



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

2006 asp 10

PART 3

CRIMINAL JUSTICE

Arrested persons: drug testing and reference for assessment

88 Failure to comply with requirements under sections 85 and 86

- (1) The drugs assessor must inform a constable if a person who, by virtue of section 85(2), is required to attend and remain for the duration of a drugs assessment—
 - (a) fails to comply with the requirement imposed by virtue of section 86(2)(b);
 - (b) fails to attend the assessment on the specified date and at the specified time and place; or
 - (c) attends the assessment on the specified date and at the specified time and place but fails to remain for its duration.
- (2) A person who, by virtue of section 85(2), is required to attend and remain for the duration of a drugs assessment commits an offence if without reasonable excuse the person—
 - (a) fails to comply with the requirement imposed by virtue of section 86(2)(b);
 - (b) fails to attend the assessment on the specified date and at the specified time and place; or
 - (c) attends the assessment on the specified date and at the specified time or place but fails to remain for its duration.
- (3) A person who commits an offence under subsection (2) is liable on summary conviction to—
 - (a) imprisonment for a period not exceeding 3 months;
 - (b) a fine not exceeding level 4 on the standard scale; or
 - (c) both.
- (4) In this section—

Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 88 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](#)

- (a) the specified date, in relation to a drugs assessment, is the date specified in the notice given to the person who is required to attend the assessment in pursuance of subsection (2) of section 87 or, if a further notice specifying a different date has been given to the person in pursuance of subsection (3) of that section, the date specified in that notice;
- (b) the specified time, in relation to a drugs assessment, is the time specified in the notice given to the person who is required to attend the assessment in pursuance of subsection (2) of section 87 or, if a further notice specifying a different time has been given to the person in pursuance of subsection (3) of that section, the time specified in that notice; and
- (c) the specified place, in relation to a drugs assessment, is the place specified in the notice given to the person who is required to attend the assessment in pursuance of section 86(2) or, if a further notice specifying a different place has been given to the person in pursuance of section 87(3), the place specified in that notice.

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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\(3\)](#)