



# Forensic Science Regulator

## Regulatory Notice: 03/2025

### Issue

Declarations required by the statutory Code.

### Background

The Office of the Forensic Science Regulator is developing version 3 of the Declarations Guidance to support version 2 of the Code coming into force in October 2025. This notification covers two general issues;

- a. Other declarations made by organisations alongside a declaration of compliance to the Code
- b. The basis on which declarations should be made when version 2 of the Code comes into force

For most of the Forensic Science Activities (FSAs) that are subject to the Code, there will be relatively little change in moving from version 1 to version 2 of the Code, but it is important that organisations prepare for the version change. There are three FSAs where there are significant changes, these are:

- a. Incident Examination (FSA – INC 100)
- b. Friction Ridge Detail Comparison (MTP – 101) and
- c. S5A Drugs Driving Analysis (FSA – DTN 102)

The changes in each of these three FSAs are different and include changes in the required scope of accreditation, introduction of new regulatory requirements or revised regulatory requirements and accreditation to the requirements set out in version 2 of the Code.

Version 3 of the Declarations Guidance will set out detailed guidance to support organisations in making accurate and effective declarations for these three FSAs. In addition to existing FSAs that are subject to the Code, the FSAs of Cell Site Analysis for Geolocation (FSA – DIG 200) and Forensic Medical Examination of Complainants (FSA – BIO 100) will be subject to the Code for the first time.

On the two general issues outlined above the Regulator would like to raise awareness of the following:

### **1. Other declarations made by organisations alongside a declaration of compliance to the Code**

In addition to the declaration required by the statutory Code, organisations who are undertaking FSAs that are subject to the Code are making additional declarations with titles such as “Forensic Accreditation Declaration” and “Accreditation

Declaration". There is no requirement in the Code for such additional "declarations" and they do not have any statutory basis.

The declaration required by the Code is a very important requirement as it responds to the s4 admissibility provisions in the Forensic Science Regulator Act 2021, allowing investigators and the courts to understand whether or not the person undertaking the FSA complied with the Code. Where non-compliance is declared, the Code requires the declaration to set out the mitigating steps that will assist the court in considering the admissibility of the forensic science evidence.

Criminal Practice Directions, at 7.1.4(h) requires a disclosure of all relevant information that would influence admissibility of evidence and 7.2.1, paragraph 13, requires, as part of the declaration of truth, that experts state compliance, or otherwise, with the relevant code of practice.

The statutory Code requires a declaration of compliance or otherwise with the Code. That declaration also assists the expert in meeting these requirements.

The use of the term 'declaration' in any circumstances other than these may be confusing and so should be avoided.

## **2. The basis on which declarations should be made when version 2 of the Code comes into force**

It is important that when compliance is declared with the Code that this is as required by the version of the Code that is in force at the time. Accreditation or certification to ISO standards that are not as required and interpreted by the version of the Code in force at the time should not be used. Unless provision is made in the Code, accreditation to earlier versions of the Code that are not in force should not be used as mitigation in non-compliant declarations. The mitigating steps must address the issues set out at 31.3.3 of the Code;

- Competence of the practitioners involved in the work.
- Validity of the method employed.
- Documentation of the method employed.
- Suitability of the equipment employed (including the approach to maintenance and calibration).
- Suitability of the environment in which the work is undertaken.

This will enable the criminal justice system to understand and scrutinise the non-compliance. To make a compliance declaration referring to an accreditation that is not a requirement of the Code for that FSA, would mislead the criminal justice system and the Regulator will investigate such activity.

Accreditation to ISO 17020 and Code version 1 for incident scenes have been based on UKAS RG201 and for volume crime. These are not requirements of Code version 2 and organisations will not be able to transition directly from Code version 1 to Code version 2 for their ISO 17020 schedules in the transition process without clearly defined changes to their Quality Management System. From 2 Oct

2025, reference to the Regulator's Code will be removed from schedules of accreditation for ISO 17020 and accreditation to ISO 17020 will not be the basis for making a declaration of compliance. The Regulator will be providing further details to relevant SAs on how to achieve full compliance with the revised requirements of INC 100 and the mitigation required while achieving full compliance.

**Changes**

Organisations who undertake FSAs that are subject to the Code must make a declaration in line with the requirements of the Code and should not make alternative or additional declarations relating to their accreditation status. Where accreditation information is also being referenced in a report, this is to be done in accordance with the Regulator's Declarations Guidance.

**Process and Date of Implementation**

With immediate effect from the date of this Regulatory Notice.