

This S.S.I. has been made in consequence of a defect in S.S.I. 2010/186 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2017 No. 431

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The International Organisations (Immunities and
Privileges) (Scotland) Amendment Order 2017**

Made - - - - 13th December 2017

Coming into force - - 14th December 2017

At the Court at Buckingham Palace, the 13th day of December 2017

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1(2) of the International Organisations Act 1968(1) and all other powers enabling Her Majesty to do so.

In accordance with section 10(1) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(2).

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows.

Citation and commencement

1. This Order may be cited as the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2017 and comes into force on the day after the day on which it is made.

(1) 1968 c.48. Section 1 was amended by section 1 of the International Organisations Act 1981 (c.9) and S.I. 2005/3542.
(2) The function of approving a draft of an Order in Council under section 10 of that Act has transferred to the Scottish Parliament under section 118 of the Scotland Act 1998 (c.46) in so far as the function is exercisable within devolved competence. Section 118(4) of that Act provides that any reference in a pre-commencement enactment to a requirement for a draft instrument to be approved by either or both Houses of Parliament (as specified in section 118(2)) is to be taken to be, in relation to the exercise of a devolved function by a person other than a Minister of the Crown, a member of the Scottish Government or a Scottish public authority with mixed functions or no reserved functions, a reference to the Scottish Parliament. Section 118(4) accordingly includes the powers exercisable by Her Majesty in Council.

Amendment of the International Organisations (Immunities and Privileges) (Scotland) Order 2009

2.—(1) Schedule 15 of the International Organisations (Immunities and Privileges) (Scotland) Order 2009⁽³⁾ is amended as follows.

(2) In paragraph 7 (high officers), after sub-paragraph (2) insert—

“(3) Sub-paragraph (1)(a) applies to any person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or permanent resident of the United Kingdom only in respect of things done or omitted to be done by them in the course of performance of official duties, except in the case of motor traffic offences committed by them or damage caused by a motor vehicle belonging to or driven by them.

(4) Sub-paragraphs (1)(b) to (d) do not apply to any person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or permanent resident of the United Kingdom.”

(3) In paragraph 8 (all other officers), omit sub-paragraph (2).

Ceri King
Deputy Clerk of the Privy Council

(3) S.S.I. 2009/44, amended by S.S.I. 2010/186 and S.S.I. 2015/421. Schedule 15 was inserted by S.S.I. 2010/186.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends schedule 15 of the International Organisations (Immunities and Privileges) (Scotland) Order 2009 (“schedule 15”), which was added by the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2010 (“the 2010 Order”). It is being issued free of charge to all known recipients of the 2010 Order, as the amendments are made to ensure that schedule 15 properly implements the Protocol on the privileges and immunities of the European Organisation for Astronomical Research in the Southern Hemisphere (Cm 8516) which entered into force for the United Kingdom on 25 September 2012 (“the Protocol”).

Schedule 15 makes provision for privileges and immunities conferred by the Protocol on the officers of the European Organisation for Astronomical Research in the Southern Hemisphere (“the Organisation”).

Article 2(2) amends sub-paragraph (1) of paragraph 7 of schedule 15 to ensure that, if the Director-General or person appointed to act instead of the Director-General of the Organisation has British nationality, that person shall benefit from immunity from suit and legal process conferred by head (a) of that sub-paragraph only in respect of things done or omitted to be done by them in the course of performance of official duties (not including motor vehicle offences or damage), and shall not benefit from the immunities and privileges set out in the remainder of the sub-paragraph.

Article 2(3) revokes paragraph 8(2) of schedule 15 with the effect that the immunity from suit and legal process conferred by that paragraph in respect of things done or omitted to be done by any officer of the Organisation in the course of performance of official duties (other than an officer falling within paragraph 7 of schedule 15) applies regardless of whether the officer has British nationality.