

Consumer and Trading Standards

Safety of goods in furnished accommodation

Information for landlords and letting agents



*Business
information*



Community and
Enterprise Resources



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To whom does the law apply?

Anyone who lets residential furnished accommodation as a business activity is subject to a range of safety legislation made under The Consumer Protection Act 1987. This includes houses, flats, bed sits, holiday homes, etc and applies to letting agents, estate agents and landlords. It also extends to local authorities who may supply accommodation in connection with the performance of a statutory function such as accommodation for homeless persons.

The legislation does not extend to private individuals offering one off, short term lets; for example an individual letting their own property whilst working abroad.

What does the law require?

In general the law requires that goods are safe when they are supplied. The supply of goods can occur when the tenancy contract is made, and/or when the tenant moves into the property, and/or when goods are newly supplied or installed for an existing tenant.

This leaflet seeks to raise awareness of the main legislation that applies to furnished accommodation. Due to the variety of possible scenarios not all statutes are noted. However, further detailed advice on the full range of requirements is available free of charge by contacting the office noted on the back page.

Furniture

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

The regulations set levels of fire resistance for domestic upholstered furniture and furnishings. Items covered include sofa's (including loose or stretched covers), armchairs, futons, headboards, cushions, mattresses, pillows, seat pads on chairs, and so on.

Upholstered articles must:

- have fire resistant filling material
- have passed specific match and or cigarette ignition tests
- the combination of the cover fabric and the filling material must have passed a cigarette resistance test.

Furniture made before 1st January 1950 that has not been modified is excluded from the controls. Bedding, carpets and curtains are also excluded.

Electrical equipment

You must take all reasonable precautions to ensure that electrical equipment is safe and correctly labelled. It is advisable to have the equipment checked by a qualified electrician prior to 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.

The Electrical Equipment (Safety) Regulations 1994

All mains electrical equipment, new or used, supplied with the accommodation, must be safe. The safety requirements cover a variety of aspects including:

- labelling, construction, design, and manufacture
- insulation, earthing and protection from electric shock
- the need to provide instructions for safe use.

If the item complies with an acceptable standard, for example a British/European Standard, it will normally meet safety requirements. Items supplied after 1994 should bear a CE approval mark.

Plugs and sockets

The Plugs and Sockets etc (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 and contain an appropriate fuse for the appliance. All sockets, adaptors and similar devices must meet British or European Standards.

Electric blankets

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

Gas appliances

Gas Safety (Installation and Use) Regulations 1998

There are requirements relating to the installation and use of gas appliances. The Health and Safety Executive (HSE) enforce these. You can contact the HSE Gas Safety Advice Line on 0800 300363.

From 1st April 2009 the gas installer registration scheme previously operated by CORGI was replaced by the new Gas Safe Register.

As the new official gas safety body only Gas Safe registered engineers should carry out work on gas appliances or installations in your home. Further details can be found at www.gassaferegister.co.uk.

The HSE enforce the above but trading standards enforce the following:

Gas Appliances (Safety) Regulations 1995

These Regulations require that all new gas appliances must be safe and come with instructions when sold.

Gas Cooking Appliances (Safety) Regulations 1989

The Regulations include provisions concerning risk of injury arising from:

- the combustion or escape of gas
- the surface temperature of parts of the appliance
- the stability of the appliance
- inadequate instructions, markings and warnings where such information is necessary.

The Heating Appliances (Fireguards) (Safety) Regulations 1991

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

Other appliances and equipment

General Product Safety Regulations 2005

All equipment and items not covered by specific regulations must comply with the General Product Safety Regulations 2005. You must ensure that all items you supply with the accommodation are safe. For example non-upholstered furniture (e.g. dining table and chairs) should be stable and sturdy, and ironing boards, clothes dryers etc., should not have sharp edges that could cause injury in normal use.

You are advised to regularly check such goods, keep records of such checks; and make sure any instructions or warning labels are present to allow the safe use of products where appropriate.

Penalties

The penalties vary, depending on the specific piece of legislation, but fines of up to £5,000 and, or imprisonment for a term of up to six months, can be imposed. If a product causes injury or damage substantial compensation may be payable, whether or not criminal proceedings are brought.

Getting it right

Our aim is to protect consumers and business from unfair trading. The law requires 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.

Any breach of these legal requirements may have an impact upon the 'fit and proper person' test undertaken by the local authority when you apply to register as a landlord.

Statutory Defences / Due Diligence

Many of these statutes create what is known as 'strict liability' offences. In such cases this means it does not matter that you did not intend to do wrong **or** were ignorant of requirements. The fact that you have contravened the law is sufficient to allow a court to convict.

A statutory defence exists in these circumstances to act as an effective balance to those reputable parties who make efforts to comply with their responsibilities. The system includes the defence of reasonable precautions and due diligence. To use these defences, a person must prove that they took all reasonable steps and exercised all due diligence to avoid committing the offence. Whether or not a defence will be successful depends on the circumstances surrounding each case.

However, if all reasonable steps are taken to:-

- Regularly check properties and their contents.
- Ensure that goods supplied are examined and certified as safe.
- Ensure descriptions are accurate.
- That adequate records are maintained.

then compliance should be achieved.

Please note

Advice is given gratuitously and without liability on the part of South Lanarkshire Council or any of its officers. Advice is based on the information supplied by you and on this Department's interpretation of the law. It is subject to review in light of new legislation or new interpretation of the law by the Courts.

Where can I get further help?

For advice, information or assistance contact:

Consumer and Trading Standards

Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

We are open from 8.45am to 4.45pm Monday to Thursday and
8.45am to 4.15pm on a Friday.

Phone: 08457 406080

Email: business.enquiries@southlanarkshire.gov.uk

For information and enquiries on Landlord Registration contact:

Landlord Registration Team

Phone: 0141 584 2537, 0141 584 2536, 0141 584 2535 or 0141 584 2534

Email: landlordregistrationteam@southlanarkshire.gov.uk

or

Landlord Registration Scotland

The Scottish Government's online registration page

www.landlordregistrationscotland.gov.uk

If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone: 01698 455696

Email: business.enquiries@southlanarkshire.gov.uk

www.southlanarkshire.gov.uk