



# 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.