



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

2006 asp 10

PART 3

CRIMINAL JUSTICE

Arrested persons: drug testing and reference for assessment

86 Requirements under section 85: supplementary

- (1) This section applies where by virtue of section 85(2) a person is required by a constable to attend and remain for the duration of a drugs assessment.
- (2) The constable must—
 - (a) inform the person of the place at which the drugs assessment is to take place; and
 - (b) require the person, for the purpose of being given details of the date and time of the assessment, to report at that place on such date, or on one of such dates, as the constable specifies (such date or dates falling within the period of 7 days beginning with the date on which the requirement is made), at such time, or between such times, as the constable specifies;and the constable must explain that these matters will be confirmed in writing.
- (3) The constable must warn the person that the person is liable to prosecution if the person fails without reasonable excuse—
 - (a) to attend and remain for the duration of the drugs assessment; or
 - (b) to comply with the requirement imposed under subsection (2)(b).
- (4) The constable must give the person notice in writing which—
 - (a) confirms the requirement to attend and remain for the duration of a drugs assessment;
 - (b) confirms the information given in pursuance of subsection (2)(a);
 - (c) confirms the requirement imposed under subsection (2)(b); and
 - (d) repeats the warning given in pursuance of subsection (3).

Changes to legislation: *Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 86 is up to date with all changes known to be in force on or before 16 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

- (5) The duties imposed by subsections (2) to (4) must be carried out before the person is released from custody at the police station.
- (6) As soon as reasonably practicable following the carrying out of those duties, the constable must inform the drugs assessor who is to carry out the drugs assessment—
 - (a) of the making of the requirement to attend and remain for the duration of the assessment; and
 - (b) of the requirement imposed under subsection (2)(b).

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)