EXPLANATORY MEMORANDUM TO

THE FURNITURE AND FURNISHINGS (FIRE) (SAFETY) (AMENDMENT) REGULATIONS 2025

2025 No. 531

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Justin Madders MP, Minister for Employment Rights, Competition and Markets at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Tony Thomas, Deputy Director for Product Safety Policy, at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Richard Jude at the Department for Business and Trade, email: furniturefiresafety@businessandtrade.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Statutory Instrument (SI) will amend the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (FFRs). It will amend the scope of the legislation to remove a number of specified baby and children's products, meaning that the fire safety of those products reverts to being regulated under the General Product Safety Regulations 2005.

4.2 The SI will also remove the requirement for businesses to attach a display label in order for new products to be supplied and extend the period in which enforcement authorities can institute legal proceedings from six to twelve months.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland (i.e. UK wide).

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom, including England, Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 This SI implements three changes to furniture fire safety policy following a consultation launched by the previous Government in August 2023, entitled *Smarter Regulation: Fire safety of domestic upholstered furniture*, which proposed a new approach to replace the FFRs.

5.2 Firstly, the removal of a number of baby and children's products from scope which will improve overall safety, by reducing the risk of exposure to chemical flame retardants to babies and young children at a significant stage in their development where the fire risk is lower than the chemical exposure risk. The fire safety of these products reverts to being regulated under the General Product Safety Regulations 2005.

5.3 Secondly, the removal of the requirement to attach a display label that currently provides a burden on businesses with limited value. We estimate it will bring savings for 6000 businesses of more than £22 million over 10 years.

5.4 Thirdly, the time available to enforcement authorities to institute legal proceedings is being increased from six to twelve months. Local authority trading standards services have highlighted the previous six-month window frequently leads to officers running out of time to gather evidence.

What was the previous policy, how is this different?

5.5 The FFRs were introduced to address a rise in injuries and deaths related to furniture fires in the 1970s and 1980s. This rise was caused by the introduction of synthetic materials, including polyurethane foam, which were highly flammable and presented a greater fire risk than the materials they replaced.

5.6 The FFRs set flammability requirements for filling and cover materials used in the manufacture of upholstered furniture items captured by the regulations, and required labelling be attached to show that products had been tested against those requirements.

5.7 The most common route that manufacturers use to meet flammability requirements is to use chemical flame retardants to reduce the flammability of components. Since the regulations were introduced, evidence has subsequently emerged to show that some chemical flame retardants pose health and environmental risks. While all chemicals used in upholstered furniture are required to comply with UK chemical laws, including UK REACH, these scope changes reflect the need to consider that evidence and address chemical safety risks alongside fire safety risks.

5.8 The display label was proposed in 1988 as a clear indicator to consumers that their furniture passed new tests and was fire safe, but it has become increasingly irrelevant with time. While it is recognisable, it no longer has a significant impact which means it can be removed, reducing that burden on businesses, without impacting consumer safety.

5.9 The FFRs set a time limit of six month for enforcement authorities to institute legal proceedings, these measures double that period to address concerns that cases were failing because enforcement officers did not have sufficient time to gather evidence.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument uses powers under section 11 of the Consumer Protection Act 1987 to amend the definition of furniture at Regulation 3 the Furniture and Furnishings (Fire) (Safety) Regulations 1988. It also removes provisions in Regulation 10, Regulation 14(3) and (4) and Schedules 6 and 8 of those regulations, that describe and set requirements in relation to the display label. It then also adds provisions that enable legal proceedings to be initiated in England, Wales, Northern Ireland and Scotland up to twelve months from the committing of an offence.

Why was this approach taken to change the law?

6.2 Powers in the Consumer Protection Act 1987 enable the Government to make provision for the purpose of ensuring that goods are safe. The consultation highlighted a number of areas where it was appropriate to amend the FFRs in order to improve consumer safety and remove business burdens where they no longer contribute to protecting consumers.

6.3 The precise drafting approach used is considered to be the clearest and most effective way of achieving the changes.

7. Consultation

Consultation outcome and methodology

7.1 A consultation on a proposed new approach to the fire safety of domestic upholstered furniture ran from 2 August to 24 October 2023 and 568 written responses were received.[1] The consultation consisted of 19 open questions and responses were received from businesses, individuals, trade associations, fire services and other stakeholders.

7.2 The Government has published a policy paper announcing that that these three initial changes will be made, but that further policy consideration is required to finalise the other proposals included in the consultation.[2] A summary of the consultation responses received was published alongside that policy paper.[3]

8. Applicable Guidance

8.1 The Government will publish a short guidance document at the time of laying, explaining the changes and the impact they will have on businesses and regulators.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impacts of the Furniture and Furnishings (Fire) (Safety) Amendment Regulations 2025 are expected to be below the de-minimis threshold.

[1] https://www.gov.uk/government/consultations/smarter-regulation-fire-safety-of-domestic-upholstered-furniture
[2] https://www.gov.uk/government/publications/fire-safety-of-domestic-upholstered-furniture
[3] https://www.gov.uk/government/consultations/smarter-regulation-fire-safety-of-domestic-upholstered-furniture

9.2 The impacts of this instrument are limited to the costs of businesses familiarising themselves with the amended regulations and the cost savings for affected businesses from no longer having to print and attach display labels to each product in scope of the legislation.

Impact on businesses, charities and voluntary bodies

9.3 There is judged to be no significant impact on business including small or micro businesses, charities or voluntary bodies because of the permissive nature of the amendments. Any impact is likely to be small and positive.

9.4 There is no need to exempt small and micro businesses from the amended regulations as the changes do not place additional legal obligations on businesses and they could legally choose not to make changes as a result of the amendments.

9.5 There is no, or no significant, impact on the public sector as a result of the new provisions.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will include the evaluation of both consumer and business attitudes and experiences of the changes as well as liaising with fire services and enforcement authorities to understand any practical or consumer safety impacts.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 the Minister for Employment Rights, Competition and Markets has made the following statement:

"These reforms are part of a wider review of UK furniture fire safety policy. The Government plans to bring forward reforms to replace the FFRs in due course and will review the impact of these changes as part of that reform process. New regulations to replace the FFRs will include statutory review requirements."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for Employment Rights, Competition and Markets has made the following statement regarding Human Rights:

"In my view the provisions of the Furniture and Furnishings (Fire) (Safety) Amendment Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").