

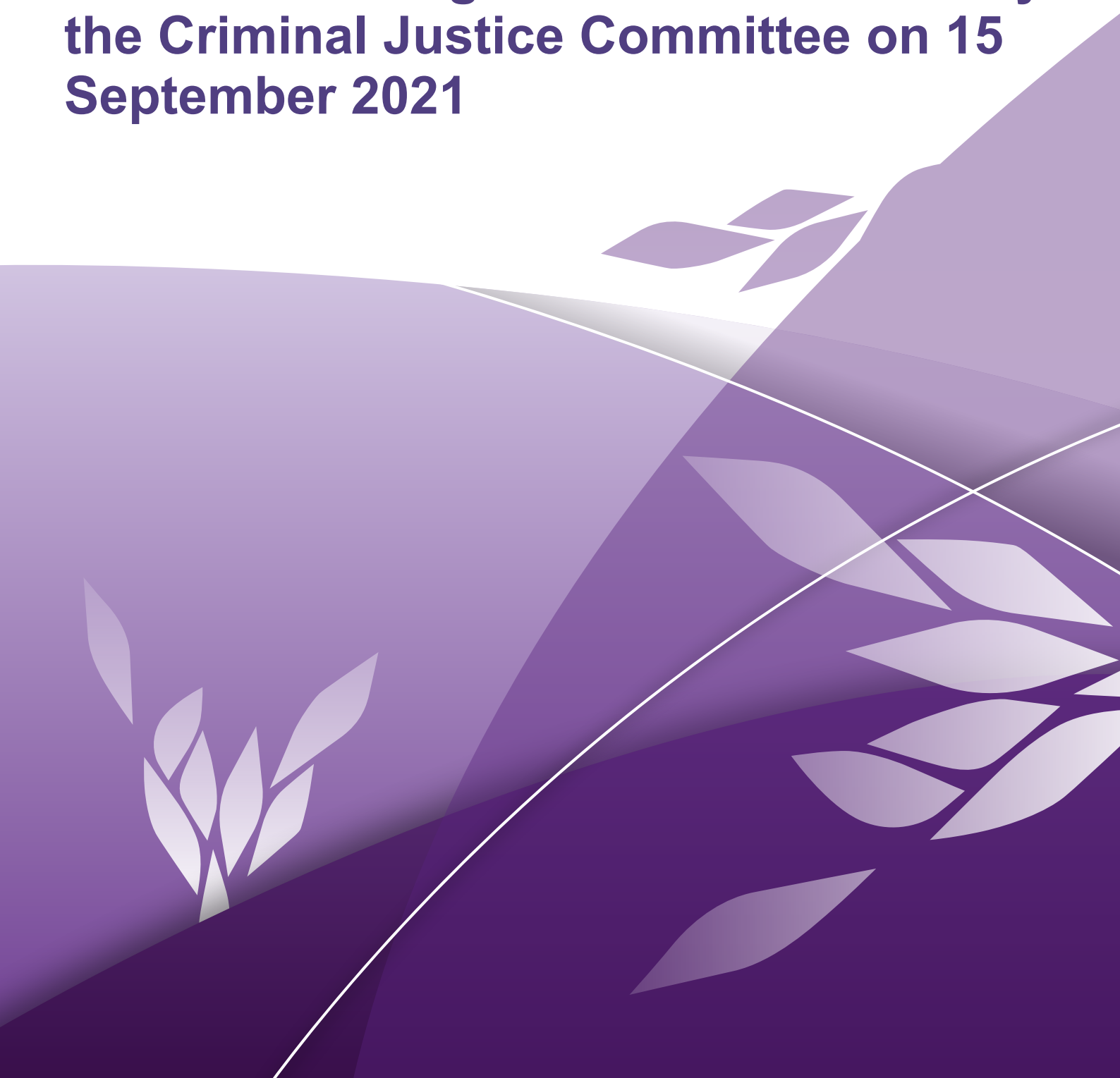


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## **Criminal Justice Committee**

# **Subordinate Legislation Considered by the Criminal Justice Committee on 15 September 2021**



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# Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



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# Committee Membership



**Convener**  
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Scottish National Party



**Deputy Convener**  
**Russell Findlay**  
Scottish Conservative  
and Unionist Party



**Katy Clark**  
Scottish Labour



**Jamie Greene**  
Scottish Conservative  
and Unionist Party



**Rona Mackay**  
Scottish National Party



**Fulton MacGregor**  
Scottish National Party



**Pauline McNeill**  
Scottish Labour



**Collette Stevenson**  
Scottish National Party

# Introduction

1. At its meeting on 15 September 2021, the Criminal Justice Committee considered the following instruments:
  - [The Conference of the Parties to the United Nations Framework Convention on Climate Change \(Immunities and Privileges\) \(Scotland\) Order 2021 \[draft\]](#)
  - [The European Union and European Atomic Energy Community \(Immunities and Privileges\) \(Scotland\) Order 2021 \[draft\]](#)
2. The instruments are subject to the affirmative procedure.

# **The Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) (Scotland) Order 2021 [draft]**

3. The Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) (Scotland) Order 2021 [draft] was laid before the Scottish Parliament on 20 August 2021 and referred to the Criminal Justice Committee.
4. The Order is proposed to be made in exercise of the powers conferred by sections 4 and 5A of the International Organisations Act 1968.
5. The purpose of the Order is to confer immunities and privileges, insofar as they are within devolved competence, in relation to the Conference of the Parties to the United Nations Framework Convention on Climate Change (“the COP”). The Conference of the Parties to the UNFCCC (“the COP”) is an organisation of which the United Kingdom and another sovereign Power are members
6. The Order gives relevant people immunity from suit and legal process except where immunity is expressly waived by the respective party. It provides for immunity from suit and legal process in respect of things done or omitted to be done by these people while exercising their official functions in connection with the Glasgow Conference and during their journeys to and from the Glasgow Conference, and also provides for immunity from personal arrest or detention. It also provides exemptions and privileges in respect of their personal baggage, any private residence used by the representative in connection with the Glasgow Conference and exemption or relief from taxes and rates (other than customs and excise duties, car tax and value added tax).

# **The European Union and European Atomic Energy Community (Immunities and Privileges) (Scotland) Order 2021 [draft]**

7. The European Union and European Atomic Energy Community (Immunities and Privileges) (Scotland) Order 2021 [draft] was laid before the Scottish Parliament on 20 August 2021 and referred to the Criminal Justice Committee.
8. The Order is proposed to be made in exercise of the powers conferred by sections 4B of the International Organisations Act 1968.
9. The purpose of the Order is to confer immunities and privileges, insofar as they are within devolved competence, upon the Delegation of the European Union and the European Atomic Energy Community (“Euratom”) and their staff members, diplomatic agents and family members.



## Consideration by the Delegated Powers and Law Reform Committee

10. The Delegated Powers and Law Reform Committee considered both of the instruments at its meeting on 31 August 2021 and agreed that it did not need to draw them to the attention of the Parliament on any grounds within its remit.

## Consideration by the Justice Committee

11. Motions S6M-00926 and S6M-00931 were lodged proposing that the Committee recommends approval of the instruments. The Committee took oral evidence from Minister for Community Safety ("the Minister"), Ash Denham MSP at its meeting on 15 September 2021.
12. During the evidence session, Minister outlined the purpose of both of the Orders to the Committee, as set out previously.
13. There being no questions from Members on either of the Orders, the Minister moved the motions in her name:
  - S6M-00926—That the Criminal Justice Committee recommends that the Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) (Scotland) Order 2021 [draft] be approved.
  - S6M-00931—That the Criminal Justice Committee recommends that the European Union and European Atomic Energy Community (Immunities and Privileges) (Scotland) Order 2021 [draft] be approved.
14. Motions S6M-00926 and S6M-00931 were agreed to without debate or dissent.
15. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) (Scotland) Order 2021 [draft] and the European Union and European Atomic Energy Community (Immunities and Privileges) (Scotland) Order 2021 [draft].**

