

2018 No. 1276

POLICE

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

<i>Made</i>	- - - -	<i>28th November 2018</i>
<i>Laid before Parliament</i>		<i>3rd December 2018</i>
<i>Coming into force</i>	- -	<i>25th March 2019</i>

The Secretary of State, being a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to criminal justice, makes the following Regulations in exercise of the powers conferred by that section.

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—

“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 the Framework Decision;

“DNA-profile” has the same meaning as in the Framework Decision;

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

“Framework Decision” means Council Framework Decision 2009/905/JHA of 30th November 2009 on accreditation of forensic service providers carrying out laboratory activities(c);

“laboratory activity” has the same meaning as in the Framework Decision;

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

(a) S.I. 2012/2752.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7). Under section 57 of the Scotland Act 1998 (c. 46) despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Union law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by him as regards Scotland.

(c) OJ L 322, 9.12.2009, p. 14–16.

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(a), or
- (b) are otherwise accredited in accordance with Article 4 of the Framework Decision (accreditation).

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

Recognition of results

5. Results of laboratory activity carried out by forensic service providers accredited either under sub-paragraph (a) or under sub-paragraph (b) of regulation 4(2) (requirement of accreditation) are to be regarded as being equally reliable.

28th November 2018

Nick Hurd
Minister of State
Home Office

SCHEDULE

Regulation 2

Specified competent law enforcement authorities

1. Any police force maintained under either section 2 or section 5A of the Police Act 1996(b).
2. Her Majesty's Revenue and Customs.
3. The British Transport Police Force.
4. The City of London police force.
5. The Civil Nuclear Constabulary.

(a) 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.

(b) 1996 c. 16; section 2 was amended by paragraph 4 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 5A was inserted by section 310(1) of the Greater London Authority Act 1999 (c. 29).

6. The Home Office.
7. The National Crime Agency.
8. The Police Service of Northern Ireland.
9. The Police Service of Scotland.
10. The Ports Police, being any body of constables appointed under—
 - (a) provisions incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847(a); or
 - (b) an order made under section 14(1) of the Harbours Act 1964(b); or
 - (c) section 154 of the Port of London Act 1968(c).
11. The Serious Fraud Office.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Council Framework Decision 2009/905/JHA of the 30th November 2009 on accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p 14-16).

Regulation 3 limits the scope of the laboratory activities to which the Regulations apply to those which result in the production of DNA-profiles or dactyloscopic (fingerprint) data. It also provides that these Regulations do not affect the existing legal framework regarding the admissibility and assessment of evidence in legal proceedings.

Regulation 4 requires forensic service providers conducting laboratory activities to be accredited to the accreditation standard EN ISO/IEC 17025 on general requirements for the competence of testing and calibration laboratories. Copies of the EN ISO/IEC 17025 standard can be obtained from the British Standards Institute, BSI Customer Services, 389 Chiswick High Road, London W4 4AL, UK (www.bsigroup.com).

Regulation 5 requires specified law enforcement authorities (as defined in the Schedule to these Regulations) to recognise the results of accredited forensic service providers in other member States as being equally reliable as the result of a laboratory activity provided by a UK accredited forensic service provider.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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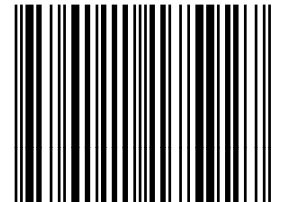
(a) 1847 c. 27.
(b) 1964 c. 40.
(c) 1968 c. 32; section 154 was amended by Part 1 of Schedule 6 to the Criminal Justice Act 1972 (c.71).

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