

---

DRAFT STATUTORY INSTRUMENTS

---

**2017 No.**

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

**PART 3**

**Immunities, privileges, reliefs and exemptions of the Court**

**5.—**(1) Subject to paragraph (2), the Court has immunity from suit and legal process except to the extent that it expressly waives such immunity.

(2) The immunity of the Court under paragraph (1) does not apply in respect of—

(a) any civil action brought against it—

(i) with respect to contractual liability brought by persons other than the Judges, Registrar, 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; and

(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 such a vehicle.

**6.** The official archives of the Court have the like inviolability as is accorded in respect of the official archives of a diplomatic mission in accordance with the 1961 Convention Articles.

**7.—**(1) Subject to paragraph (2), the premises of the Court have the like inviolability as is accorded in respect of the premises of a diplomatic mission in accordance with the 1961 Convention Articles.

(2) The inviolability of the premises of the Court does not apply to the extent that the Secretary of State is responsible for premises which have been made available to the Court by the Secretary of State.

**8.** Within the scope of its official activities, the Court is exempt from all direct taxation and enjoys the exemptions and reliefs set out in articles 9 to 14.

**9.** The Court 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.

**10.** The Court is exempt from duties (whether of customs or excise) and taxes on the importation of goods imported by or on behalf of the Court for its official use in the United Kingdom.

**11.** 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.

**12.** The Court has relief, under arrangements made by the Commissioners for Her Majesty's Revenue and Customs, by way of refund of duty (whether of customs or excise) paid on imported

hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979<sup>(1)</sup>) or value added tax paid on the importation of such oil which is bought in the United Kingdom and is used for its official purposes.

**13.** The Court has relief under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicle used for its official purposes and value added tax paid on the supply of any goods or services which are supplied for its official purposes.

**14.** The Court has relief by way of refund of insurance premium tax paid by the Court in exercise of its official activities.

**15.** The exemptions and relief granted in articles 10, 12 and 13 are to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue.

---

(1) 1979 c.5.