

Furniture in rented rooms

Union Advice Centre

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HOUSING ADVICE

Furniture regulations for rented accommodation

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery.

The regulations apply to both new and second-hand upholstered furniture made after 1950 and intended for use in residential furnished accommodation. This includes houses, flats, bedsits and caravans.

The regulations apply to:

- Furniture intended for private use in a dwelling
- Beds, head-boards, mattresses
- Sofa beds, futons, and other convertibles
- Nursery furniture
- Garden furniture which is suitable for use in a dwelling
- Furniture in caravans
- Scatter cushions and seat pads
- Pillows
- Loose and stretch covers for furniture
- Armchairs and sofas
- Upholstered garden furniture, including recliners

The regulations do not apply to:

- Sleeping bags
- Bed-clothes (including duvets)
- Loose covers for mattresses
- Pillowcases
- Curtains
- Carpets

What do the regulations mean for landlords?

Any furniture (including second-hand furniture) provided by the landlord in a letting of accommodation on a business basis, which began after 1 March 1993, must be fire resistant.

If the letting began before 1 March 1993 and the same tenant is still in residence, furniture supplied before 1 March 1993 does not have to be fire resistant.

However, any furniture supplied after this date, whether it is additional or replacement, must meet fire safety requirements.

These, in brief, are that:

- Upholstered furniture must have fire resistant filling material
- Cover fabrics must pass a match resistance test or be used with a fire resistant interliner
- The combination of the cover fabric and the filling material must have passed a cigarette resistance test.

Complications to the above:

If you are letting your property while living abroad temporarily and not in the course of business, then you may not have to replace your furniture. This is a grey area as the law does not define what “temporarily” means. For example, an individual could be abroad for several years and let their home to a series of tenants. This would mean they are exempt since they are planning to return home and have nowhere else to live in the country. If you are renting a property because you cannot sell it you still have to comply with the regulations.

Letting of rooms by owner occupiers in their own homes

Private lettings are not covered by the regulations. Therefore the position of owner occupiers who let accommodation in their own homes is unclear and has not been tested in the courts. It is unlikely, however, that private individuals renting out a room in a private house will be regarded as carrying out a business activity.

Lettings by estate or letting agents

Estate agents who act as letting agents for private landlords may become liable under the regulations if a fire occurs and non-fire resistant furniture is a contributory factor.

Complaints and enquiries

If a tenant has a complaint about a potential fire hazard in furniture in rented accommodation s/he must first speak to their landlord/lady.

In Norwich the second port of call would be to Consumer

Direct on 08454 040506 (Mon - Fri 9am-6pm and Sat 9am-1pm). Consumer Direct may refer more complex problems or complaints requiring further investigation or assistance to Trading Standards.

If a landlord wants to report the sale of new or second-hand unlabelled furniture, s/he should also contact Consumer Direct on the number above.

Enquiries from students or landlords wishing to ensure their furniture meets the requirements of the Regulations should also be made to Consumer Direct.

Students' own furniture in rented accommodation

A student may furnish their rented accommodation with their own furniture which need not comply with the 1988 regulations, although the Union Advice Centre would advise that all furniture and soft furnishings should follow the regulations.

Further information

The Union Advice Centre has a copy of the DTI Guide to the Furniture and Furnishings (Fire) (Safety) Regulations for your reference which contains specific details of furniture covered and the tests required to pass the Regulations. This publication also provides explanations and examples of labelling of furniture.

This leaflet is not an authoritative interpretation of the Regulations, which is a matter for the courts.

Visit the Office of Public Sector Information website for further information: www.opsi.gov.uk

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