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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 191**

**HIGH COURT OF JUSTICIARY  
SHERIFF COURT  
SUMMARY JURISDICTION**

**Act of Adjournal (Criminal Procedure Rules Amendment  
No. 4) (Drug Treatment and Testing Orders) 1999**

*Made - - - - 16th December 1999*

*Coming into force - - 20th December 1999*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred upon them by section 305 of the Criminal Procedure (Scotland) Act 1995(1), and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation and commencement**

**1. –**

(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 4) (Drug Treatment and Testing Orders) 1999 and shall come into force on 20th December 1999

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

**Form of drug treatment and testing order.**

**2. –**

(1) The Criminal Procedure Rules 1996(2) are amended as follows.

(2) After rule 20.12A insert–

**“Form and notification of drug treatment and testing orders**

**20.12B** A drug treatment and testing order made under section 234B of the Act of 1995 shall be in Form 20.12B.”.

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(1) 1995 c. 46; section 234B was inserted by section 89 of the Crime and Disorder Act 1998 c. 37.  
(2) S.I.1996/513, as amended.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) In the appendix, after Form 20.12A-D, insert Form 20.12B as set out in the Schedule to this Act of Adjournal.

Edinburgh  
16th December 1999

*Rodger of Earlsferry*  
Lord Justice General I.P.D.

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## SCHEDULE I

**FORM 20.12B Form of drug treatment and testing order made under section 234B of the Criminal Procedure (Scotland) Act 1995**  
*DRUG TREATMENT AND TESTING ORDER*  
under section 234B of the Criminal Procedure (Scotland) Act 1995

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Rule 20.12B

COURT:  
DATE:  
OFFENDER:  
Address:  
Date of birth:

THE COURT, having convicted the offender and being of the opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to make a drug treatment and testing order containing the undernoted requirements;

AND the Court having explained to the offender the effect of the order (including the requirements set out below) and the consequences of failure to comply with the order or with any requirement thereof;

AND the offender having expressed willingness to comply with the requirements of the order;

REQUIRES, in respect that in terms of this order the offender is to reside in the local authority area of (*specify*), the said Council to appoint or assign an officer (the “supervising officer”) to discharge the functions assigned by sections 234C and 234F of the Criminal Procedure (Scotland) Act 1995 in respect of the offender and to notify the offender forthwith of the particulars of the supervising officer, of any change in the particulars of the supervising officer and of any change of appointed or assigned supervising officer;

ORDERS that the offender shall, for a period of (*specify period*) from the date of the order, reside in the local authority area of (*specify*) under the supervision of the supervising officer at (*place*) in the said local authority area; and that he shall throughout that period comply with the following requirements, namely—

- (i) to submit to treatment (*specify whether as a resident or as a non-resident*) by or under the direction of (*name of treatment provider*) (the “treatment provider”) at (*name of institution*) with a view to the reduction or elimination of dependency on or propensity to misuse drugs;
- (ii) to conform to the directions of the supervising officer and of the treatment provider;
- (iii) to inform the supervising officer immediately of any change of address;
- (iv) to provide for the purpose of ascertaining whether he has any drug in his body such samples, of such description, at such times, in such circumstances, as the treatment provider may determine;
- (v) to keep in touch with the supervising officer as instructed from time to time by that officer;
- (vi) to attend each review hearing;
- (vii) (*any additional requirement*).

ORDERS that the treatment provider shall communicate to the supervising officer the results of the tests carried out on the samples provided by the offender in pursuance of this order;

ORDERS that the supervising officer shall report in writing on the offender’s progress under this order to the court conducting the review hearing; and that he shall include in each such report the results of the tests communicated to him by the treatment provider and the views of the treatment provider as to the treatment and testing of the offender;

FURTHER ORDERS that this Order shall be reviewed periodically at intervals of not less than one month at a hearing held for the purpose by (*specify the appropriate court*), the first such review to be heard on (*date*).

Date:

*Signed*  
Clerk of Court

Note: (*name of supervising officer*) of (*name of local authority*) has been allocated as supervising officer in this case.

I confirm that I understand the conditions of this drug treatment and testing order.

Signature of offender:

Signature of supervising officer:

## EXPLANATORY NOTE

*(This note is not part of the Act of Adjournal)*

Section 89 of the Crime and Disorder Act 1998 (c. 37) inserted section 234B into the Criminal Procedure (Scotland) Act 1995 to empower a court to make drug treatment and testing orders in certain circumstances.

This Act of Adjournal amends the Criminal Procedure Rules 1996 by prescribing the form in which such drug treatment and testing orders are to be made.