

Justice Committee

International Organisations (Immunities and Privileges) (Scotland) Amendment (No 2) Order 2017 [Draft]

Response from the Scottish Government

The Minister for Community Safety and Legal Affairs, Annabelle Ewing MSP gave evidence to the Committee on the International Organisations (Immunities and Privileges) (Scotland) Amendment (No 2) Order 2017 [Draft] on 26 September. The Minister committed to supply additional information to the committee in respect of two points.

Can an application be submitted in Gaelic?

At the UK Intellectual Property Office or at the European Patent Office (who will be administering the Unitary Patent) you can file patent documents in any language but a translation into a working language of the Office concerned must be filed within prescribed timescales. For the EPO that means English, French or German.

Approximate number of people who may be 'exempt from devolved and local taxes in respect of salaries, wages' as a result of the Court?

The current forecast is based on 6 part-time judges in the early years of the Court's operation. Registry staff based at the UK Division in London (who may also operate in Scotland on occasion) will be UK residents and therefore not subject to privileges and immunities.

We also take this opportunity to clarify our explanation as to why temporary premises can be excluded from the inviolability. Article 3 of the Protocol on Privileges and Immunities of the Unified Patent states that the premises must be inviolable but this is subject to such conditions as may be agreed with the State Party. The reason that immunity was not granted for temporary premises is because the UK, as a State Party, agreed that it should not apply to temporary premises.

Scottish Government
Courts Reform, Justice Directorate
18 October 2017