

Draft Order laid before the Scottish Parliament under section 10(1) of the International Organisations Act 1968, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

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

Made - - - - 2021

Coming into force - - 2021

At the Court at Buckingham Palace, the day of

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 1(2) and 5(1) of the International Organisations Act 1968(a) 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(b).

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) Revocation Order 2021 and comes into force on the day after the day on which it is made.

(a) 1968 c.48. Section 1 was amended by the International Organisations Act 1981 (c.9) and S.I. 2005/3542.

(b) 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.

Revocation

2. Schedule 17 of the International Organisations (Immunities and Privileges) (Scotland) Order 2009^(a) is revoked.

3. The International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2017^(b) is revoked.

Name
Clerk of the Privy Council

^(a) S.S.I. 2009/44, amended by S.S.I. 2010/186, S.S.I. 2015/421, S.S.I. 2017/431 and S.S.I. 2017/447. Schedule 17 was inserted by S.S.I. 2017/447.

^(b) S.S.I. 2017/447.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the International Organisations (Immunities and Privileges) (Scotland) Order 2009 (S.S.I. 2009/44) (“the 2009 Order”) to revoke schedule 17. This Order also revokes the International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2017 (S.S.I. 2017/447) (“the 2017 Order”).

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.

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. This Order therefore revokes the immunities and privileges which were conferred by the 2017 Order.

Immunities and privileges in relation to reserved matters are granted by the Unified Patent Court (Immunities and Privileges) Order 2018 (S.I. 2018/184) (“the 2018 Order”). This Order should be read together with forthcoming legislation revoking the immunities and privileges granted in the 2018 Order.

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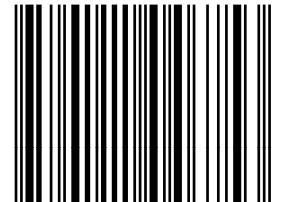
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