
STATUTORY INSTRUMENTS

1991 No. 2693

CONSUMER PROTECTION

The Heating Appliances (Fireguards) (Safety) Regulations 1991

Made - - - - 28th November 1991
Laid before Parliament 4th December 1991
Coming into force - - 31st December 1991

Whereas the Secretary of State has in accordance with section 11(5) of the Consumer Protection Act 1987⁽¹⁾, consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

Now, therefore, the Secretary of State in exercise of his powers under section 11 of the said Act, read with article 6 of the Consumer Protection Act 1987 (Commencement no. 1) Order 1987⁽²⁾, hereby makes the following Regulations:—

1. These Regulations may be cited as the Heating Appliances (Fireguards) (Safety) Regulations 1991 and shall come into force on 31st December 1991.

2. The Heating Appliances (Fireguards) Regulations 1973⁽³⁾ and the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975⁽⁴⁾ are hereby revoked.

3. In these Regulations:—

- (a) “BS 1945” means 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 subject to any further amendments made thereto and approved by the Secretary of State;
- (b) “flue box” means an enclosure constructed to perform the function of a fireplace recess;
- (c) “gas fire” includes:—
 - (i) 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; and
 - (ii) a gas burning appliance intended to simulate a solid fuel fire;
- (d) “heating appliance” means a gas fire or oil heater;

(1) 1987 c. 43.
(2) S.I.1987/1680 (c. 51).
(3) S.I. 1973/2106.
(4) S.R. (N.I.) 1975/310.

- (e) “residential premises” includes premises intended for temporary accommodation except tents but does not include any part of residential premises which consists of out-buildings such as garages or greenhouses.
4. No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any heating appliance in respect of which any of the requirements of these Regulations is not satisfied.
5. Subject to regulation 6 below, a heating appliance shall be fitted with a guard such that the appliance is capable of satisfying the following tests and requirements specified in BS 1945:–
- (a) Clause 1.3 (which contains design and performance requirements which apply to all types of heating appliances); and in the case of gas fires:
 - (b) Clause 2; and in the case of oil heaters:
 - (c) Clause 4.
6. These Regulations shall not apply:–
- (1) to any heating appliance fitted with a guard such that the appliance complies with any standard or specification recognised for use in a member State of the European Economic Community where such compliance provides a level of safety equivalent to that which would be provided if the appliance satisfied the tests and requirements specified by those Clauses of BS 1945 which are relevant, pursuant to regulation 5, to the type of appliance in question;
 - (2) to any heating appliance which is not ordinarily intended for use in residential premises;
 - (3) to a heating appliance which is so constructed that when the appliance is burning gas or oil, any flame is enclosed within the appliance so that:–
 - (a) there is no likelihood of personal injury from burning, and
 - (b) there is no likelihood of ignition of any fabric, by reason of, in either case, contact with or closeness to any flame or any part of the appliance which becomes incandescent; or
 - (4) to any gas fire which is:–
 - (a) designed for installation in a fireplace recess or a flue box; and
 - (b) supplied with clear instructions in English for installation in terms such that when those instructions are followed the installed fire will meet the conditions set out in the Schedule to these Regulations.

Department of Trade and Industry

Edward Leigh
Parliamentary Under Secretary of State, 28th
November 1991

SCHEDULE

Regulation 6(4)

CONDITIONS WHICH A GAS FIRE INSTALLED IN A FIREPLACE RECESS OR FLUE BOX MUST MEET WHEN INSTALLED IN ACCORDANCE WITH INSTRUCTIONS SUPPLIED WITH THE FIRE IN ORDER THAT THE FIRE MAY BE EXEMPT FROM THE REQUIREMENT OF THE REGULATIONS FOR A FITTED GUARD

1. No naked flame or incandescent part of the firebed projects more than 50 millimetres from the vertical plane of the fireplace opening.
2. The forward projection of any naked flame or incandescent part of the firebed is enclosed on all sides except the front.
3. There is a hearth which projects at least 300 millimetres in front of any naked flame (such as the pilot or burner) and any incandescent part of the firebed.
4. The hearth and any surround that is fitted projects at least 150 millimetres beyond each side of the naked flame or incandescent part of the firebed at its widest point.
5. The periphery of the hearth is at least 50 millimetres above the floor level.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Heating Appliances (Fireguards) Regulations 1973, and the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975 which imposed requirements relating to the safety of certain gas and electric fires and oil heaters. The Regulations which are revoked required the relevant gas and oil heaters to have a fire guard which satisfied requirements of the British Standard BS 1945: 1971 as amended in 1972.

The main changes made by these Regulations are:–

- (a) they do not apply to electrical appliances. (These are now regulated by the Low Voltage Electrical Equipment (Safety) Regulations 1989.)
- (b) heating appliances may have a fireguard which complies with a standard published in another member State of the European Economic Community compliance with which provides an equivalent level of safety to that provided by compliance with the tests and requirements specified by the relevant clauses of BS 1945: 1971 as amended (regulation 6(1)).
- (c) gas fires which are designed for installation in a fireplace recess or flue box are not required to have a fireguard provided that they are supplied with instructions for installation in terms such that when those instructions are followed the conditions set out in the Schedule are met (regulation 6(4)).
- (d) the exclusion in the 1973 and 1975 Regulations for heating appliances which are not suitable for heating residential premises has been amended primarily to make it clear that appliances for use in premises intended for temporary accommodation (other than tents) are not excluded from the Regulations (regulations 3(e) and 6(2)).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Copies of the British Standard Specification for Fireguards for Heating Appliances (Gas, Electric and Oil-Burning) BS 1945: 1971 and amendments thereto may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE.