



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 3

CRIMINAL JUSTICE

Arrested persons: drug testing and reference for assessment

85 Assessment following positive test under section 20A of the 1995 Act

- (1) This section applies where—
 - (a) a sample is provided or taken under section 20A of the 1995 Act by or from a person in custody in a police station; and
 - (b) an analysis of the sample reveals that a relevant Class A drug is present in the person's body.
- (2) A constable must require the person to attend, and remain for the duration of, a drugs assessment.
- (3) A drugs assessment is an appointment with a suitably qualified person (“a drugs assessor”)—
 - (a) for the purpose of establishing whether the person is dependent on, or has a propensity to misuse, any relevant Class A drug;
 - (b) if the drugs assessor thinks that the person has such a dependency or propensity, for the purpose of establishing whether the person might benefit from assistance or treatment (or both) in connection with the dependency or propensity; and
 - (c) if the drugs assessor thinks that the person might benefit from such assistance or treatment (or both), for the purpose of drawing up a document which sets out the nature of assistance or treatment (or both) which may be most appropriate for the person in connection with any dependency on, or propensity to misuse, a relevant Class A drug which the drugs assessor thinks the person has.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 85. (See end of Document for details)

Commencement Information

- II** S. 85 wholly in force at 12.6.2007; s. 85 not in force at Royal Assent see s. 104; s. 85(3) in force at 1.1.2007 by S.S.I. 2006/607, **art. 3**, Sch; s. 85(1)(2) in force at 12.6.2007 by S.S.I. 2007/84, **art. 3(4)(b)**

Status:

Point in time view as at 01/01/2007.

Changes to legislation:

There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 85.