

## **EXECUTIVE NOTE**

### **THE TESTING OF ARRESTED PERSONS FOR CLASS A DRUGS (PRESCRIBED AREA) (SCOTLAND) ORDER 2007 SSI/2007/131**

The above instrument is made in exercise of powers conferred by section 20A(3)(c) of the Criminal Procedure (Scotland) Act (1995) (“the 1995 Act”), which was inserted by section 84 of the Police, Public Order and Criminal Justice (Scotland) Act (2006). The instrument is subject to negative resolution procedure.

#### **Policy objectives**

The purpose of the instrument is to prescribe the areas within which a police station must be located in order for the police at that station to be able to test an individual who is arrested for certain offences and who is held in custody at that station, for the presence of a relevant Class A drug (as defined in section 20A(8) of the 1995 Act). A person who is held in custody in that police station in that area can only be tested for the presence of a relevant Class A drug, if all the criteria specified in section 20A(3) of the 1995 Act are met.

The effect of the Order is that an individual can only be tested for a relevant Class A drug (provided all the other criteria set down in section 20A(3) of the 1995 Act have been met), if that individual is held in custody at a police station which is located in local government areas of the City of Aberdeen, the City of Edinburgh or the City of Glasgow. The intention is that the mandatory drug testing would begin initially in three police stations within the prescribed local government area in Scotland: London Road police station in Glasgow, St Leonard’s Police Station in Edinburgh and Queen Street police station in Aberdeen.

Each of the local government areas selected are known to have high concentrations of known problem drug misusers. By targeting the pilots in areas of greatest need it is hoped to help more problem drug users into treatment. The pilots will be evaluated before decisions are taken about any future extension of the programme. The police, local authorities and health board are represented on Local Implementation Groups established by the Scottish Executive in each of the proposed pilot locations.

The Order will come into force on 12 June 2007, the date on which all of the mandatory drug testing provisions in the 2006 Act will be commenced (insofar as not already brought into force) and the date on which it is intended that the pilot programme will begin.

### **Consultation**

The police and local authorities in the relevant areas are assisting the Scottish Executive in preparations for the launch of the pilot drug testing programme.

### **Financial Effects**

This Order involves no financial affect which has not previously been identified and reported to Parliament. The Financial Memorandum published with the then Police, Public Order and Criminal Justice (Scotland) Bill set out the anticipated areas of expenditure associated with these provisions and no new areas are anticipated as a result of this Order.

Scottish Executive Justice Department  
February 2007