
DRAFT STATUTORY INSTRUMENTS

2017 No.

**The Unified Patent Court (Immunities
and Privileges) Order 2017**

PART 1

General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Unified Patent Court (Immunities and Privileges) Order 2017 and comes into force on the date on which the Protocol enters into force in accordance with Article 18 of the Protocol(1).

(2) The Order extends to the whole of the United Kingdom subject to paragraph (3).

(3) Article 9 extends to England and Wales and Northern Ireland only(2).

(4) In Scotland—

(a) articles 5, 6, 7, 11, 16, 17 and 18 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament;

(b) article 8 does not apply to devolved taxes or local taxes to fund local authority expenditure (within the meaning of the exceptions to Section A1 (fiscal, economic and monetary policy) of Part 2 of Schedule 5 to the Scotland Act 1998(3).

Interpretation

2. In this Order—

“the Agreement” means the Agreement on a Unified Patent Court done in Brussels on 19th February 2013(4);

“Committee” means any of the Administrative Committee, the Budget Committee and the Advisory Committee established under Article 11 of the Agreement;

“the Court” means the Unified Patent Court established under Article 1 of the Agreement;

“Deputy-Registrar” means the Deputy-Registrar appointed under Article 25 of the Statute;

“Judge” means a Judge of the Court;

“official activities” in relation to the Court means the activities that are necessary for the purposes and functions conferred upon it by the Agreement and the Statute;

(1) The date on which the Protocol enters into force in the United Kingdom will be published on the relevant page on UK Treaties Online which can be found at this link: <https://www.gov.uk/uk-treaties>.

(2) The setting of non-domestic rates is within the legislative competence of the Scottish Parliament by exemption to Section A1 of Schedule 5 of the Scotland Act 1998 c.46. Section A1 was amended by section 23(5) of the Scotland Act 2012 (c.11).

(3) 1998 c.46. Section A1 was amended by section 23(5) of the Scotland Act 2012 (c.11).

(4) Cm 8653.

“premises of the Court” means land and buildings made available to the Court by a State party to the Agreement in accordance with Article 37 of the Agreement and used for the official activities of the Court;

“the Presidium” means the Presidium referred to in Article 15 of the Statute;

“the Protocol” means the Protocol on Privileges and Immunities of the Unified Patent Court done in Brussels on 29th June 2016⁽⁵⁾;

“Registrar” means the Registrar appointed under Article 22 of the Statute;

“Staff” means all personnel employed by the Court as officials and other servants of the Court except the Judges, Registrar and Deputy-Registrar;

“State Party” means a State party to the Protocol; and

“the Statute” means the Statute of the Court as set out in Annex I of the Agreement.

(5) Cm 9405.