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## **Criminal Justice Committee**

# **The International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2022 [draft]**



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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



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**Deputy Convener**  
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Scottish Conservative  
and Unionist Party



**Katy Clark**  
Scottish Labour



**Jamie Greene**  
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and Unionist Party



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Scottish National Party



**Rona Mackay**  
Scottish National Party



**Pauline McNeill**  
Scottish Labour



**Collette Stevenson**  
Scottish National Party

# Introduction

1. At its meeting on Wednesday 23 November 2022, the Criminal Justice Committee considered the [International Organisations \(Immunities and Privileges\) \(Scotland\) Amendment Order 2022 \[draft\]](#).
2. The instrument is subject to the affirmative procedure and was laid before the Scottish Parliament on 11 October 2022.
3. The Order is proposed to be made in exercise of the powers conferred by sections 1 of the International Organisations Act 1968.
4. The purpose of the Order is to confer legal privileges and immunities on the Inter-American Investment Corporation ("the IIC"), and on persons associated with that organisation, so far as this is within devolved competence of the Scottish Parliament.
5. The privileges and immunities conferred by the instrument in respect of devolved matters reflect those that have been conferred, or are in the course of being conferred, in relation to the IIC by a related order that is subject to consideration by the UK Parliament as it relates to reserved matters.
6. This is being done to help secure compliance by the United Kingdom with its international obligations and to enable the organisations to operate effectively.

# **Consideration by the Delegated Powers and Law Reform Committee**

7. The Delegated Powers and Law Reform Committee ("DPLR Committee") considered the instrument at its meeting on 25 October 2022.
8. The DPLR Committee raised no points on the instrument.

# Consideration by the Criminal Justice Committee

9. Motion S6M-06291 was lodged proposing that the Committee recommends approval of the instrument. At its meeting on Wednesday 23 November 2022 the Committee took oral evidence from the Cabinet Secretary for Justice and Veterans, Keith Brown ("the Cabinet Secretary"), Walter Drummond-Murray, Head of Civil Courts, Inquiries, Private & International Law and Emma Thomson, Scottish Government Legal Directorate.
10. During the evidence session, the Cabinet Secretary outlined the purpose of the Order to the Committee as set out previously.
11. The Cabinet Secretary was asked if the IIC has any employees or offices based in Scotland and if so, are those employees subject to devolved levels of income taxation.
12. In response, the Cabinet Secretary and officials advised that there are currently no plans to have any employees of the organisation based in Scotland or for the IIC to undertake any activities here. However, if there were to be any visiting employees, they would be exempt from devolved levels of taxation.
13. There being no further questions from Members, the Cabinet Secretary moved the motion in his name:
  - S6M-06291—That the Criminal Justice Committee recommends that the Criminal Justice Committee on the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2022 [draft] be approved.
14. Motion S6M-06291 was agreed to without debate or dissent.
15. The Criminal Justice Committee recommends to the Scottish Parliament that it approve the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2022 [draft].



