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STATUTORY INSTRUMENTS

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**2018 No. 1276**

**The Accreditation of Forensic  
Service Providers Regulations 2018**

**Citation and commencement**

1. These Regulations may be cited as the Accreditation of Forensic Service Providers Regulations 2018 and come into force on 25th March 2019.

**Interpretation**

2. In these Regulations—

[<sup>F1</sup>“AWE Aldermaston” means the Atomic Weapons Establishment at Aldermaston;]

“competent law enforcement authorities” means those bodies responsible for the prevention, detection or investigation of criminal offences as specified in the Schedule to these Regulations;

“dactyloscopic data” has the same meaning as in [<sup>F2</sup>Title II of Part 3 of the Trade and Cooperation Agreement (exchanges of DNA, fingerprints and [<sup>F3</sup>vehicle registration data)];

“DNA-profile” has the same meaning as in [<sup>F2</sup>Title II of Part 3 of the Trade and Cooperation Agreement (exchanges of DNA, fingerprints and [<sup>F3</sup>vehicle registration data)];

[<sup>F4</sup>“Dstl Fort Halstead” means the Defence Science and Technology Laboratory at Fort Halstead;]

[<sup>F4</sup>“Dstl Porton Down” means the Defence Science and Technology Laboratory at Porton Down;]

“forensic service provider” means any person that carries out laboratory activities at the request of competent law enforcement authorities;

<sup>F5</sup>  
...

“laboratory activity” has the same meaning as in [<sup>F2</sup>Title II of Part 3 of the Trade and Cooperation Agreement (exchanges of DNA, fingerprints and [<sup>F3</sup>vehicle registration data)];

[<sup>F6</sup>“relevant employee” in relation to a particular laboratory activity means an individual who is employed by an accredited forensic service provider for the purpose of carrying out that laboratory activity;]

[<sup>F7</sup>“the Trade and Cooperation Agreement” has the same meaning as in the European Union (Future Relationship) Act 2020 (see section 37 of that Act)];

“UKAS” means the United Kingdom Accreditation Service, a company limited by guarantee incorporated in England and Wales under number 03076190.

### Textual Amendments

- F1** Words in reg. 2 inserted (20.11.2019) by The Accreditation of Forensic Service Providers (Amendment) Regulations 2019 (S.I. 2019/1384), regs. 1, **2(2)(a)**
- F2** Words in reg. 2 substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), **ss. 10(2)(a)**, 40(7); S.I. 2020/1662, reg. 2(i)
- F3** Words in reg. 2 substituted (23.7.2021) by The European Union (Future Relationship) Act 2020 (References to the Trade and Cooperation Agreement) Regulations 2021 (S.I. 2021/884), regs. 1(2), **3(2)(a)** (with reg. 1(3)(a))
- F4** Words in reg. 2 inserted (20.11.2019) by The Accreditation of Forensic Service Providers (Amendment) Regulations 2019 (S.I. 2019/1384), regs. 1, **2(2)(b)**
- F5** Words in reg. 2 omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), **ss. 10(2)(b)**, 40(7); S.I. 2020/1662, reg. 2(i)
- F6** Words in reg. 2 inserted (20.11.2019) by The Accreditation of Forensic Service Providers (Amendment) Regulations 2019 (S.I. 2019/1384), regs. 1, **2(2)(c)**
- F7** Words in reg. 2 inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), **ss. 10(2)(c)**, 40(7); S.I. 2020/1662, reg. 2(i)

### Scope

- 3.—**(1) These Regulations apply to laboratory activity that results in—
- (a) a DNA-profile, or
  - (b) dactyloscopic data.
- (2) These Regulations do not affect national rules on the judicial assessment of evidence.

### Requirement of accreditation

**4.—**(1) Competent law enforcement authorities must use an accredited forensic service provider to conduct any laboratory activity that—

- (a) is within scope of these Regulations, and
  - (b) is requested in relation to the prevention, detection or investigation of criminal offences.
- (2) A forensic service provider is accredited if they are either—
- (a) accredited by UKAS as complying with European standard EN ISO/IEC 17025 <sup>M1</sup>, or
  - (b) are otherwise accredited in accordance with [<sup>F8</sup>paragraph 1 of [<sup>F9</sup>Article 538] of the Trade and Cooperation Agreement] (accreditation).

[<sup>F10</sup>(2A) In respect of laboratory activity carried out—

- (a) at AWE Aldermaston, Dstl Fort Halstead or Dstl Porton Down, and
- (b) on items which require specialist handling and containment due to the presence of hazardous chemical, biological, radiological or nuclear material or explosive material,

the requirement of accreditation is satisfied if that laboratory activity is carried out by, or under the supervision of, an individual who is a relevant employee in relation to that laboratory activity.]

(3) The requirement of accreditation only applies in relation to laboratory work that is carried out after the commencement of these Regulations.

#### Textual Amendments

- F8** Words in [reg. 4\(2\)\(b\)](#) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), [ss. 10\(3\)](#), 40(7); S.I. 2020/1662, [reg. 2\(i\)](#)
- F9** Words in [reg. 4\(2\)\(b\)](#) substituted (23.7.2021) by [The European Union \(Future Relationship\) Act 2020](#) (References to the Trade and Cooperation Agreement) Regulations 2021 (S.I. 2021/884), [regs. 1\(2\)](#), [3\(2\)\(b\)](#) (with [reg. 1\(3\)\(a\)](#))
- F10** [Reg. 4\(2A\)](#) inserted (20.11.2019) by [The Accreditation of Forensic Service Providers \(Amendment\) Regulations 2019](#) (S.I. 2019/1384), [regs. 1](#), [2\(3\)](#)

#### Marginal Citations

- M1** EN ISO/IEC 17025 is the international standard “General requirements for the competence of testing and calibration laboratories” as revised or reissued from time to time. The 2017 version was approved by the European Committee for Standardisation (CEN) on 10 November 2017 and is published under reference BS EN ISO/IEC 17025:2017 as a UK standard by the British Standards Institution (ISBN 978 0 539 01414 3). Copies, including hard copies, of the standard can be obtained at [www.bsigroup.com](http://www.bsigroup.com).

#### Recognition of results

[<sup>F11</sup>5. For the purposes of these Regulations, the results of the following are to be regarded as being equally reliable—

- (a) laboratory activity carried out by forensic service providers accredited in accordance with regulation 4(2)(a);
- (b) laboratory activity carried out by forensic service providers accredited in accordance with regulation 4(2)(b);
- (c) laboratory activity carried out in accordance with regulation 4(2A).]

#### Textual Amendments

- F11** [Reg. 5](#) substituted (20.11.2019) by [The Accreditation of Forensic Service Providers \(Amendment\) Regulations 2019](#) (S.I. 2019/1384), [regs. 1](#), [2\(4\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Accreditation of Forensic Service Providers Regulations 2018.