
STATUTORY INSTRUMENTS

2019 No. 1384

POLICE

**The Accreditation of Forensic Service
Providers (Amendment) Regulations 2019**

Made - - - - *24th October 2019*
Laid before Parliament *29th October 2019*
Coming into force - - *20th November 2019*

The Secretary of State, being a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ 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 (Amendment) Regulations 2019 and come into force on 20th November 2019.

Amendment to the Accreditation of Forensic Service Providers Regulations 2018

2.—(1) The Accreditation of Forensic Service Providers Regulations 2018⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) before the definition of “competent law enforcement authorities” insert—

““AWE Aldermaston” means the Atomic Weapons Establishment at Aldermaston;”;

(b) after the definition of “DNA-profile” insert—

““Dstl Fort Halstead” means the Defence Science and Technology Laboratory at Fort Halstead;

“Dstl Porton Down” means the Defence Science and Technology Laboratory at Porton Down;”;

(1) [S.I. 2012/2752](#).

(2) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and 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 the Secretary of State as regards Scotland.

(3) [S.I. 2018/1276](#).

(c) after the definition of “laboratory activity” insert—

““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;”.

(3) After regulation 4(2) (requirement of accreditation), insert—

“(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.”.

(4) For regulation 5 (recognition of results) substitute—

“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).”.

24th October 2019

Brandon Lewis
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Accreditation of Forensic Service Providers Regulations 2018 ([S.I. 2018/1276](#)) (“the 2018 Regulations”). The 2018 Regulations provide that law enforcement agencies must use accredited forensic service providers to carry out laboratory activity in relation to DNA and fingerprint evidence.

Regulation 2(2) and (3) of these Regulations amends regulation 4 of the 2018 Regulations in respect of laboratories at Aldermaston, Fort Halstead and Porton Down which carry out laboratory activity on items requiring specialist handling and containment due to the presence of hazardous chemical, biological, radiological or nuclear material or explosive material. Regulation 2(2) and (3) makes amendments so that the requirement for accreditation for the purposes of the 2018 Regulations is satisfied where that laboratory activity is carried out by or under the supervision of an individual employed by an accredited forensic service provider to carry out laboratory activity.

Regulation 2(4) ensures that, for the purposes of the 2018 Regulations, the results produced under this approach are to be regarded as equally reliable as the results of laboratory activity carried out under the other provisions of the 2018 Regulations.

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.