STATUTORY INSTRUMENTS

1973 No. 2106

CONSUMER PROTECTION

The Heating Appliances (Fireguards) Regulations 1973

Made - - - -	*8th December* 1973
Laid before Parliament	*20th December* 1973
Coming into Operation	*1st April* 1974

In pursuance of sections 1, 2(4) and (6) and 6(2) of the Consumer Protection Act 1961**(a)** and, as respects Scotland, of paragraph 7 of the Schedule to that Act, and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

1. These Regulations may be cited as the Heating Appliances (Fireguards) Regulations 1973 and shall come into operation on 1st April 1974.

2.—(1) In these Regulations, unless the context otherwise requires—

"the Act" means the Consumer Protection Act 1961;

"excepted appliance" means—

(*a*) a gas or electric fire or oil heater—

(i) which is so constructed that when the appliance is burning, or, if it is an electric fire, consuming electricity, at the maximum rate for which it is designed, the heating element and, if it is a gas fire or oil heater, any flame is so enclosed within the body of the appliance that there is no likelihood of personal injury from burning, or of ignition of any fabric by reason of, in either case, contact with or proximity to, the heating element or any flame; or

(ii) which is not suitable for heating rooms in dwelling houses or other residential premises; or

(*b*) an electric fire which is so constructed as to require attachment to a ceiling;

"gas fire" includes a gas burning heating appliance in which the source of the gas is in liquid form or the gas is contained in a portable container;

"heating appliance" means—

(*a*) a gas or electric fire; or

(*b*) an oil heater;

(a) 1961 c. 40.

other than an excepted appliance:

"heating element" means—

(*a*) in relation to a gas fire or oil heater, that part of it which is designed to be directly heated by the impingement thereon of burning fuel:

(*b*) in relation to an electric fire, a heating resistor and element former including, where a resistor and former (if any) are a detachable unit, so much of the fire as makes them such a unit.

(2) Any reference in these Regulations to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

(3) The Interpretation Act 1889**(a)** applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) Subject to paragraph (2) below, a heating appliance shall be fitted with a guard such that the appliance is capable of satisfying the tests and requirements specified in Clause 1.3 (which contains design and performance requirements in relation to all types of heating appliances) and, as may be appropriate to the type of appliance, the tests and requirements specified in Clause 2 (which relates to gas fires), Clause 3 (which relates to electric fires) or Clause 4 (which relates to oil heaters) of the British Standard Specification for Fireguards for Heating Appliances (Gas, Electric and Oil-Burning) BS 1945: 1971, published on 30th July 1971, as amended by Amendment No. 1, published on 12th April 1972.

(2) This Regulation shall not have effect until 1st October 1974 except in the case of goods and component parts sold, or in the possession of any person for the purposes of being sold, by the manufacturer or importer into Great Britain of those goods or parts.

4. As respects the requirements of these Regulations, subsections (1) and (2) of section 2 of the Act (which prohibits sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to goods and component parts manufactured before the imposition of the requirements notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

5. Section 2(1) to (3) of the Act (except subsection (3)(*d*) and (*e*)) (sale and possession for sale of goods and component parts not complying with regulations) shall, except as provided by the proviso to section 2(6), apply in relation to goods to which these Regulations apply as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to a letting under a hire-purchase agreement.

6.—(1) The Schedule to the Act (which relates to enforcement by local authorities) shall have effect in relation to goods to which these Regulations apply.

(a) 1889 c. 63.

(2) As respects Scotland, "local authority" in the Schedule to the Act shall mean, in relation to goods to which these Regulations apply, the council of any county or any town.

(3) Paragraph (2) above will cease to have effect on the coming into operation of paragraph 150 of Schedule 27 to the Local Government (Scotland) Act 1973(a) (which relates to the meaning of "local authority" in the Schedule to the Act).

7.—(1) In Schedule 2 to the Oil Heaters Regulations 1962(b), as inserted by the Schedule to the Oil Heaters Regulations 1966(c), in the last paragraph for the words from "by the Heating" onwards there shall be substituted the words "by the Heating Appliances (Fireguards) Regulations 1973".

(2) The Heating Appliances (Fireguards) Regulations 1953(d) and the Heating Appliances (Fireguards) (Scotland) Regulations 1953(e) shall, on 1st April 1974, cease to have effect in relation to the goods and component parts mentioned in Regulation 3(2) of these Regulations and are hereby revoked with effect from 1st October 1974.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th December 1973.

(a) 1973 c. 65.
(b) S.I. 1962/884 (1962 I, p. 1017).
(c) S.I. 1966/588 (1966 II, p. 1348).
(d) S.I. 1953/526 (1953 I, p. 845).
(e) S.I. 1953/524 (1953 I, p. 848).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Consumer Protection Act 1961 gives the Secretary of State power to make Regulations imposing requirements, in respect of any class of goods, to prevent or reduce risk of death or personal injury. These Regulations impose such requirements in relation to gas and electric fires and oil heaters for heating rooms, and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale such an appliance not complying with the Regulations. By virtue of Regulation 5, letting on hire or hire-purchase is similarly prohibited.

The substance of the Regulations is contained in Regulation 3, which requires heating appliances (as defined in Regulation 2) to have a fireguard which satisfies requirements of the British Standard BS 1945:1971 as amended in 1972. The requirements do not apply until 1st October 1974 except in the case of manufacturers and importers (Regulation 3(2)).

The Regulations supersede the Heating Appliances (Fireguards) Regulations 1953 and the Heating Appliances (Fireguards) (Scotland) Regulations 1953.

SI 1973/2106
ISBN 0-11-032106-5

