

## SCHEDULE

Article 2

### “SCHEDULE 17

#### UNIFIED PATENT COURT

##### **General**

**1.** In this schedule—

“the Agreement” means the Agreement on a Unified Patent Court done in Brussels on 19th February 2013<sup>(1)</sup>;

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

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

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

“devolved and local taxes” means devolved taxes and local taxes to fund local authority expenditure (within the meaning of the exceptions to Section A1 (fiscal, economic and monetary policy) of Part II of schedule 5 of the Scotland Act 1998<sup>(2)</sup>);

“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 on it by the Agreement and Statute;

“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<sup>(3)</sup>;

“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 the 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.

##### **The Court**

**2.—(1)** The Court has immunity from suit and legal process except to the extent that it has expressly waived such immunity.

**(2)** Sub-paragraph (1) does not apply in respect of—

**(a)** any civil action brought against the Court—

**(i)** with respect to contractual liability brought by persons other than the Judges, the Registrar, the Deputy-Registrar or the Staff of the Court;

**(ii)** with respect to non-contractual liability except where the claim is based on the performance of the Court’s jurisprudence;

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<sup>(1)</sup> Cm 8653.

<sup>(2)</sup> 1998 c.46; the exception for devolved taxes was added by the Scotland Act 2012 (c.11), section 23(5).

<sup>(3)</sup> Cm 9405.

- (iii) by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Court; or
  - (b) a motor traffic offence involving a motor vehicle belonging to, or operated on behalf of, the Court.
- 3.** The official archives of the Court have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.
- 4.—(1)** The premises of the Court have the like inviolability of premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.
- (2) Sub-paragraph (1) does not apply to premises which are made available to the Court on a temporary basis.
- 5.** The Court—
- (a) has the like relief from non-domestic rates on the premises of the Court as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission; and
  - (b) is otherwise, within the scope of its official activities, exempt from all devolved and local taxes.
- 6.—(1)** The Court is exempt from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Court for its official use.
- (2) Sub-paragraph (1) does not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of schedule 5 of the Scotland Act 1998(4).

### **Representatives**

- 7.—(1)** Except in so far as in any particular case any immunity is waived by the Presidium of the Court, representatives of a State Party enjoy immunity from suit and legal process in respect of all acts performed by them, including words spoken or written, while attending a meeting of a Committee in their official capacity.
- (2) This paragraph does not apply to a person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or any person who at the time of taking up his functions with the Court is a permanent resident of the United Kingdom.

### **Judges, Registrar and Deputy-Registrar**

- 8.—(1)** Except in so far as in any particular case any privilege or immunity is waived by the Presidium of the Court the Judges, Registrar and Deputy-Registrar have the privileges and immunities in this paragraph.
- (2) They have immunity from suit and legal process in respect of all acts performed by them, including words spoken or written, in their official capacity.
- (3) They are exempt from devolved and local taxes in respect of salaries, wages and emoluments paid to them by the Court (other than pensions and annuities) from the date on which the internal tax for the benefit of the Court on salaries, wages and emoluments is applied to them.

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(4) 1998 c.46. Section C5 was amended by S.I. 2000/3252 and S.I. 2014/1559.

## **Staff**

**9.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Presidium of the Court, the Staff of the Court have the privileges and immunities in this paragraph.

(2) They have immunity from suit and legal process in respect of all acts performed by them, including words spoken or written, in their official capacity.

(3) They are exempt from devolved and local taxes in respect of salaries, wages and emoluments paid to them by the Court (other than pensions and annuities) from the date on which the internal tax for the benefit of the Court on salaries, wages and emoluments is applied to them.

(4) Sub-paragraph (3) does not apply to a person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or any person who at the time of taking up his functions with the Court is a permanent resident of the United Kingdom.”