



# 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.

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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 85 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

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#### 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)**

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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\(3\)](#)