



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.

Status: This is the original version (as it was originally enacted).

- (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 section 125(1) of the Postal Services Act 2000 (c. 26).