



The Scottish Parliament
Pàrlamaid na h-Alba

Published 26 November 2020
SP Paper 866
20th Report, 2020 (Session 5)

Justice Committee Comataidh a' Cheartais

The International Organisations (Immunities and Privileges) (Scotland) Revocation Order 2021



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Justice Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice, 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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Introduction

1. At its meeting on 24 November 2020, the Justice Committee considered the following instrument:
 - [The International Organisations \(Immunities and Privileges\) \(Scotland\) Revocation Order 2021 \[draft\]](#)
2. The International Organisations (Immunities and Privileges) (Scotland) Revocation Order 2021 [draft] was laid before the Scottish Parliament on 6 October 2020 and referred to the Justice Committee. The instrument is subject to the affirmative procedure.
3. The Committee is required to report to the Parliament on the instrument by 30 November 2020.

Purpose of the instrument

4. The instrument is made in exercise of the powers conferred by section 1(2), 5(1) and 10(3) of the International Organisations Act 1968.
5. The Order amends the International Organisations (Immunities and Privileges) (Scotland) Order 2009 (S.S.I. 2009/44) (“the 2009 Order”) to revoke schedule 17. The International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2017 (S.S.I. 2017/447) (“the 2017 Order”) is also to be revoked.
6. The 2017 Order amended the 2009 Order to confer immunities and privileges, insofar as they are within devolved competence, upon the Unified Patent Court and its representatives, judges, registrars and employees.
7. On 20 July 2020, the United Kingdom withdrew its ratification of the Agreement on a Unified Patent Court and the Protocol on Privileges and Immunities of the Unified Patent Court done in Brussels on 26 June 2016. The United Kingdom will not be seeking to participate in the Unitary Patent or Unified Patent Court when it is expected to come into operation later in 2021. The immunities and privileges conferred by the amendment of the 2009 Order by the 2017 Order are therefore no longer required.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 27 October 2020 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Consideration by the Justice Committee

9. Motion S5M-22981 was lodged proposing that the Committee recommends approval of the instrument. The Committee took oral evidence from Cabinet Secretary for Justice ("the Cabinet Secretary"), Humza Yousaf MSP at its meeting on 24 November 2020.
10. The Cabinet Secretary outlined the purpose of the Order to the Committee, as set out previously.
11. There being no questions from Members, the Cabinet Secretary moved the motion in his name: S5M-22981—That the Justice Committee recommends that the International Organisations (Immunities and Privileges) (Scotland) Revocation Order 2021 [draft] be approved.
12. The motion was agreed to without debate or division.

The Justice Committee recommends to the Scottish Parliament that it approve the the International Organisations (Immunities and Privileges) (Scotland) Revocation Order 2021 [draft] .

