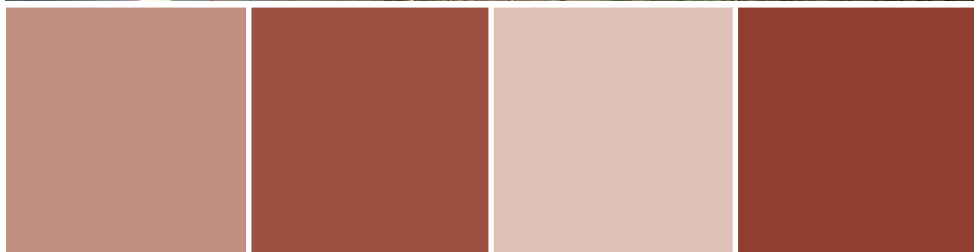


Safety of furnished let accommodation



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Does the law apply to me?

If you let furnished or part furnished accommodation as a business activity, where the supply of the accommodation includes the supply of goods, the law applies to you. Examples are houses, flats, bedsits, holiday homes, caravans and boats. The law applies to Letting Agents, Estate Agents and private landlords.



The Consumer Protection Act 1987 - meaning of 'supply' and 'business'.

A 'supply' of goods is defined as including any of the following, either as principal or as agent -

- hiring or lending goods, i.e. for money
- providing goods in exchange for any consideration other than money
- providing goods in (or in connection with) the performance of a statutory function
- giving goods as a prize or otherwise making a gift of the goods

Only the 'supply of the goods' which is made by a person in 'the course of a business of his' are caught by the Act. One off lettings are outside the scope of the Act, as are lettings where there is no payment of any sort, though as noted above, exchanges (e.g. house swaps or other exchange of items of value) are caught as are prizes provided by businesses and statutory functions.

However, the size of the business, whether or not it normally deals in those goods and whether or not the business is run for profit is irrelevant. Also, a





letting agency is likely to be caught even when the landlord is not considered to be letting the accommodation in the course of a business.

Any goods supplied by the tenant(s) are not controlled as they are not 'hired out' (i.e. not supplied) with the accommodation and the landlord is not responsible for them. However, you may wish to impose safety rules on what type of goods may be used in the accommodation to ensure the safety of your tenants and the property generally.

What are the rules which apply to 'supplied' goods?

Specific safety regulations apply to goods which are supplied as part of the letting of the accommodation:

Furniture



The Furniture and Furnishings (Fire) (Safety) Regulations 1988, govern the sale and supply of new and second hand furniture and furnishings. When such furniture is supplied with let accommodation in the course of a business, it is held to be part of a hire transaction and therefore covered by the Act.

The definition of 'furniture' in the Regulations includes any of the following which contains upholstery:

- beds, head boards of beds, mattresses
- sofa beds, futons and other convertibles
- furniture intended for private use in a dwelling, including children's

furniture, cots, carrycots, playpens, prams, pushchairs, high chairs

- nursery furniture
- garden furniture which is suitable for indoors
- furniture in new caravans
- loose stretch covers for furniture
- scatter cushions and seat pads



The regulations **do not** apply to:



- sleeping bags
- bed clothes (including duvets)
- loose covers for mattresses
- any furniture made before 1950
- pillowcases
- curtains

The safety provisions require that:

- upholstered furniture must pass a specified cigarette test for flammability (not required for mattresses, bed bases, pillows and cushions)
- filling materials must pass a specified ignitability test. There is some exemption for cushions and pillows where the cover passes certain ignitability tests.





- furniture with permanent covers (excluding mattresses, bed bases and insulated bags designed for carrying babies under six months) must pass the specified match test.
- where in the case of certain natural fibre covers there is an interliner between the furniture and cover and the interliner passes specified ignition resistance tests the cover need not pass the match test above.

How do I tell whether furniture complies?

Most new furniture has to have a manufacturer's 'permanent' label attached to show measures taken to ensure compliance with Regulations. The label will be headed 'CARELESSNESS CAUSES FIRE' and will contain some or all of the following:



“CARELESSNESS CAUSES FIRE” Batch ID/No: ABC 1234 To comply with the Furniture and Furnishings (Fire) (Safety) Regulation 1988 : This article does (or does not) include a Schedule 3 interliner. All foams, fillings and composites have been tested to ensure compliance with the relevant ignitability test. All covers and fillings have been tested to ensure that they are cigarette resistant. All covers have been tested to ensure that they are match resistant. Further details are available from your retailer.

Mattresses and bed bases are classed as upholstered furniture and filling material must comply but they are not required to bear this type of label. However, compliance with the ignitability tests may be shown by a label stating compliance with **BS 7177**. This label has a blue border with white lettering and black cigarette and flame symbols.





If there is no manufacturer's label to indicate compliance, you should assume it does not comply unless the manufacturer can confirm in writing that it does.

The Department for Business Innovation and Skills leaflet 'Guide to the Furniture and Furnishings (Fire) (Safety) Regulations' provides more detailed guidance and copies are available from the Trading Standards Unit or can be viewed on the internet.

Electrical Equipment

The General Product Safety Regulations 2005 require that all electrical equipment supplied with let accommodation must be safe.

These safety requirements cover:

- labelling, construction, design, and manufacture
- insulation and earthing
- protection from electric shock
- adequate guards for radiant heaters or moving parts
- the need to provide instructions for safe use



Generally:



- access to live hot or moving parts must not be possible without the use of a tool

- cable should be of the double insulated type with no basic insulation exposed
- wiring should not be damaged in any way
- cord grips on appliances must be effective
- all guards should be in place and effective

Plugs on electrical appliances



The Plugs and Sockets etc (Safety) Regulations 1994 require all electrical appliances, both new and existing, to be fitted with an approved plug with sleeved pins when supplied to a consumer. All plugs should carry the name and reference number of the approved body (e.g. BSI). All sockets (e.g. on mains extension leads), adaptors and similar devices must meet British or European Standards.

Fireguards on electric fires

The distance between the bars and the strength of the guards are laid down in standards. The fireguard is satisfactory if any vertical bars are 5mm or less apart. Otherwise the guard must not have an opening with:

- a) a major dimension exceeding 125mm, a minor dimension exceeding 12mm and a diagonal dimension exceeding 126mm, or
- b) a major dimension exceeding 50mm, a minor dimension exceeding 20mm and a diagonal dimension exceeding 53mm



Ensuring compliance


You must take all reasonable precautions to ensure electrical equipment is safe and correctly labelled. There is no specific requirement under legislation to test equipment, however, in order for a business to demonstrate compliance the following precautions are advised:

- each piece of electrical equipment should be regularly inspected and tested by a qualified electrician who has the necessary equipment and is competent to carry out testing
- each item could be marked or labelled to show that it has been tested and when the next test is
- records should be kept relating to each accommodation unit of:-
 - details of the item (e.g. descriptions, serial number)
 - details of tests applied (e.g. including dates, tester and results)
 - details of action taken where necessary (e.g. repairs)
- all electrical equipment should be complete and carry out all necessary warnings and where necessary for safe use, instructions should be available.



Gas Appliances

Gas appliances must be safe, conform to relevant safety standards and in order to conform with the requirements of the General Product Safety Regulations 2005, they must include instructions for safe use.



All landlords must ensure that gas appliances including LPG cabinet heaters are checked for safe operation including, where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness. These checks should be carried out at least every 12 months and records kept of the test dates, defects and remedial action. They must also make this information available to tenants and prospective tenants, and keep records for 2 years.

You should be aware that only a Gas Safe registered engineer should be permitted to carry out installation and maintenance of gas appliances. Gas Safe Register is the new hallmark for gas safety in Great Britain. From 1st April 2009, Gas Safe Register replaces the CORGI gas registration scheme as the official gas safety body. You should ask to see their current ID card which should include their photo and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do. All registered engineers are listed on the Gas Safe Register website: www.gassaferegister.co.uk or you can call them during normal office hours on 0800 408 5500. The Gas Safety (Installation and Use) Regulations 1998 are enforced by the Health and Safety Executive.

All gas appliances should be provided with adequate instructions for safe use. It is illegal to install any fixed fire, space heater or water heater of more than 14kw input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kw it must be either room sealed or have an oxygen depletion cut-out. Mobile cabinet gas heaters should only be used in rooms where there is sufficient ventilation.

The General Product Safety Regulations 2005 apply to second hand cookers. In summary, cookers:

must not have:

- sharp edges
- casing which gets hot enough to cause injury





must have:

- legible and durable makings on the controls and be marked with the manufacturer's or importer's name
- adequate pan supports
- tap handles which are easy to operate, but not liable to be turned on accidentally
- prompt ignition
- oven doors which seal in hot gases
- instructions for safe use

Gas and Oil Heater Fireguards

The General Product Safety Regulations 2005 require that fireguards on gas fires and oil heaters comply with British Standards or the European equivalent. Oil heaters and second hand gas fires which do not satisfy specific design criteria involving the hearth and installation instructions must be fitted with a guard which :-

- has no gap larger than 150 x 35mm and no diagonal dimension of larger than 154mm, or
- has no gap through which it is possible to pass a 12mm diameter probe, or
- of which the vertical rods are no greater than 5mm apart.

The guard must also pass certain strength tests.

Bunk Beds

A product which complies with the relevant safety standards is regarded as safe under the General Product Safety Regulations. British Standards Document **BS EN 747-1:2012 + A1: 2015** details current requirements relating to the safety of bunk beds, in particular the prescribed gaps allowed in the framework of the upper bunks to prevent the possibility of a child becoming trapped in any part of the bunk, causing risk of injury or death. The Standard also specifies the requirement for safety barriers on the upper bunk to prevent a person from falling out of the bunk. The following is a brief overview of certain requirements of the standard :-



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In the upper bunk:

- gaps in the sleeping surface (e.g. slats) shall measure no more than 75 millimetres across. All gaps between the bed base and the side or ends shall not exceed 25 mm
- the opening for someone to get in an out of bed shall have a width of between 300 and 400 millimetres wide and positioned in the long side of the bed.

The general requirements of the Standard include the following:

Safety Barriers

- any upper bunk bed or high bed shall be fitted with continuous safety barriers all around the bed, with the exception of an opening for access.
- the space between the barriers or filler bars shall be either 5mm or less or is at least 60 mm and not more than 75 mm.



- the distance between the upper edge of the safety barriers and the upper side of the bed base shall be at least 260 mm.
- the top of the mattress shall be at least 160mm below the upper edge of the safety barrier.

Ladder

- the bed shall be provided with a ladder which is safely connected.
- the clear distance between the two successive treads shall be at least 200mm and usable width of the tread shall be at least 300mm.
- frame parts of the bed, situated in the vicinity of treads, shall not interfere with the usable area of the tread.

Glass and Glazing Safety

The General Product Safety Regulations 2005 in conjunction with building control requirements and **BS 6262- 4 : 2018** (Glazing for buildings. Code of practice for safety related to human impact), requires that glazing fitted in critical locations in domestic buildings must be safe. The Standard and GPSR apply to all domestic glazing installations whether new build, replacement or refurbishment. Certain internal and external areas are considered 'critical locations' in terms of the safety of vertical glazing as they are at risk from human impact.



Critical locations are:

Doors - any glazing or part of that glazing in a door which is between the finished floor level and a height of 1500mm above floor level, is in a critical location.

Side panels to doors - any glazing or part of that glazing which is within 300mm of either side of a door edge that is between the finished floor level and a height of 1500mm above the floor level.

Windows, Partitions and Walls - any glazing or part of that glazing, which is between the finished floor level and a height of 800mm above the floor level.

Glass which is safe is safety glass which complies with **BS 6206** and the more recent **BS EN 12600**.



Other Appliances

All equipment and items not covered by specific regulations must comply with the General Product Safety Regulation 2005. All goods supplied with the accommodation must be reasonably safe. In addition, warnings and instructions must be supplied where they are necessary for the safe use of the items. Goods such as lawn mowers etc. should have guards in place; ironing boards, clothes dryers etc. should not have sharp edges that could cause injury in normal use. It is advisable to check all items at regular intervals to ensure they are safe.



The Consumer Protection from Unfair Trading Regulations 2008

The Consumer Protection from Unfair Trading Regulations 2008, which have replaced the main provisions of the Trade Descriptions Act 1968, apply to 'business to consumer' transaction and implement a general duty not to trade unfairly. This broadly means that traders will have to act in a way that enables the average consumer to make free and informed decisions.

The new law bans unfair advertising, marketing and other commercial practices used by businesses in their dealings with consumers. In particular, practices considered misleading or aggressive are banned and there is a further list of 31 specifically banned practices. The Regulations also ban misleading omissions.

As a trader, you should ensure that all descriptions made in relation to the letting of the accommodation, either verbally or in writing, are correct. You should also ensure that no material information is omitted, hidden or provided in a manner that is unclear, unintelligible, untimely or ambiguous.

*This guide has been prepared to give general information and does not cover every circumstance. If you require specific advice or guidance with regard to safety in let accommodation, please contact Gwynedd Council Trading Standards Unit on **01766 771000** or alternatively you may email us on **safmas@gwynedd.llyw.cymru***