
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 5

Cessation and saving of retained EU rights

23. Subject to article 24 of this Order, any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue by virtue of sections 4(1) or 7A of the European Union (Withdrawal) Act 2018⁽¹⁾, and
- (b) are derived from Articles 10, 11, 12 and 13 of Protocol (No 7) on the privileges and immunities of the European Union attached to the Treaty on the Functioning of the European Union⁽²⁾,

which would, but for this article, accrue to or apply to a person to whom this Order applies, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly), in respect of such persons, from the time the person enjoys privileges and immunities under this Order until the time specified in articles 21(3)(a), 21(3)(b), 21(4), or 21(5) of this Order.

24. Nothing in article 23 of this Order affects any right to immunity derived from Articles 10 or 11(a) of Protocol 7 of the Treaty on the Functioning of the European Union, which is recognised and available in domestic law, with respect to acts performed by a person in their official capacity prior to the time the person began to enjoy privileges and immunities under this Order.

(1) 2018 c.16. Section 4 is amended, and section 7A added, by sections 25(3)(a) and 5, respectively, of the European Union (Withdrawal Agreement) Act 2020 (c.1).

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