
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

The European Union and European Atomic Energy
Community (Immunities and Privileges) (Scotland) Order 2021

PART 1

General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the European Union and European Atomic Energy Community (Immunities and Privileges) (Scotland) Order 2021.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to Scotland only.

(4) This Order applies only to the extent that the immunities and privileges conferred by it are not conferred by any other enactment.

Interpretation

2. In this Order—

“Agreement” means the Agreement between the European Union, the European Atomic Energy Agency and the United Kingdom of Great Britain and Northern Ireland on the Establishment and the Privileges and Immunities of the Delegation of the European Union to the United Kingdom⁽¹⁾,

“Delegation” means the European Union in so far as it and Euratom are represented externally in the United Kingdom in respect of their Official Activities,

“Diplomatic Agent” means, unless the context otherwise requires, the Head of the Delegation and those Staff Members who have been notified to the Foreign, Commonwealth and Development Office in accordance with Article 24 of the Agreement as carrying out diplomatic functions,

“Euratom” means the European Atomic Energy Community,

“Family Members” means the following persons who form part of a Staff Member’s household in the United Kingdom and have been notified to the Foreign, Commonwealth and Development Office in accordance with Article 24 of the Agreement—

(a) a spouse or civil partner,

(b) children under 18 years of age,

(c) children aged between 18 and up to 25 years of age who are financially dependent on the Staff Member and are in full time education (course duration and attendance as defined

(1) The Agreement is published on the relevant page on UK Treaties Online which can be found at this link: <http://www.gov.uk/uk-treaties>.

by United Kingdom Home Office rules) at an educational establishment registered with the United Kingdom Government,

“Head of Delegation” means the head of the Delegation who has taken up their functions in accordance with Article 3 of the Agreement,

“Official Activities” means all activities undertaken by Staff Members representing the European Union and Euratom pursuant to the Treaty on European Union, Treaty on the Functioning of the European Union⁽²⁾ and the Treaty establishing the European Atomic Energy Community⁽³⁾, as well as the acts adopted thereunder, and in establishing and running the Delegation to fulfil that role,

“Official Correspondence” means all correspondence of the Delegation relating to its Official Activities,

“Premises” means the buildings, parts of buildings and land or facilities ancillary thereto, including installations owned, made available to, maintained, occupied or used by the Delegation on a permanent or temporary basis, in order to carry out its Official Activities, subject as necessary to the Secretary of State’s consent, and

“Staff Members” means the Head of Delegation, the Diplomatic Agents and the other members of the staff of the Delegation, who have been appointed by the European Union and notified to the Foreign Commonwealth and Development Office in accordance with Article 24 of the Agreement.

(2) OJ No. C 326, 26.10.2012, pp.47-390.

(3) OJ No. C 327, 26.10.2012, pp.1-107.