

### Second-hand upholstered furniture

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#### **This guidance is for England, Scotland & Wales**

Used upholstered furniture is subject to stringent safety standards. Regulations cover the flammability of upholstered furniture (including beds, sofa beds, cots, cushions and mattresses).

In general, the safety provisions require that upholstery must pass the cigarette test, fillings must be fire retardant and the covers must pass the match test. Upholstered furniture and mattresses that meet the requirements of the Regulations should carry permanent labels (with a few exceptions).

#### **Fire safety**

Under the Furniture and Furnishings (Fire) (Safety) Regulations 1988, used furniture must meet the same stringent standards as new furniture on sale in the shops.

The Regulations apply to furniture that is intended for private use indoors, including beds, divans, sofa beds, children's furniture, cots, cushions, high chairs, mattresses and pillows. They also cover outdoor furniture that is suitable for indoor use (such as upholstered dining sets for use in conservatories and gardens).

As stated above, the safety provisions require that upholstery must pass the cigarette test, fillings must be fire retardant and the covers must pass the match test. However, some of these requirements are relaxed or varied for mattresses, bed bases, pillows, cushions and insulated bags for carrying infants under the age of six months.

The following are excluded from the controls:

- Furniture made before 1 January 1950
- materials for upholstery of furniture made before 1 January 1950
- goods for export

## How to tell whether furniture complies

New upholstered furniture, apart from the exemptions mentioned above, must carry a permanent label with the heading 'CARELESSNESS CAUSES FIRE'. This label is usually found behind a loose cover at the rear of the furniture or under a seat cushion. It should contain the details, including a batch code, that allows it to be traced to the manufacturer in case any issues are found with the safety of its production.

Whilst the law does not specifically state that this permanent label needs to be stitched in, this is the best way in which to ensure that it is the original label that was supplied when the furniture was manufactured.

Further checks should be carried out on permanent labels that have been stapled on to the furniture to ensure that the information is correct, as these labels may have been added at any time. In the case of mattresses, look for a label stating compliance with British Standard BS 7177: *Specification for resistance to ignition of mattresses, mattress pads, divans and bed bases*.

Any items not bearing this labelling may not comply and you are advised not to sell them until you have obtained expert advice - from the original manufacturer, for example. Any furniture that cannot be verified as 'safe' via the details on the permanent label need to be disposed of at a waste recycling centre.

The 'New upholstered furniture' guide contains more detailed information on the labelling requirements.

## Other safety requirements

In addition to the specific rules on flammability, furniture must be safe in all other respects - for example, free from sharp edges and splinters.

The general safety requirement is imposed by the General Product Safety Regulations 2005. For more information see 'General product safety: producers' and 'General product safety: distributors'.

## Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement & penalties'.

## Key legislation

Furniture and Furnishings (Fire) (Safety) Regulations 1988

General Product Safety Regulations 2005

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## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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