

Primary Authority Partnership

Warwickshire County Council Trading Standards

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Primary Authority Advice Reference WTS/PM/TPO/28

This Primary Authority Advice has been produced by Warwickshire County Council Trading Standards Service, in partnership with The Property Ombudsman and Propertymark, for use by member businesses as an aid to complying with the law. If you follow this advice correctly, your local Trading Standards Service should respect this and not ask you to comply with the law in a different way. If you are contacted by a local authority enforcement body, please inform them that you are a member of the scheme.

Advice requested:

What are the specific safety requirements for selling upholstered furniture at auction?

Legislation considered:

Consumer Protection Act 1987 (as amended) ("CPA")

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) ("FFR")

General Product Safety Regulations 2005 ("GPSR")

Other Material considered:

Business Companion: New Upholstered Furniture In-Depth Guide (June 2019)

Business Companion: Second-hand Upholstered Furniture In-Depth Guide (June 2019)

Furniture Industry Research Association: Standards applicable to the sale of childcare (furniture) products in the UK (1st September 2017) (accessed at www.fira.co.uk/technical-information/help-and-advice/standards-applicable-to-the-sale-of-childcare-products-in-the-uk, on 21st May 2020) ('FIRA Guidance')

Assured Advice Issued:

Broadly, the rules relating to the safety of upholstered furniture intended for domestic use supplied in the course of a business, such as via an auction, are the same as those for such furniture that is supplied by retail.

Further detail on these requirements can be found in the relevant guides on the Business Companion website, but auctioneers should at least take the following precautions.

The FFR do not apply to:

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

Upholstered furniture should have a permanent label headed '*CARELESSNESS CAUSES FIRE*'. Usually these are sewn or stapled to the base. Mattresses and bed bases do not need this label, but should instead bear a label stating compliance with British Standard BS 7177, which is the specification for resistance to ignition of mattresses, mattress pads, divans and bed bases.

If any of these labels are missing from a product, it is possible that the furniture may not be compliant with the Regulations. We would advise that unlabelled furniture, not falling within the above exemptions, is not put up for auction.

In addition to the specific rules on flammability, furniture must also be safe in all other respects - for example, free from sharp edges and splinters. Therefore each piece should be examined carefully before being accepted for auction.

There are also specific safety standards for glass in furniture, and children's items, for example:

- Bunk beds
- Bed guards
- Booster seats
- Changing units and convertible changing units
- Children's furniture (bedroom, storage, desks etc.)
- Children's beds
- Cots & folding cots
- Cribs & cradles
- High chairs
- Carry cots, Moses baskets and stands
- Play pens

- Reclined, rocking and bouncing cradles
- Safety gates and barriers
- Table mounted chairs.

Further details can be found listed in the FIRA Guidance.

While liability for many issues at auction can be disclaimed by means of notices, conditions of sale, etc, auctioneers and other businesses cannot avoid liability for the sale of unsafe products.

Date Advice is Effective from (issue date): 14 05 2018

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Next Review Date: 04 06 2021

Primary Authority: Warwickshire County Council Trading Standards Service

Co-ordinators: The Property Ombudsman and Propertymark

Supporting Regulator: Not applicable

For Publication on the Primary Authority Register: Yes

Geographic Applicability: This advice applies throughout the United Kingdom.

Scope: This advice is applicable to all member businesses.

How to obtain up to date copies of this advice: Current copies of this advice may be obtained via the member organisations' websites:

www.tpos.co.uk/members/assured-advice/assured-advice-information

and

www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/.