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trading standards law explained

The legal requirements

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Legal and regulatory compliance

Regulatory requirements for spray foam insulation focus on manufacturer certifications, proper installation by trained professionals, compliance with building standards, and providing appropriate documentation to homeowners.

Professional installation

Due to the hazardous chemicals and specific application process, it is strongly advised that spray foam insulation is installed by a trained, accredited professional. The National Insulation Association warns against DIY installation.

National recognised qualification

The ABBE Level 3 NVQ Diploma in Spray Foam Insulation and Application is the UK's first nationally recognised qualification for spray foam installers. It certifies individuals to apply spray foam insulation in both residential and commercial settings.

Professional credibility

While not legally required, having a recognised qualification can:

- improve customer trust
- reduce liability risks
- increase job opportunities

Manufacturer control

Spray foam manufacturers are legally responsible for approving and continuously monitoring their accredited installers.

Competence checks

The Construction (Design and Management) Regulations 2015 (CDM) apply to domestic contracts and require competence in the installation process. A lack of knowledge of these Regulations is an indication of an unqualified installer.

Product certification

The spray foam product used must hold an independent test certificate from a recognised body, such as the British Board of Agrément (BBA) or Kiwa.

A product with BBA or Kiwa certification is considered compliant with building regulations.

The installer should provide a manufacturer or insurance-backed warranty for the installation.

Building regulations

All installations must comply with national building standards, which are governed by a framework of building regulations:

- Building Regulations 2010 (these Regulations cover England and Wales)
- Building (Scotland) Regulations 2004

A set of approved documents (see below) provide guidance on ways to meet the building regulations, particularly those relating to moisture control, airtightness and ventilation.

Moisture management

Incorrect spray foam installation can trap moisture against roof timbers, leading to condensation, damp and rot.

Moisture plans should be in line with BS 5250:2021 *Management of moisture in buildings. Code of practice* and the relevant sections of the building regulations.

Approved documents:

- England - Approved Document C
- Scotland - Section 3 of the Technical Handbook
- Wales - Approved Document C

Airtightness

Airtightness helps prevent moisture-laden air from entering colder roof spaces, which can condense and cause structural damage.

Airtightness plans should be in line with BS 5250:2021 and the relevant sections of the building regulations.

Approved documents:

- England - Approved Document L
- Scotland - Section 3 of the Technical Handbook
- Wales - Approved Document L

Ventilation requirements

The installer must be aware of the specific ventilation needs of the property, as the installation of spray foam can affect how well outside air gets into the building. Spraying foam directly on the underside of roof tiles can be hazardous. Proper airflow is required, both pre- and post-installation.

Ventilation plans should be in line with BS 5250:2021 and the relevant sections of the building regulations.

Approved documents:

- England - Approved Document F
- Scotland - Section 3 of the Technical Handbook
- Wales - Approved Document F

Industry bodies like the Insulation Manufacturers Association (IMA) and RICS also provide guidance relating to installations.

Protected / listed buildings

Listed buildings or protected structures require consent before installing spray foam installation. However, it is unlikely to be approved due to the permanent nature of the foam and its potential to cause damage to the property.

Consumer protection law

Consumer rights

Under the Consumer Rights Act 2015 (CRA), the installation service must be performed with reasonable care and skill, be fit for purpose, and meet satisfactory quality standards. If the work is substandard, consumers will have the right to a repeat performance or a price reduction.

For information on how the CRA applies to goods and services, please see 'Selling and supplying goods' and 'Supplying services'.

Protection from unfair trading

Under the Digital Markets, Competition and Consumers Act 2024 (DMCCA), it is illegal for traders to:

- mislead consumers by act or omission
- engage in aggressive sales practices
- contravene the requirements of professional diligence

A commercial practice involves a misleading action if the practice involves the provision of false or misleading information relating to a product, trader, or any other matter relevant to a consumer's decision making in this context. This would include, for example, misleading consumers:

- about the quality / suitability of the spray foam for their home
- as to whether the insulation meets the required regulatory standards
- as to the requirements surrounding planning
- as to the qualifications of the installer / company in question
- as to the funding available for the installation work or failing to make clear the trader or business is the credit broker

Under Schedule 20 to the DMCCA, there is a list of 32 banned practices that are considered to be unfair in all circumstances. Four of the 32 banned practices are particularly relevant to the installation of spray foam insulation.

"1. Claiming to be a signatory to a code of conduct when the trader is not.

"2. Claiming that a code of conduct has an endorsement from a public or private body which it does not have.

"3. Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation.

"4. Claiming that a trader, a trader's commercial practice, or a product has been approved, endorsed or authorised by a public or private body when:
(a) the claim is false, or
(b) the terms of the approval, endorsement or authorisation have not been, or are not being, complied with."

The DMCCA identifies three different types of consumers: average, targeted and vulnerable. Vulnerable

consumers are those who are particularly vulnerable to a practice or product because of, amongst other things, their age, mental or physical health, their credulity or their circumstances. Due to the lack of consumer awareness about spray foam insulation, it could be argued that almost all consumers are 'vulnerable' when entering into a contract for its installation. Therefore, traders must take great care to exercise the requirements of professional diligence.

The DMCCA gives the Competition and Markets Authority (CMA) powers to determine whether consumer law breaches have occurred, and to impose fines and order firms to pay compensation to affected consumers.

Trading Standards officers have powers under the DMCCA to investigate criminal offences and prosecute individuals and businesses in criminal court, as well as the power to seize documentation or goods required for evidence. Trading Standards can also apply to the courts for an Enforcement Order that legally requires a business to comply with consumer protection laws. A breach of an Enforcement Order is a contempt of court, which can result in fines or imprisonment.

Should a director be subject to enforcement action and then go on to phoenix their organisation (that is, the same personnel operating via a new corporate entity), that director could be an accessory to a relevant infringement under the DMCCA.

For more information on the DMCCA, see 'Protection from unfair trading (criminal law)'.

The Act will also provide a way for consumers to make a claim themselves. However, this part of the Act is not yet in force; claims are currently still covered by the Consumer Protection from Unfair Trading Regulations 2008 (CPRs).

For more information on the CPRs, please see 'Protection from unfair trading (consumers' rights of redress)'.

Consumer contracts

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs) require that pre-contract information is presented to consumers before any agreement is finalised. For off-premises or distance contracts, they also provide consumers with a 14-day cacellation period (sometimes known as a 'cooling-off period') before any work commences; this is particularly important if carrying out door-to-door or online sales of insulation services.

To find out how the CCRs affect your business, see:

- 'Consumer contracts: on-premises sales'
- 'Consumer contracts: off-premises sales'
- 'Consumer contracts: distance sales'

If a consumer wishes for the service to start right away and waive their right to the 14-day cancellation period, they need to expressly request this. For more information, please see the 'Supply of a service in the cancellation period' section in the off-premises and distance sales guides linked to above.

Consumer credit

Traders acting as credit brokers in the UK must be authorised by the Financial Conduct Authority (FCA) and comply with strict rules to ensure transparency, fairness and consumer protection. See 'Credit and other financial matters' for more information.

Record keeping

Homeowners should be provided with all paperwork related to the installation. This includes:

- contract details
- manufacturer's recommendations
- installation warranty
- independent test certificates (BBA / Kiwa)
- photographic evidence of the roof and timbers before, during and after installation

Spray foam insulation installation checklist

Pre-installation preparation:

- complete site survey. Assess structure, ventilation, moisture levels and suitability for spray foam
- advise homeowner to check with their mortgage provider before proceeding with installation
- consumer consultation and contract agreement. Discuss insulation type, coverage area and potential risks (for example, mortgage implications); obtain written approval
- confirm material. Choose between open-cell or closed-cell foam, based on thermal, acoustic and moisture needs
- review building regulations. Ensure compliance with the relevant sections of the building regulations for the appropriate nations of Great Britain, as well as other relevant building codes / standards
- put ventilation strategy in place. Plan for adequate airflow, both during and after installation
- complete health and safety risk assessment. Identify hazards and mitigation strategies
- check PPE and equipment. Confirm availability and condition of respirators, suits, gloves, goggles and spray rigs

Installation day procedures:

- secure area and put signage in place. Restrict access to work zone and display safety notices
- prepare substrate. Ensure surfaces are clean, dry and free of dust or oil
- activate ventilation. Use fans or extraction systems to maintain airflow
- apply spray foam in controlled layers. Follow manufacturer's guidelines for thickness and curing time
- monitor temperature and humidity. Maintain optimal conditions for foam adhesion and curing
- manage waste properly. Dispose of empty containers and overspray according to environmental regulations

Post-installation checks:

- observe curing time. Allow sufficient time before re-entry or further construction
- complete visual inspection. Check for gaps, uneven application or thermal bridging
- reassess ventilation. Ensure long-term airflow is not compromised
- client walkthrough and sign-off. Review work with client and provide care instructions
- finalise documentation. Include installation report, product information sheets and warranty information

Legislation, guidance documents and Standards, and how they relate to installation of spray foam insulation

Relevant legislation

Title	Description / relevance
Building Regulations 2010 (for England and Wales)	Cover energy efficiency, moisture control and fire safety. See also Approved Documents B, C, F and L
Building (Scotland) Regulations 2004	Similar to the above, but for Scotland only. See also Technical Handbook Section 2 (Fire) and Section 3 (Environment)
Construction (Design and Management) Regulations 2015	Ensure safe planning and execution of construction projects
Health and Safety at Work Act 1974	Governs worker safety during installation, especially with chemical handling
Consumer Rights Act 2015	Covers both goods and services, which must be of satisfactory quality, fit for purpose, and as described. Applies to both the insulation product and the installation service
Digital Markets, Competition and Consumers Act 2024	Prohibits misleading actions and omissions, and aggressive sales tactics. Particularly relevant for high-pressure sales or exaggerated claims about spray foam benefits
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	Require clear pre-contract information. Provide a 14-day cancellation period for off-premises or distance contracts. Particularly important for door-to-door or online sales of insulation services, but also cover dealings you have with consumers on your business premises

Guidance documents

Title	Description / relevance
RICS Spray Foam Insulation Consumer Guide (2023)	Offers impartial advice on risks, benefits and property impacts. Highlights mortgage and ventilation concerns
IMA Code of Practice for Spray Foam Insulation (2023)	Sets out safe installation practices for high-pressure polyurethane foam
Government correspondence on moisture risk (2024)	Discusses moisture risks in timber roofs and regulatory concerns

Standards

Title	Description / relevance
BS EN 14315-1:2013 *Thermal insulating products for buildings. In-situ formed sprayed rigid polyurethane (PUR) and polyisocyanurate (PIR) foam products - Specification for the rigid foam spray system before installation*	Specifies requirements for factory-made polyurethane foam insulation products
BS 5250:2021 *Management of moisture in buildings. Code of practice*	Provides guidance on moisture management in buildings, which is critical for avoiding condensation issues
PAS 2030:2023 *Installation of energy efficiency measures in existing dwellings. Specification*	Standards for energy efficiency retrofit work under Government schemes - for example, ECO
PAS 2035:2023 *Retrofitting dwellings for improved energy efficiency. Specification and guidance*	

< Introduction

> Legislation etc

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Source URL:
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