



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

2006 asp 10

## PART 3

### CRIMINAL JUSTICE

#### *Arrested persons: drug testing and reference for assessment*

#### **87 Date, time and place of assessment**

- (1) Subsection (2) applies where, in accordance with a requirement imposed by virtue of section 86(2), a person reports at the place where the person's drugs assessment is to take place.
- (2) The drugs assessor who is to carry out the drugs assessment or a person acting on the drugs assessor's behalf must give the person a notice in writing which—
  - (a) informs the person of the date and time of the drugs assessment;
  - (b) confirms the place of the drugs assessment; and
  - (c) warns the person that the person is liable to prosecution if the person fails without good cause to attend and remain for the duration of the drugs assessment.
- (3) Where a person is given a notice in pursuance of subsection (2), the drugs assessor who is to carry out the drugs assessment or a person acting on the drugs assessor's behalf may change the date, time or place of the assessment by serving on the person a further notice in writing which—
  - (a) informs the person of the change; and
  - (b) repeats the warning mentioned in subsection (2)(c).
- (4) For the purpose of subsection (3), a notice is served on a person if—
  - (a) given to the person; or
  - (b) sent to the person by registered post or a recorded delivery service.

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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 87 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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- (5) A certificate of posting of a notice sent under subsection (4)(b) issued by the postal operator concerned is sufficient evidence of the sending of the notice on the day specified in the certificate.
- (6) In subsection (5), “postal operator” has the meaning given by [<sup>F1</sup>section 27 of the Postal Services Act 2011 (c.5)].

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**Textual Amendments**

- F1** Words in s. 87(6) substituted (1.10.2011) by [The Postal Services Act 2011 \(Consequential Modifications and Amendments\) Order 2011 \(S.I. 2011/2085\)](#), art. 1(2), **Sch. 1 para. 65**

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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\(3\)](#)