
Safety of goods in rented accommodation - landlords/letting agencies

Who the Law Affects

Anyone who lets residential furnished accommodation (such as houses, flats and bedsits, holiday homes, caravans and boats) as a business activity. This includes Letting Agents, Estate Agents and private landlords. Often letting agents as well as landlords are liable if goods supplied with the tenancy are not of the standard required by law.

The supply of goods occurs at the time of the tenancy contract. It is, therefore, essential that property is checked prior to the tenancy to ensure that all goods supplied with the tenancy are of the required standard. A record should be made of the goods supplied as part of the tenancy agreement and of checks made on those goods. The record should indicate who carried out the checks and when they did it.

Please note that it is a legal requirement for all gas appliances to be checked by a Gas Safe registered person every 12 months and for a record of the check to be made given to tenants before they move in.

Furniture *The Furniture and Furnishings (Fire) (Safety) Regulations 1988*

Upholstered furniture included in lettings must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. These Regulations impose the same stringent standards as apply to new and second-hand furniture in the shops.

The Regulations are applicable to the following:

- All types of upholstered seating. This includes chairs, settees, padded stools, pouffes, sofa beds, and padded headboards.
- Children's furniture, cots, carrycots, playpens, prams, pushchairs, high chairs.
- Garden furniture suitable for indoor use.
- Furniture in caravans.
- Mattresses and padded bed bases.
- Scatter cushions, pillows.

The safety provisions require that:

1. the upholstery must pass a specified cigarette test for flammability (not required for mattresses, bed bases, pillows and cushions);
2. filling materials must pass a specified ignitability test; there are some exemptions for cushions and pillows where the cover passes certain ignitability tests;
3. furniture with permanent covers (excluding mattresses, bed bases and insulated bags designed for carrying babies under six months) must pass specified match tests;
4. where in the case of certain natural fibre covers there is an interliner between the furniture and the cover and the interliner passes specified ignition resistance tests, the cover need not pass the match test in (3) above.

Furniture made before 1st January 1950 is excluded from the controls. Bedding, carpets and curtains are also excluded.

How to Tell Whether Furniture Complies - Labelling

You should check to see that a permanent label is present, as this is the best way to show compliance. Most furniture should have a label stating at least the following:

CARELESSNESS CAUSES FIRE

Batch / ID No: AX1234

To comply with the Furniture and Furnishings (Fire) (Safety)

Regulations:

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.

Permanent labels can be sewn, stapled or glued to the furniture and can usually be found either under the main seat cushion or on the base of the furniture.

Mattresses and bed bases 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.

Items not bearing any labelling may not conform to the Regulations, and you are advised not to include them in any letting until you have obtained evidence that they comply.

Electrical Equipment *The Electrical Equipment (Safety) Regulations 1994*

All mains electrical equipment, new or second-hand, supplied with the accommodation must be safe. If it complies with an acceptable standard, e.g. a British/European Standard, it will normally meet safety requirements.

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.

Wiring Colour Codes

The wires of a 3-core mains lead are usually coloured as follows: Earth - green & yellow, Neutral – blue, Live – brown. The old red, black and green colours are undesirable as they may make the product unsafe and so illegal. If you change a lead, have it checked by an electrician. Incorrect wiring may cause electrocution.

Plugs and Sockets *The Plugs and Sockets (Safety) Regulations 1994*

Electrical appliances must be correctly fitted with an approved plug with sleeved pins. All plugs should carry the name and reference number of the approved body, normally BSI or

ASTA. The plug does not have to be moulded on but it must have the correct fuse for the appliance.

All sockets (e.g. on mains extension leads), adaptors and similar devices must meet British or European Standards.

Electric Fireguards

The distance between the bars and the strength of the guard 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.

Electric Blankets

We advise you not to supply second-hand electric blankets as their history, usage and condition may be unknown.

How to tell whether Electrical Equipment Complies

You must take all reasonable precautions to ensure electrical equipment is safe and correctly labelled. It is strongly advisable to have the equipment checked by a qualified electrician before the start of each let. It would be good practice to have the equipment checked at regular intervals thereafter. You should obtain and retain test reports detailing the equipment, the tests carried out and the results.

Gas Appliances *Gas Safety (Installation & Use) Regulations 1998.*

There are requirements relating to the installation and use of gas appliances. These are enforced by the Health and Safety Executive. Further information can be obtained by contacting the HSE Safety Advice Line on 0800 300363.

In summary:

Landlords must ensure that gas appliances, including LPG cabinet heaters, are checked for safety 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 taken. They must also make this information available to tenants, and prospective tenants, and keep records for 2 years.

You should be aware that only businesses registered with Gas Safe should be permitted to carry out installation and maintenance of gas appliances. You should ask to see their current Gas Safe registration certificate or ring Gas Safe on 0800 408 5500 or visit www.gassaferegister.co.uk.

Mobile cabinet gas heaters should only be used in rooms where there is sufficient ventilation.

All gas appliances should be provided with adequate instructions for their safe use. It is illegal to install any fixed fire, space heater or water heater of more than 14 kW input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kW it must either be 'room sealed' or have an oxygen depletion cut out.

The HSE enforce the Gas Safety (Installation & Use) Regulations 1998 but Trading Standards enforce the following:

Gas Appliances *Gas Appliances (Safety) Regulations 1995*

Require that all new gas appliances must be safe and come with instructions when sold.

Gas Cookers *Gas Cooking Appliances (Safety) Regulations 1989*

Applies to second-hand gas cookers.

They must:

1. have legible and durable markings on the controls; be marked with the manufacturers or importers name;
2. have adequate pan supports;
3. have tap handles which are easy to operate, but not liable to be turned on accidentally;
4. ignite promptly;
5. have oven doors which seal in hot gases;
6. have instructions for safe use.

They must not have:

1. sharp edges;
2. a casing that gets hot enough to cause injury.

Any hob cover must shut off the gas supply or the cover must have a warning label stating that it does not.

Gas & oil heater Fireguards *The Heating Appliances (Fireguards) (safety) Regulations 1991*

Fireguards on gas fires and oil heaters must comply with British Standards or the European equivalent.

Oil heaters & second-hand gas fires which do not satisfy specific design criteria involving the hearth and installation instructions must be fitted with a guard which:

- does not permit a 35mm diameter probe to touch the heated radiants or the flame
- has no gap larger than 150 x 35mm and no diameter of a gap larger than 154mm

unless - it is not possible to pass a 12mm diameter probe through the gap or the gap is between vertical rods no greater than 5mm apart The guard must pass certain strength tests.

Gas Catalytic Heaters *The Gas Catalytic Heaters (Safety) Regulations 1984*

Prohibits the supply of these heaters that contain asbestos.

Paraffin Heaters *Oil Heaters (Safety) Regulations 1977*

Applies to paraffin heaters. Controls cover stability, flame extinction & labelling.

Glazing *Construction Products Regulations 1991; General Product Safety Regulations 1994*

If you are buying replacement glazing you should consider using safety glass in critical locations such as conservatories and doors.

Other Appliances and Equipment *General Product Safety Regulations 1994.*

All equipment and items not covered by specific regulations must comply with the General Product Safety Regulations 1994. You must ensure that all items you supply with the

accommodation are safe. This will include supplying warnings and instructions with the items where they are necessary for the safe use of the items.

For example, mechanical lawn mowers, strimmers, etc must be provided with the necessary guards in place; chairs and stepladders must be strong enough to support a person's weight. Glass in furniture should satisfy British Standards where applicable. Ironing boards, clothes dryers, etc should not have sharp edges that could cause injury in normal use. You are advised to check all items at regular intervals to ensure they are safe.

About Trading Standards

Our aim is to protect consumers and business from unfair trading. The Consumer Protection Act 1987 demands that Landlords and their agents provide only safe items with accommodation. People who fail to do this not only put their tenants at risk, but also gain business at the expense of reputable providers of accommodation. There are costs involved in complying with these requirements, but it is worth remembering that the cost of non-compliance could be substantial. The maximum fine on conviction is £5000 and a prison sentence of up to six months could be imposed.

For further information and advice contact your local area Trading Standards Office

Telephone 01546 605519
Email tradingstandards@argyll-bute.gov.uk

Bute and Cowal - 22 Hill Street, Dunoon, PA23 7AP
Helensburgh and Lomond - Blairvadach, Shandon, Helensburgh, G84 8ND
Mid Argyll, Kintyre and Islands - Area Office, Manse Brae, Lochgilphead, PA31 8QU
Oban, Lorn and the Isles - Municipal Buildings, Albany Street, Oban, PA34 4AW

Office Hours: 9.00am-5.00pm Monday-Friday