

2023 No. 1049 (C. 65)

FORENSIC SCIENCE, ENGLAND AND WALES

**The Forensic Science Regulator Act 2021 (Commencement
No. 2) Regulations 2023**

Made - - - - *27th September 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 13(4) of the Forensic Science Regulator Act 2021(a).

Citation and extent

1.—(1) These Regulations may be cited as the Forensic Science Regulator Act 2021 (Commencement No. 2) Regulations 2023.

(2) These Regulations extend to England and Wales.

Provisions coming into force on 2nd October 2023

2. The day appointed for the coming into force of the following provisions of the Forensic Science Regulator Act 2021 is 2nd October 2023—

- (a) section 6 (compliance notices);
- (b) section 7 (completion certificates);
- (c) section 8 (appeals).

27th September 2023

Chris Philp
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on 2nd October 2023 the sections of the Forensic Science Regulator Act 2021 (“the Act”) which are not already in force. These Regulations are the second commencement regulations under the Act.

The provisions of the Act commenced by these Regulations confer powers on the Forensic Science Regulator (“the Regulator”) to secure that forensic science providers comply with the statutory code of practice issued by the Regulator in respect of the forensic science activities to which the code applies (“regulated forensic science activities”). In accordance with section 3(4) of

(a) 2021 c. 14.

the Act and as stated in the draft statutory code of practice, that code comes into force on 2nd October 2023. The link to the statutory code of practice referred to above is: <https://www.gov.uk/government/publications/forensic-science-regulator-code-of-practice>

A hard copy can be obtained by writing to the Office of the Forensic Science Regulator, 23 Stephenson Street, Birmingham, B2 4BJ.

Regulation 2(a) brings section 6 of the Act into force, which enables the Regulator to serve a compliance notice on a person whom the Regulator believes is carrying on a regulated forensic science activity in a way which creates a substantial risk of adversely affecting any investigation or impeding or prejudicing the course of justice in any criminal proceedings in England and Wales.

Regulation 2(b) brings section 7 of the Act into force, which enables a person who has been served with a compliance notice to request a completion certificate which states that the Regulator is satisfied that the steps specified in the compliance notice have been taken or do not need to be taken. Once the Regulator has served a completion certificate, the compliance notice ceases to have effect.

Regulation 2(c) brings section 8 of the Act into force, which enables a person served with a compliance notice to appeal to the First-tier Tribunal against the decision to serve a compliance notice.

An impact assessment in relation to the Act has been published and is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1185379/FSR_Act_Imact_Assessment_-_FINAL.pdf

A hard copy can be obtained by writing to Forensics Policy Team, Home Office, 2 Marsham Street, London SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Forensic Science Regulator Act 2021 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 1-5	25th July 2022	2022/856
section 9	25th July 2022	2022/856
section 10	25th July 2022	2022/856
section 12	25th July 2022	2022/856
Schedule 1	25th July 2022	2022/856

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£5.78

<http://www.legislation.gov.uk/id/uksi/2023/1049>

ISBN 978-0-34-825202-6



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