Regulations apply to all parts of convertible furniture designed to be used as seating furniture as well as a bed. Therefore the filling material and cover supplied with these items must meet all the requirements for domestic upholstered furniture.

Where the convertible furniture has a separate mattress, normally stored under the seating, the filling material of the mattress must satisfy the Regulations and the finished product should meet the low hazard category of BS 7177 – that is it must be cigarette and match resistant. All convertible furniture must carry the appropriate display and permanent labels for furniture.

Where a separate mattress is provided this should separately comply with the labelling requirements for mattresses and bed-bases detailed in the low hazard category of BS 7177.

A1.2 Beanbags and floor cushions

Beanbags and floor cushions must meet all of the requirements of the Regulations.

Floor cushions are considered to be any cushion supplied separately and not comprising an integral part of an item of upholstered seating. While not defined in the Regulations, it is commonly accepted that a floor cushion has dimensions which are greater than 60cm x 60cm x nominal product thickness. If there is any doubt over compliance with the Regulations it is recommended that expert advice is sought (see Section 11).

Polystyrene beads used in bean bags have been shown to cause problems in terms of their testing. During testing, the specified cover melts and the beads, which are normally fire retardant, cascade out and smother the flame. Although this is technically a 'no result', repeated behaviour of this type is generally accepted as a satisfactory result.



Photo courtesy of Community Playthings

A1.3 Nursery furniture

The requirements for nursery furniture are the same as those for domestic upholstered furniture and the Regulations apply to the nursery equivalents of domestic upholstered furniture and beds, and to other upholstered products which are designed to contain a baby or small child. This includes mattresses, cushions and pillows. The Regulations also apply to the following items which contain upholstery:

- baby seats, bouncing cradles and baby rockers
- baby car seats that are designed for home as well as car use
- baby walking frames
- cots and travel cots, carry-cots, carry-cribs, cribs and Moses baskets
- highchairs, chair harnesses and playpens (including mattresses for playpens)
- prams and push-chairs
- upholstery liners supplied with all of the items listed above.

The Regulations also apply to **baby nests**. However for testing purposes, these items are exempt from the match resistance tests (Schedule 5), and need only meet the requirements for a fire resistant filling material (Schedule 1 and/or 2) and a cigarette resistant upholstery composite (Schedule 4).

Appendix 1

Specific information and exceptions for product ranges

The Regulations **do not** apply to:

- baby bouncers that are suspended from doorways
- bed-clothes, bumpers for cots, play mats, foot muffs and cosy toes
- baby carriers, slings and rucksacks which are designed to be worn outdoors
- baby changing mats and dresser units
- the cover fabric of any removable hoods or covers of prams, push-chairs or carry-cots, which are intended to act as a sunshade or waterproof cover when these articles are used in the open air.

Combination products, which include a mix of items both inside and outside the scope of the Regulations, need to meet all the requirements of the Regulations appertaining to the function of the combined item.

For example, foot muffs and cosy toes although described as not required to meet the Regulations are more commonly supplied today as an integral part of combination products such as prams and push-chairs and it is recommended these comply with the Regulations.

Testing of nursery furniture may present problems due to the inadequate amount of material in the item that needs to be used for the testing of the product. It is important for manufacturers, importers or retailers of nursery furniture to work closely with their own suppliers and a UKAS, or similar, accredited test laboratory to ensure that the materials used for making nursery furniture comply with the Regulations.



Photo courtesy of Community Playthings

A1.4 Second-hand furniture

The requirements for upholstered second-hand furniture are the same as those for new furniture unless the item was made before 1950.

However, the definition of second-hand furniture needs some explanation. The Regulations define second hand furniture as furniture which “has previously been supplied...to any person who acquired it other than for the purpose of a business in dealing with furniture”. In other words, the furniture will have had to have already been owned by a customer. Furniture loaned out by a supplier and then reclaimed would not constitute second-hand. Neither would a direct sale from one company to another.



Photo courtesy of Relyon

A1.5 Headboards, footboards and side-rails of beds

Upholstered headboards and footboards of beds must meet all requirements of the Regulations. For headboards, the external surface to which a label should be attached might be the reverse face. In addition it should be noted that the fabric on the reverse of the head or foot board is considered a visible fabric for the purposes of the Regulations.

Upholstered bed side-rails are considered to be similar to any upholstered bed base/divan. Therefore, all filling materials in side-rails must comply with the Regulations. All other requirements including labelling are as detailed in Section A3.1

Appendix 1

Specific information and exceptions for product ranges

A2 Group B

A2.1 Garden and outdoor furniture

The Regulations apply to upholstered outdoor furniture suitable for use in dwellings (e.g. homes, conservatories, caravans etc).

The Regulations do not apply to garden furniture which is unsuitable for use in dwellings (i.e. garden furniture which would not physically fit indoors), non-upholstered garden furniture (e.g. deck-chairs and parasols) and cover fabric of any removable canopy part of upholstered garden furniture which is intended to act as sunshade or waterproof cover when the article is used in the open air. If there is any likelihood of the garden furniture being brought inside the dwelling for use or storage then it will need to comply with the Regulations.

All upholstered cushions, whether tie on or permanent, supplied for use with garden or outdoor furniture are required to satisfy the Regulations. Each separate finished item and removable cushion set should have a permanent label.

It has been observed that 'Not for Indoor Use' labels are attached to outdoor products with the intention to make these products exempt from the requirements of the Regulations.

If there is any likelihood of an outdoor upholstered furniture item being brought indoors (and if it is possible to physically carry this item indoors), then this product must comply with the Regulations regardless of any labels stating 'Not for Indoor Use'.



Photo courtesy of Nova Garden Furniture



Photo courtesy of The Swift Group

A2.2 Caravan furniture

The Regulations apply to upholstered furniture (including beds) supplied with new caravans (but not motor vehicles, motor homes or camper vans). The requirements are the same as those for upholstered furniture and for beds, sofa-beds and mattresses. BS 7177 is also relevant to mattresses in new caravans for which the requirements listed under the Low Hazard classification of this standard will be appropriate.



A2.3 Cane furniture

Upholstery for cane furniture is often supplied by a manufacturer other than the producer of the frame. Seat and back cushions supplied with cane furniture must meet the requirements of the Regulations and cannot be regarded as scatter cushions.

Appendix 1

Specific information and exceptions for product ranges

A3 Group C



A3.1 Mattresses, divans and bed bases

The fire safety of all mattresses (of any size), divans and bed bases is controlled by both the Regulations and the GPSR.

Only the filling material (foam or non-foam) contained in a mattress, upholstered divan or bed base must meet the Regulations. However, the fire safety of the complete product is controlled via the GPSR. The normal route to achieve legal obligations is to have products evaluated against the British Standard best suited to product safety. In this context, a finished mattress and mattress topper, divan or bed base should comply with the low hazard category of BS 7177.

Upholstered headboards must meet the full requirements of the Regulations as discussed previously (Section A1.5). Footboards and side-rails of beds are also discussed in this section.

Mattress pads (toppers) are deemed to be mattresses and must satisfy the Regulations (see A3.4).



A3.2 Pillows

Foam fillings in pillows must pass the tests specified in Schedule 1, Part 1, 2 or 3 depending on the foam material. When non-foam fillings are used either the filling material itself must pass the appropriate test (Schedule 2 Part 1) or if the item has a primary cover, then the filling material together with that primary cover as a composite must pass the specified test (Schedule 2, Part 3).

Testing requirements outlined in Schedule 2, Part 3 are different for pillows and scatter cushions therefore it should be made clear for which purpose the product is being approved. Please note that the Regulations do not apply to pillow cases.



A3.3 Bedding items

The Regulations do not apply to bedding items such as pillow cases, loose covers for mattresses and bed-bases and bed-clothes (including duvets). However, the safety of these products is covered through the GPSR which state that it is an offence to supply an unsafe product.



A4 Group D



A3.4 Mattress pads (toppers) and protectors

BS 7177 defines a mattress pad (topper) as a product which comprises a cover and filling(s), or filling material(s) alone, designed to be used in conjunction with a mattress or upholstered bed base.

Mattress pads (toppers) are mattresses, albeit secondary, as they are not intended to be used separately. Therefore the filling material (foam or non-foam) contained in a mattress pad (topper) must meet the Regulations. In addition the fire safety of the complete product is controlled via the GPSR hence the mattress pad (topper) must also comply with the low hazard category of BS 7177.

Also defined in BS 7177 are mattress protectors. BS 7177 defines a mattress protector as a product to protect a mattress or upholstered bed base against liquid ingress, soiling etc, intended to be washed in a domestic washing machine. This product is exempt from the Regulations. However, it is advised that if a mattress protector contains any foam, it should comply with the Regulations.

A3.5 Ticking fabric and cover fabrics for bed-bases and mattresses

The Regulations do not specify fire resistance requirements for ticking fabrics or for cover fabrics of bed-bases and mattresses. However, the GPSR include a provision whereby it is an offence to supply an unsafe product. The normal route to accomplish legal obligations is to have these products evaluated against the British Standard best suited to product safety. In this case the low hazard category of BS 7177 is considered to be an appropriate standard for this purpose.

A4.1 Scatter cushions and seat pads

The regulatory requirement for scatter cushions and seat pads is that the filling material only must satisfy the relevant ignition test and each individual item must bear a reduced information permanent label (see Section 6.3).

A scatter cushion is any small cushion which can be moved to any position in a room and is supplied separately (i.e. not comprising an integral part of an item of upholstered seating).

A seat pad is generally accepted to be an especially small cushion intended to be used with items such as a wooden kitchen or dining chair, again here it is not an integral part of any item of upholstered furniture.

Whilst the size of a scatter cushion or seat pad is not defined in the Regulations it is commonly accepted that a scatter cushion has dimensions which are less than 60cm x 60cm x nominal product thickness and a seat pad has dimensions no greater than 30cm x 30cm x 1cm thick.

For scatter cushions which are provided with a fitted and non-removable decorative cover the requirement is that a permanent label is attached securely to an exterior surface (often attached to the seam). However, there has been some confusion when the scatter cushion interior pad has been supplied with a zip-on removable cover. This is because the required label refers only to the filling materials for scatter cushions and there are no requirements for the fire resistance of the cover. Hence, if the label is fitted to the zip-on cover and subsequently the cover and filling become separated, or the cover ends up on a different filling, the label would be inaccurate. Enforcement officers accept labels fixed to the interior pads of scatter cushions and suggest that the label protrudes through a partly open zip at the point of sale so it is visible.

Appendix 1

Specific information and exceptions for product ranges

A5 Group E



A5.1 Permanent, loose and stretch covers

The Regulations make a distinction between the permanent cover on a piece of furniture and a loose or stretch cover.

The permanent cover can be defined as the cover fitted to the furniture when it is supplied to the customer even if it is removable for cleaning or changing. Similarly, replacement covers which are supplied by the manufacturer of the furniture at a later date should be regarded as permanent covers. The key point is that the removable cover forms only the wear/decorative cover used on the furniture and is designed by the producer/supplier of the furniture to be specific to that piece of furniture. Removable covers which are supplied with the furniture or at a later date by the producer/supplier as a replacement are regarded as permanent and must comply with Schedules 4 and 5 of the Regulations.

Loose or stretch covers, on the other hand, are removable covers which are supplied by a producer other than the manufacturer of the furniture. These are designed to be placed on top of an existing finished piece of furniture which is already fitted with a permanent cover. This distinction is made because only the manufacturer of the furniture concerned will have detailed knowledge of how it complies with the Regulations.

Loose covers for upholstered furniture must comply with Schedule 5, Part 1 of the Regulations and stretch covers must comply with Schedule 5, Part 2 of the Regulations as these are sold separately from the furniture. They also need to have a permanent label attached to them and this label may appear on the underside of the fabric. There are no display label requirements for loose and stretch covers.

A5.2 Covers for furniture

Any fabric supplied to provide or replace a permanent cover on furniture (except mattresses, divans, upholstered bed-bases, pillows, cushions and baby nests) must:

- Either pass the appropriate match test(s) (which depend on whether the fabric is to be used to provide a visible or non-visible part of the cover)
- If the fabric is made from material containing at least 75% by weight of cotton, flax, viscose, modal, silk, or wool whether used separately or together and is not coated with polyurethane or a polyurethane preparation; then this fabric can be offered in non-match-resistant form; provided that the furniture has or will contain a fire-resistant interliner which itself satisfies the test specified in Schedule 3 of the Regulations (see Section 8.2). However, furniture using non-match resistant covers must still pass the appropriate cigarette composite test(s).

It should be noted that the Regulations only allow for the Schedule 3 fire barrier/interliner route to compliance to be used where the permitted non-match resistant fabrics are used (see Section 8.2).

When permitted, it is recommended that the fire barrier be positioned directly beneath the cover. Basically the fire barrier/interliner should form the top layer of the upholstery immediately beneath the cover. This applies to all areas of the furniture – main seat, back, arms, loose cushions, and on the outside of backs and arms.

Leather covers should comply fully with the Regulations and are required to be match resistant and comply with the cigarette composite test.

Appendix 1

Specific information and exceptions for product ranges

A5.3 Prime covers

Some furniture may be supplied in prime cover only by the furniture manufacturer leaving it entirely to the retailer or customer to complete the upholstery by the addition of the top cover. This case is not mentioned in the Regulations. However it is considered that it is the organisation providing, fitting or supplying the top cover that is actually completing the furniture and so they become the first supplier of the furniture, therefore, the responsibility for total compliance (i.e. testing, labelling, and record keeping) would be theirs.

It is recommended that the manufacturer attaches a label to the prime cover stating that 'this product will not comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 unless an outer cover complying with the cover requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 is fitted'. This would also cover the use of a Schedule 3 fire barrier/interliner if the selected final cover material is made from material containing at least 75% by weight of cotton, flax, viscose, modal, silk, or wool.

In this context, if a retailer supplies furniture which is covered in calico (prime) covers and provides a service whereby the consumer selects the final cover from a 'fabric bar' (i.e. the supply of the tailored covers made to fit furniture to the customer's order of fabric), then the retailer takes on board the responsibilities of the manufacturer.

It is essential that the manufacturer or first supplier in the UK of the furniture in prime cover ensures that the Regulations are complied with, with the exception of the factors dependent on the final cover material. Agreement of respective responsibilities between both parties would ensure that the final item meets the requirements of the Regulations.



A5.4 Non-visible parts of furniture

The modified cigarette and match tests for fabric must be used on the non-visible parts of furniture (see definitions, Section 2), which, for the purposes of the Regulations, are classified as:

- Any part of the cover on that part of the furniture on which any back, arm or seat cushions rests
- The underside or reverse side of any non-reversible seat or back cushions
- The underside of any arm cushions which are not designed to be reversible provided that they are secured in such a way that they cannot be displaced in normal use
- The dust cover on the underside of the furniture.

Simply, a non-visible cover comprises a cover that is hidden during normal use but which can be revealed by removing a loose cushion or by turning the item over (e.g. dust cover underneath a chair or sofa, platform cloth under a loose seat cushion or the reverse of a non-reversible cushion).

Appendix 1

Specific information and exceptions for product ranges

A6 Group F



A6.1 Foam fillings

There are only three materials classed as foam for the purposes of the Regulations. All other materials are classed as non-foam fillings.

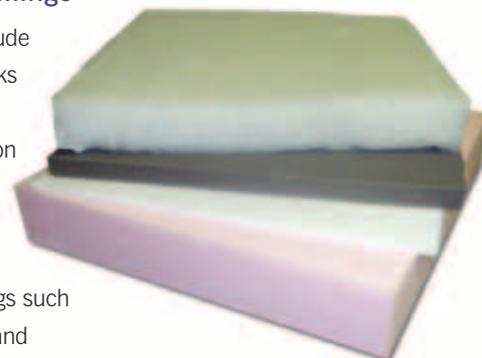
The materials classed as foam are polyurethane in slab form, polyurethane in cushion or crumb form and latex foam. These foams must always be tested separately whether or not they are subsequently combined with other filling materials in the furniture.

Please note that it is not only Combustion Modified High Resilience (CMHR) foams that are suitable for use in upholstered furniture. Any foam would be suitable for use in upholstered furniture as long as it complies with the relevant test in Schedule 1 of the Regulations.

For foams, it would be impractical for the manufacturer or first supplier to list individual foams and the foam grade contained within the furniture, thus the permanent labels allow a statement such as 'this article contains combustion modified (CM) foam which passes the specified test'. This information will enable the enforcement officer to know that there are foams present in the item and steps have been taken to comply with the Regulations which can be confirmed within the records of the supplier (such as those held for model numbers and design sheets) as well as test reports and supplier details.

A6.2 Non-foam fillings

Non-foam fillings include materials such as flocks and waddings (often made from wool, cotton or polyester fibre), hair (curled and rubberised), coir fibre, and any loose paddings such as feather and down and polystyrene bead.



Pads for insulating springs, edge rolls, tack rolls, piping cords and foam profiles which are contained within the cover fabric of the furniture are also considered filling materials.

Many upholstery constructions are complex and comprise several layers of different materials (e.g. polyester fibre wadding wrapped around a single or several layers of foam). When there is more than one filling present in the upholstery a composite filling lay-up is formed.

For non-foam composite fillings there are two routes to compliance. Either each filling may be tested individually as per the test specified in Schedule 2 Part 1 of the Regulations or the fillings may be tested as a composite.

When the latter route is chosen and a foam filling is used as part of composite, the foam must always be tested separately to the relevant Schedule, and be included in the composite test.

It is not possible to test piping cords, edge rolls and tack rolls to the relevant Schedules for fillings as they are small items so test specimens of correct dimensions cannot be prepared.

Foam profiles not produced from block material are also too small for testing purposes. In certain cases it may be possible that full size test pieces from foam materials of the same formulation can be provided for test to ensure compliance but this is not common.

Accordingly, the use of documented flame retardant grade piping cords, tack rolls, foam profiles and edge rolls in the manufacture of upholstered domestic furniture is strongly recommended. However, if there is any doubt expert advice should be sought (see Section 11).

Braids and trimmings (which are removable features), plus lightweight scrim (including hessian) for foams and springs do not need to comply with the Regulations.

Frequently Asked Questions

Frequently Asked Questions

Q1 *I am a manufacturer asked to use materials supplied by my customer in the manufacturing of an item of furniture. What are my responsibilities?*

In the case of customer supplied materials, you would be responsible for using materials which comply with the Regulations. A fabric supplied as an upholstery fabric should normally comply and your supplier should provide a technical specification or certificate of conformance. Make it clear to your customer that you need to see this. If this information is not available, then you would need to ask your customer for extra fabric that you would need to test to ensure compliance with the Regulations prior to use.

Q2 *What is a UKAS (United Kingdom Accreditation Service) accredited test laboratory?*

A UKAS accredited test laboratory is one that conforms to BS EN ISO/IEC 17025. This International Standard specifies the general requirements for the competence of laboratories to carry out tests and/or calibrations, including sampling. It covers testing and calibration performed using standard methods, non-standard methods, and laboratory-developed methods. Laboratory processes are audited against this standard, giving assurance as to their test results. Overseas laboratories may be accredited to BS EN ISO/IEC 17025 by another national accreditation body and many of these accreditation bodies have memoranda of understanding with UKAS.

Q3 *What are the current recommendations regarding spray-on flame retardant treatments?*

We strongly advise you not to use the spray-on flame retardant treatments that are currently on the market.

Spraying the furniture may or may not confer the necessary ignition resistance on the cover, but it is highly unlikely to penetrate the cover and be absorbed into the filling. Direct treatment of the filling again may or may not prove adequate. All items treated would need to be tested to the relevant standards to prove compliance.

No simple after treatment can generally upgrade the flame retardant properties of foam fillings; their flame resistant properties are normally created by additives during the foam blowing process. Spraying a fabric cover may alter its flame retardant properties but not in a controllable, durable or predictable way. Commercial fabric finishing processes are carried out in controlled environments subject to quality assurance measures. This is why fabric finishers are able to state the flame retardant properties of the fabric. With a spray-on treatment there is no assurance as to the evenness of the treatment or the concentration. Fire resistance is obtained by having the optimum concentration of chemical with respect to the fabric.

This advice is especially important for any landlords seeking to achieve compliance by using spray-on flame retardants on furniture in the property that they wish to let. Regulations require documentary evidence of compliance. In order to provide this, a treated item of furniture would have to be dismantled for testing, ultimately destroying it.

The only realistic means of ensuring that furniture in rented accommodation satisfies the Regulations is to replace any non-compliant items with those that comply or completely refurbish the items by removing all fabric and filling and replacing these materials with those that are compliant.



Q4 *I am a retailer offering cover materials for sale.*

What are my responsibilities?

Where a retailer is offering cover materials for sale, which could be used for upholstery purposes, it is advisable that their intended use be indicated. Fabrics should be identified as for example, 'not suitable for upholstery', 'suitable for upholstery' or 'this fabric is suitable for upholstery only when used in conjunction with an interliner/fire barrier complying with Schedule 3 of the Regulations'. In addition to these statements, where suitability for furniture is indicated, this should be backed up by documentary evidence of compliance with the match test, or with evidence of the fibre make-up as appropriate.

Where the cover is to be supplied direct through to the upholsterer on behalf of the customer, this information together with the fabric identification should be forwarded to the upholsterer for his records. Where the fabric is supplied to a consumer, then the same information should be provided and they should be informed that an upholsterer will need to see this information before the fabric can be put onto a piece of furniture.

Within the trade there will be many variations to these particular themes, but the general pattern to be followed is that the manufacturer or upholsterer will require documentary evidence, and, if retailers are acting in any way as the cover supplier, they will need to supply evidence both to satisfy the manufacturer or upholsterer and to meet their own legal responsibilities.

Q5 *I am a manufacturer of domestic upholstered furniture. Am I obliged to carry out a cigarette test for each different cover/filling combination within my furniture range?*

In theory, every cover/filling composite should be tested for cigarette resistance but this would result in an impractical test load. Enforcement officers appreciate this problem and have agreed to accept a single 'worst case' test of fabric. 'Worst case' means the filling that is likely to give the combination most prone to ignition from a cigarette. A fabric will be tested over a filling that is either worse than any that is used or is the worst that can be used by an individual manufacturer. A positive test result indicates that a particular fabric would be acceptable with other filling combinations.

Although the responsibility for compliance is with the manufacturer or first supplier in the UK, this 'worst case' test allows the test load to be shared with the fabric supplier. However, a furniture supplier must still make an assessment regarding their production specifications rather than relying solely on information given to them by component suppliers.

Q6 *Why is the match testing of covers performed over non-flame retardant polyurethane foam? These foams are no longer used.*

Although, since the introduction of the Regulations in 1988, the only foam allowed to be used in the manufacture of upholstered furniture has been the fire resistant Schedule 1 compliant material, the specified test method for measuring the match resistance of a cover requires the cover to be tested in combination with non-flame retardant foam. This test is detailed in Schedule 5 of the Regulations and the requirement remains compulsory today. Thus, unless the Regulations are changed, which is currently unlikely, the law requires covers for upholstered furniture to be match resistant using the method detailed in Schedule 5, Part 1.

Frequently Asked Questions

Q7 *I am a retailer selling furniture purchased in a calico (prime) cover from the manufacturer.*

What are my responsibilities?

When a retailer purchases an item of furniture upholstered using a calico (prime) cover – no top decorative cover - it is common practice for the retailer's customer to select a cover to be tailor made for the furniture item to be fitted prior to delivery. This is because a piece of furniture in prime cover is incomplete. Although the furniture item has the appearance of being a piece of furniture, it is incomplete without its top decorative cover. The manufacturer or the supplier of the furniture item is unable to fit the permanent label as the identity and specification of the final cover is unknown. Therefore, in this case, the retailer is responsible for the completion of the item through ordering and organising cover fitting. This applies even if the cover is supplied separately for later assembly by the customer.

Here the retailer takes on the responsibilities of the furniture manufacturer. Simply it is the retailer or final supplier organising completion of the furniture item who is ultimately responsible for ensuring the product compliance. This legal responsibility includes assuring that all fillings comply with the requirements, cover filling composites pass the appropriate test(s), the cover complies with the requirements, appropriate records are kept and permanent labelling is applied.

This applies even when the cover is supplied separately for fitting after supply of the furniture item.

Q8 *I am an importing retailer. What are my responsibilities?*

As an importing retailer, you are the first supplier in the UK. Therefore, you will take on all of the responsibilities that are normally required of a UK manufacturer of furniture. This means that you will have to ensure that all fillings in the item, composites and cover fabrics comply with the Regulations. In addition, you are required to keep records to prove compliance and are responsible for ensuring the item bears a suitable permanent label and a display label.

Q9 *I am an importing agent who imports furniture into the UK.*

What are my responsibilities?

The manufacturer abroad has no direct responsibilities within the UK legal system and it is the importer who holds these responsibilities as the first supplier of that furniture in the UK. In this respect, the role of the importing agent must be considered very carefully.

In the case of an agent actually importing the furniture himself and holding it in store, ready to supply to potential retail outlets, this agent will be considered the first supplier in the UK and it is his responsibility to ensure the product complies with all the requirements of the Regulations.

In the case of an agent only acting as a 'letter box' to pass orders back to the foreign source of the furniture, or provide only the basic information on the models offered, with the retailer ordering direct from the foreign supplier, the retailer would be the importer and carry all legal responsibilities for ensuring compliance.





Q10 *I am a general purpose fabric manufacturer. What are my responsibilities?*

If a fabric producer is manufacturing fabrics for general purposes such as use as curtains, drapes or bed spreads, the implications in terms of the Regulations need to be considered even though these fabrics are not specifically marketed into the upholstery sector. This is because other suppliers in the supply chain may require guidance from the manufacturer regarding the compliance of these fabrics. If the fibre content of the fabric is suitable for it to be used in conjunction with a Schedule 3 interliner (fire barrier) then the statement 'if this fabric is used for upholstery purposes, it must only be used over a Schedule 3 interliner' would be sufficient. However, if the fibre mix of the fabric is not suitable then a statement such as 'for upholstery applications this fabric may need flame retardant treatment' must be made which then places the onus on the user of this fabric. Alternatively a statement 'not suitable for upholstery use' may be used. The lack of a statement might be interpreted as implied suitability for any end use application.

Q11 *I am an intermediate supplier of fabrics. What are my responsibilities?*

Between the fabric manufacturer and the furniture manufacturer in the supply chain, there may be an intermediary who could be a warehouse or a textile house and may present a selection of fabrics as a collection under their own brand label.

As suppliers of covering materials, you would have the same responsibilities as other suppliers. However, due to your position in the supply chain which is closer to the end user, you might be in a position to decide on factors such as target markets (upholstery or not), match resistance of materials or supply of permitted untreated non-match resistant fabric for use over Schedule 3 interliners.

Therefore, fabrics that are supplied by intermediate suppliers for upholstery use need to comply with the legal requirements for domestic upholstery ignitability. Hence it is your responsibility to take steps to avoid supplying non-compliant materials for domestic furniture applications.

Q12 *What is the length of time that upholstery fabrics treated with a flame retardant finish can retain their flame retardant properties?*

Upholstery fabrics treated with a flame retardant finish in order to meet the Regulations should theoretically retain the flame retardant properties for three to six cleans, whether wet or dry cleaning methods are used. Information regarding the durability of the flame retardant treatment and the effect different cleaning processes may have on this treatment is not always provided. Therefore, it is strongly advised that supply of this information is available at the point of sale, along with any specific instructions on fabric cleaning.

Appendix 2

Frequently Asked Questions

Q13 *What is the current advice regarding upholstered pet beds?*

The situation regarding pet beds remains unclear. Discussions with enforcement officers regarding these products have indicated that they are outside the scope of the Regulations. However, they would still be expected to comply with the General Product Safety Regulations and therefore the enforcement officers might expect any foam used in these products to be Schedule 1 compliant as detailed in the Regulations. However, it is important to note that only a court of law would be able to decide whether or not this is the case.

Q14 *Are throws required to comply with the Regulations?*

It has been argued that throws used to cover domestic upholstered seating as decorative items should be regarded as loose covers and hence be required to comply with the Regulations. However, these items are often classed as bed throws, blankets, quilts or bedcovers (bedding items) and as such are not required to comply with the Regulations.

It is recommended that throws which are not intended to be used on upholstery seating should be appropriately marked and not advertised as a 'sofa throw'. If a throw is intended to be used on upholstered furniture and is labelled and/or advertised as such, then this item would be classed as a loose cover and would need to comply with the Regulations.

Q15 *Do the Regulations apply to inflatable furniture?*

Inflatable furniture that is made from only a plastic or coated fabric cover and brought to full size by air (i.e. no filling material) does not need to comply with the Regulations. However, if the inflatable furniture has any fillings integrated into its structure then it is advised that the fillings comply with Schedule 1 of the Regulations for various foams and Schedule 2 of the Regulations for single non-foam fillings.

The recommendation for water beds is they are advised to conform to BS 7177 low hazard category requirements. However, if the water has any fillings integrated into its structure then it is advised that the fillings comply with Schedule 1, of the Regulations for various foams and Schedule 2, of the Regulations for single non-foam fillings.

Q16 *What are the requirements for 'home study office chairs'?*

If these products are targeted for the domestic sector then they must comply fully with the Regulations and be labelled as such.

If the product is being supplied into the contract/non-domestic sector with no chance of supply into the domestic sector then there is no requirement to label. However our advice, in this case, is that the product would normally be required to at least meet the low hazard category of BS 7176 (cigarette and match ignition resistant) and any foam should comply with Schedule 1, Part 1 of the Regulations.



Q17 What are the requirements for rigid plastic (polystyrene, PU) chair frames?

There are no requirements in the Regulations regarding the flammability of these items because they are not upholstered furniture. However, these products would be covered by the GPSR hence it would be an offence to supply an unsafe product. Therefore, for these products, it would be advised that fire resistant grades of plastic are specified.

Q18 What are the requirements for wheelchairs?

The resistance of wheelchairs to the ignition of upholstered parts is covered through BS ISO 7176-16: 1997- Wheelchairs- Part 16: 'Resistance to ignition of upholstered parts – requirements and test methods'. However, it is advised that if a wheelchair has a substantial amount of upholstery and is to be used in a domestic environment, this item should be treated as an upholstered chair. Please note that the fire safety levels for wheelchairs provided through a hospital are usually specified by the Local Health Authority/Primary Care Trust.

Q19 What is the current guidance regarding the supply and requirements for beds registered as 'medical devices'?

The Regulations do not cover CE marked medical beds registered as 'medical devices'. However beds registered as medical devices are the subject of considerable debate.

It is normally an offence for "domestic" beds (i.e. beds for private use in the home) to be supplied in the UK if they contain fillings which do not comply with the 1988 Furniture and Furnishings Regulations. Compliance entails the need for those fillings (foam and non-foam) to resist ignition as specified in the Regulations.

There is, however, a legal anomaly. Beds that are registered as "medical devices" appear to be allowed, within the law, to be supplied to the British consumer even if the beds in question do not comply with the Regulations. The justification for treating "medical device" beds as being exempt from the Regulations is that such beds comply with different Regulations (the Medical Devices Regulations 2002 as amended).

This is a complex subject but the most prudent approach would be for ALL beds used in a domestic environment (regardless of the bed being considered a medical device or not) to meet at least the requirements of the Regulations. More information on this subject is available through the National Bed Federation (<http://www.bedfed.org.uk>).

Frequently Asked Questions

Q20 What is the current guidance regarding indicative testing in the absence of the adequate amount of material in the final item to carry out flammability testing?

The current guidance regarding indicative testing can be explained through two different common examples.

Example one would involve an importer/retailer who brings upholstered furniture and/or components into the UK for domestic use. In this instance, they should work closely with their foreign supplier to ensure that all products imported into the UK meet the requirements outlined in the Regulations. If compliance testing is to be done in the UK, then the importer/retailer needs to ensure an adequate amount of each of the component materials is supplied. Hence, here indicative testing would not be necessary as sufficient materials would be available for direct testing. If the importer relies on the bulk of his tests being carried out outside the UK then the advice would be for him to use a laboratory accredited to BS EN ISO/IEC 17025 by UKAS, or similar, national accreditation body. It is further advised that he commissions some tests through an accredited UK laboratory to confirm compliance and reinforce any due diligence defence should it ever be required.

The second example would involve testing components sourced from a finished product to demonstrate compliance. Such tests may be arranged by the enforcement officers or the importer/retailer. The amount of upholstery materials in the product may be insufficient for a test in strict accordance to the relevant procedure. Often in this case indicative testing on available material is the only way to gain an idea of the likely ignition behaviour of the individual upholstery components. If unsatisfactory results are recorded for any of the upholstery components then the suggestion is that the product may not comply with the Regulations. The results are, however, only indicative and it is strongly recommended that further test(s) on samples of correct dimensions are carried out.

Q21 What is the importance of the water soak procedure?

The water soak procedure, outlined in Schedule 5, Part 1 of the Regulations, states that if a fabric has been treated with a flame retardant chemical, it needs to be water soaked for 30 minutes and line dried before conditioning prior to testing. This procedure is carried out as any temporary, water soluble salt flame retardant treatment is unacceptable within the Regulations. The applicability of the water soak procedure in terms of the testing requirements has been shown previously (Table 3).

Q22 What do the Ignition Sources specified in the relevant British Standards denote?

These denote the following:

- **Ignition Source 0** - used for the cigarette test carried out using a smouldering cigarette
- **Ignition Source 1** – used for the match test carried out using a small gas flame (to simulate a burning match)
- **Ignition Source 2** – denotes a large gas flame - approximately twice as intense as the match equivalent gas flame
- **Ignition Source 5** – denotes a wooden crib – approximates to the burning of two double sheets of full size (i.e. broadsheet) newsprint paper (16 times the intensity of Ignition Source 1)

Other ignition sources are available and are used for other applications



Photo courtesy of Romo

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