SCOTTISH STATUTORY INSTRUMENTS

2025 No. 69

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2025

Made - - - - 12th March 2025

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 12th day of March 2025

Present,

The King's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1 of the International Organisations Act 1968(**a**) and all other powers enabling His 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, His Majesty is pleased, by and with the advice of His Privy Council, to order as follows.

Citation and commencement

1.—(1) This Order may be cited as the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2025.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Article 2(3)(a) comes into force on the later of—

(a) the day after the day on which this Order is made, or

(**a**) 1968 c. 48 ("the 1968 Act"). Section 1 was amended by section 1 of 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 the 1968 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 a reference to the Scottish Parliament, 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. Section 118(4) accordingly includes the powers exercisable by His Majesty in Council.

(b) the day on which the Host Country Agreement between the Government of the United Kingdom of Great Britain and Northen Ireland and the European Forest Institute(**a**) enters into force for the United Kingdom.

Amendment of the International Organisations (Immunities and Privileges) (Scotland) Order 2009

2.—(1) The International Organisations (Immunities and Privileges) (Scotland) Order 2009(**b**) is amended as follows.

(2) In schedule 15 (European Organisation for Astronomical Research in the Southern Hemisphere)(**c**), paragraph 7(5) (high officers), for "to (c)" substitute "and (b)".

(3) After schedule 20 (International Criminal Police Organization)(**d**), insert—

(a) schedule 21 (European Forest Institute) set out in in schedule 1 of this Order,

(b) schedule 22 (Global Combat Air Programme International Government Organisation) set out in schedule 2 of this Order.

Richard Tilbrook
Clerk of the Privy Council

(**a**) Available at https://assets.publishing.service.gov.uk/media/65fc61d4f1d3a0001d32ad65/MS_5.2024_UK_European_Forest_Institute_Host_Country_Agreement.pdf.
(**b**) S.S.I. 2009/44; relevantly amended by S.S.I. 2010/186, S.S.I. 2023/208 and S.S.I. 2024/158.
(**c**) Schedule 15 was inserted by S.S.I. 2010/186 and relevantly amended by S.S.I. 2024/158.
(**d**) Schedule 20 was inserted by S.S.I. 2023/208.

SCHEDULE 1

Article 2(3)(a)

"SCHEDULE 21

EUROPEAN FOREST INSTITUTE

Interpretation

1. In this schedule—

"the 1961 Convention Articles" means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in schedule 1 of the Diplomatic Privileges Act 1964(**a**),

"Board members" means members of the Board of the EFI pursuant to article 8 of the Convention,

"the Convention" means the Convention on the European Forest Institute(**b**),

"devolved and local taxes" means devolved taxes and local taxes to fund local authority expenditure (within the meaning of the exceptions to Section A1 (fiscal, economic and monetary policy) of Part 2 of schedule 5 of the Scotland Act 1998(**c**)),

"Director" means the Director of the EFI,

"EFI" means the organisation entitled the European Forest Institute in accordance with article 1 of the Convention,

"EFI staff members" means persons under contract employed by the EFI,

"Head of Office" means the head of the office of the EFI in the United Kingdom appointed by the EFI,

"Members" means Members of the EFI in accordance with article 4(1) of the Convention,

"Official Activities" of the EFI includes all activities undertaken pursuant to the Convention including administrative activities,

"representatives of Members" means the head of delegation and alternate of Members, as notified to the Secretary of State.

Immunity from jurisdiction

2.—(1) Within the scope of its Official Activities, the EFI has immunity from suit and legal process.

(2) Sub-paragraph (1) does not apply in the following cases—

(a) where the EFI has expressly waived such immunity in a particular case,

(b) a road traffic offence involving a motor vehicle belonging to the EFI or operated on its behalf,

(c) a civil claim for damages resulting from an accident caused by a motor vehicle belonging to the EFI or operated on its behalf,

(d) the enforcement of an arbitration award made against the EFI as a result of an express submission to arbitration by or behalf of the EFI,

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(**a**) 1964 c. 81. Schedule 1 was amended by paragraph 1 of schedule 2 of the Diplomatic and Consular Premises Act 1987 (c. 46).

(**b**) Available at https://assets.publishing.service.gov.uk/media/5a7caecae5274a38e57561e8/8310.pdf.

(**c**) 1998 c. 46. Section A1 was amended by section 23(5) of the Scotland Act 2012 (c. 11).

(e) any counter-claim directly connected with court proceedings initiated by the EFI.

(3) All property, funds and assets of the EFI, wherever located and by whomever held, are immune from suit and legal process in respect of all forms of seizure, confiscation, requisition, expropriation, or other interference by executive, judicial or legislative action, except—

(a) in respect of a final judgement or arbitral award issued by a court or arbitral tribunal which has jurisdiction over the EFI in accordance with sub-paragraph (2)(d) or (e), or

(b) where the EFI has provided express prior agreement.

Inviolability of premises

3.—(1) The premises of the EFI have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

(2) Any person having the authority to enter any place under any legal provision must not exercise that authority in respect of the premises of the EFI unless permission to do so has been given by the Head of Office or by the Head of Premises acting on behalf of the Head of Office.

(3) For the purpose of sub-paragraph (2), permission may be presumed in the event of a fire or other emergency which requires prompt protective action. Any person who has entered the premises with the presumed permission of the Head of Office must, if so requested, by the Head of Office, leave the premises immediately.

(4) For the purposes of this paragraph—

(a) "Head of Premises" means an EFI staff member designated as Head of Premises by the Head of Office,

(b) "premises of the EFI" means the buildings or parts of buildings and the land ancillary thereto used for the official purposes of the EFI.

Inviolability of archives

4.—(1) The archives of the EFI have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

(2) For the purposes of this article, "archives of the EFI" includes but is not limited to all records, correspondence, documents, manuscripts, still and moving pictures and films, sound recordings, computer programmes and written materials, video tapes or discs, and discs or tapes containing data belonging to, or held by, the EFI.

Taxes

5. Within the scope of its Official Activities, the EFI is exempt from all direct devolved and local taxes on its assets, property, income, gains, operations and transactions, except for the proportion of any non-domestic rates charged for specific public services rendered.

Customs treatment

6.—(1) The EFI is exempt from all economic prohibitions and restrictions on the importation or exportation of goods imported or exported by the EFI for its Official Activities and publications of the EFI.

(2) Sub-paragraph (1) does not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part 2 of schedule 5 of the Scotland Act 1998.

Board members and representatives of Members

7.—(1) Board members and representatives of Members have the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the EFI—

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in connection with the Official Activities of the EFI,

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents,

(c) immunity from inspection or seizure of their personal baggage, unless there are serious grounds for presuming that it contains articles other than those for the official use of the EFI or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under sub-paragraph (1)(a) continues to apply to the person after they cease to be a Board member or a representative of a Member (as the case may be).

(3) This paragraph does not apply to a representative of the United Kingdom.

The Director and EFI staff members

8.—(1) The Director and EFI staff members have the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the EFI—

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity,

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents,

(c) immunity from inspection or seizure of their personal baggage, unless there are serious grounds for presuming that it contains articles other than those for the official use of the EFI or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under sub-paragraph (1)(a) continues to apply to the Director or an EFI staff member after they cease to be the Director or an EFI staff member (as the case may be).

The Head of Office and other EFI staff members assigned to work in the United Kingdom

9.—(1) In addition to the privileges and immunities granted under paragraph 8, the Head of Office and other EFI staff members assigned to work in the United Kingdom are exempt from income tax on the salaries and other emoluments, except pensions and annuities, paid to them by the EFI.

(2) Sub-paragraph (1) does not apply as respects the matters reserved by virtue of Section A1 (fiscal, economic and monetary policy) of Part 2 of schedule 5 of the Scotland Act 1998.

(3) For the purposes of the enactments relating to social security—

(a) services rendered for the EFI by the Head of Office or any other EFI staff member assigned to work in the United Kingdom are deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(b) no person is to be rendered liable to pay any contribution or premium which that person would not be required to pay if those services were not deemed to be so excepted.

(4) The Head of Office and other EFI staff members assigned to work in the United Kingdom are not entitled to any benefits paid by domestic social security bodies for so long as they enjoy the exemption referred to in sub-paragraph (3).

(5) Sub-paragraphs (3) and (4) do not apply as respects matters reserved by virtue of Head F (social security) of Part 2 of schedule 5 of the Scotland Act 1998.

(6) For the purposes of this paragraph, "EFI staff member assigned to work in the United Kingdom" means an EFI staff member who—

(a) has been appointed to a post within the EFI,

(b) is regularly performing their function in the United Kingdom in accordance with their letter of approval of secondment or their letter of appointment, and

(c) has been notified to the Secretary of State prior to taking up their post.

Road Traffic offences etc.

10.—(1) No immunity conferred on a person by a relevant provision of this schedule applies in relation to—

(a) a road traffic offence committed by the person, or

(b) a civil action brought against the person by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated by, the person.

(2) In this paragraph, a "relevant provision of this schedule" means—

(a) paragraph 7(1)(a) (functional immunity of Board members and representatives of a Member),

(b) paragraph 8(1)(a) (functional immunity of the Director and EFI staff members).

British nationals and permanent residents

11. The privileges and immunities referred to in the following provisions do not apply to a person if that person is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or a permanent resident of the United Kingdom—

(a) paragraph 9(1) (income tax privilege of the Head of Office and other EFI staff members assigned to work in the United Kingdom),

(b) paragraph 9(3) (social security privilege).

Disapplication in respect of official staff or family members

12. Part 4 of schedule 1 of the International Organisations Act 1968(**a**) does not operate so as to confer any privilege or immunity on—

(a) a member of the official staff of any person granted privileges and immunities under paragraphs 7 to 9 (immunities, privileges and exemptions of representatives, officials etc.),

(b) a member of the family of any person granted privileges and immunities under paragraphs 7 to 9, or

(c) a member of the family of a member of the official staff of any person granted privileges and immunities under paragraphs 7 to 9.

(**a**) 1968 c. 48.

Waiver

13.—(1) The Head of Office may waive any privilege or immunity granted under this schedule, except any privilege or immunity granted to them under paragraph 8 or 9 or a representative of a Member under article 7.

(2) The Director may waive any privilege or immunity granted under this schedule to the Head of Office.

(3) A Member may waive any privilege or immunity granted to their representative under paragraph 7."

SCHEDULE 2

Article 2(3)(b)

"SCHEDULE 22

GLOBAL COMBAT AIR PROGRAMME INTERNATIONAL GOVERNMENT ORGANISATION

Interpretation

1.—(1) In this schedule—

"the 1961 Convention Articles" means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in schedule 1 of the Diplomatic Privileges Act 1964(**a**),

"the Chief Executive" means the Chief Executive referred to in Article 14(1) of the Convention,

"classified information" has the same meaning as in Article 52(3) of the Convention,

"the Convention" means the Convention on the Establishment of the "Global Combat Air Programme - GCAP International Government Organisation" signed on 14 December 2023(**b**),

"devolved and local taxes" means devolved taxes and local taxes to fund local authority expenditure (within the meaning of the exceptions to Section A1 (fiscal, economic and monetary policy) of Part 2 of schedule 5 of the Scotland Act 1998(**c**)),

"the Directors" means the Directors of the GCAP Agency referred to in Article 14(2) of the Convention,

"GCAP" has the same meaning as in Article 1(2) of the Convention,

"the GCAP Agency" means the agency of the GIGO referred to in Article 3(1)(b) of the Convention,

"the GIGO" means the GCAP International Government Organisation established by Article 1(1) of the Convention,

"member of Agency Personnel" means a person who has a written arrangement with the GCAP Agency to work directly for it in accordance with Article 15(2) of the Convention,

"Official Activities" in relation to the GIGO means the activities that the GIGO undertakes pursuant to the Convention, including any administrative activities in support of those activities,

"premises of the GIGO" means any land, building or part of a building in the United Kingdom occupied by the GIGO on a permanent or temporary basis as specified in an arrangement or notification referred to in Article 10(2) of the Convention,

"representative of a Party" means—

(a) a member of the Steering Committee,

(b) a member of a subordinate committee established by the Steering Committee, or

(c) an individual designated by a Party as a national auditor pursuant to the Convention,

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(**a**) 1964 c. 81. Schedule 1 was amended by paragraph 1 of schedule 2 of the Diplomatic and Consular Premises Act 1987 (c. 46).

(**b**) Available at https://assets.publishing.service.gov.uk/media/657b1171095987001295e109/GIGO_treaty.pdf.

(**c**) 1998 c. 46. Section A1 was amended by section 23(5) of the Scotland Act 2012 (c. 11).

"the Steering Committee" means the committee of the GIGO referred to in Article 3(1)(a) of the Convention.

(2) For the purposes of this schedule, "the Parties" or "a Party" have the meaning they have in the Convention.

Immunity of the GIGO

2.—(1) The GIGO has immunity from suit and legal process.

(2) Sub-paragraph (1) does not apply in the following cases—

(a) a dispute arising out of a contract with the GIGO that does not provide for arbitration or an alternative binding mechanism of dispute resolution,

(b) a counterclaim or application directly connected with court proceedings initiated by the GIGO,

(c) a road traffic offence involving a motor vehicle or other mode of transport belonging to, or operated on behalf of, the GIGO, or

(d) a civil action brought against the GIGO by a third party for damages, resulting from an accident caused by a motor vehicle or other mode of transport belonging to, or operated on behalf of, the GIGO.

(3) The property, funds and assets of the GIGO, wherever located and by whomever held, are immune from suit and legal process in respect of all forms of search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Inviolability of premises

3.—(1) The premises of the GIGO have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

(2) Any person having the authority to enter any place under any legal provision must not exercise that authority in respect of the premises of the GIGO except with the consent, or at the request, of the Chief Executive.

(3) The consent or request referred to in sub-paragraph (2) may be subject to compliance with such conditions as may be imposed by the Chief Executive.

(4) For the purpose of sub-paragraph (2), permission may be presumed in the event of a fire or other emergency that requires prompt protective action, or where a public authority has reason to believe that such a fire or other emergency has occurred, or is about to occur, in the premises of the GIGO.

Inviolability of archives

4.—(1) The archives of the GIGO have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

(2) In this paragraph, the "archives of the GIGO" includes all records, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the GIGO and all the information contained therein.

Taxes and customs treatment

5.—(1) Within the scope of its Official Activities, the GIGO is exempt from all direct devolved and local taxes on its assets, property and income except for the proportion of any non-domestic rates charged for public services rendered.

(2) The GIGO is exempt from all prohibitions and restrictions on the importation or exportation of goods imported or exported by the GIGO for its Official Activities.

(3) Sub-paragraph (2) does not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part 2 of schedule 5 of the Scotland Act 1998.

Representatives of the Parties

6.—(1) A representative of a Party has the following privileges and immunities while exercising their functions and throughout their journey to and from where a meeting is held by the GIGO—

(a) immunity from personal arrest or detention,

(b) immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity, and

(c) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents.

(2) The immunity granted under sub-paragraph (1)(b) continues to apply to the person after they cease to be a representative of a Party.

(3) This paragraph does not apply to any person as the representative of the United Kingdom, or of His Majesty's Government in the United Kingdom.

Agency Personnel

7.—(1) A member of Agency Personnel has the following privileges and immunities—

(a) immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity,

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents,

(c) exemption from income tax in respect of salaries and emoluments paid to them by the GIGO,

(2) The immunity granted under sub-paragraph (1)(a) continues to apply to the person after they cease to be a member of Agency Personnel.

(3) Sub-paragraph (1)(c) does not apply as respect the matters reserved by virtue of Section A1 (fiscal, economic and monetary policy) of Part 2 of schedule 5 of the Scotland Act 1998.

Social security and welfare

8.—(1) For the purposes of the enactments relating to social security—

(a) services rendered for the GIGO by a member of Agency Personnel are deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(b) no person is rendered liable to pay any contribution or premium which that person would not be required to pay if those services were not deemed to be so excepted.

(2) Sub-paragraph (1) applies to a member of the family forming part of the household of the Agency Personnel unless they are employed or self-employed in the United Kingdom or otherwise entitled to benefits paid by domestic social security bodies of the United Kingdom.

(3) A member of Agency Personnel is not entitled to any benefits paid by domestic social security bodies for so long as they enjoy the exemption referred to in sub-paragraph (1).

(4) This paragraph does not apply as respects the matters reserved by virtue of Head F (social security) of Part 2 of schedule 5 of the Scotland Act 1998.

Road traffic offences etc.

9.—(1) No immunity conferred on a person by a relevant provision of this schedule applies in relation to—

(a) a road traffic offence committed by the person, or

(b) a civil action brought against the person by a third party for damages resulting from an accident caused by a motor vehicle or other mode of transport belonging to, or operated by, the person.

(2) In this paragraph, "relevant provision of this schedule" means—

(a) paragraph 6(1)(b) (the immunity of a Representative of a Party from suit and legal process), or

(b) paragraph 7(1)(a) (the immunity of a member of Agency Personnel from suit and legal process).

British nationals and permanent residents

10. The privileges and immunities referred to in the following provisions do not apply to a person if that person is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or a permanent resident of the United Kingdom—

(a) paragraph 6(1) (privileges and immunities of a Representative of a Party),

(b) paragraph 7(1)(a) (the immunity of a member of Agency Personnel from suit and legal process), in respect of an offence relating to the disclosure, release, dissemination, sharing or provision of access to classified information,

(c) paragraph 7(1)(c) (exemption from any taxation on salaries and emoluments of a member of Agency Personnel),

(d) paragraph 8(1) (social security exceptions for a member of Agency Personnel),

(e) paragraph 8(2) (social security exceptions for members of the family forming part of the household of a member of Agency Personnel).

Disapplication in respect of official staff or family members

11. Part 4 of schedule 1 of the International Organisations Act 1968(**a**) does not operate so as to confer any privileges or immunity on—

(a) a member of the official staff of any person granted privileges and immunities under paragraphs 6 to 8 (immunities, privileges and exemptions of representatives and agency personnel),

(b) a member of the family of any person granted privileges and immunities under paragraphs 6 to 8,

(c) a member of the family of a member of the official staff of any person granted privileges and immunities under paragraphs 6 to 8.

Waiver

12.—(1) The Chief Executive may waive any privilege or immunity granted under this schedule—

(a) under paragraphs 2 to 5, or

(b) in relation to a member of Agency Personnel or a member of their family forming part of their household, or both.

(**a**) 1968 c. 48.

(2) The Steering Committee may waive any privilege or immunity granted under this schedule in relation to—

(a) the Chief Executive, or

(b) the Directors.

(3) A Party may waive any privilege or immunity granted under this schedule in relation to a representative of that Party.

(4) For the purposes of paragraph (1)(a), waiver of immunity from suit and legal process in respect of civil or administrative proceedings will not be held to imply waiver of immunity in respect of the execution of judgment, for which a separate waiver by the Steering Committee will be necessary."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the International Organisations (Immunities and Privileges) (Scotland) Order 2009 ("the 2009 Order").

Article 2(3) grants immunities and privileges, insofar as they are within devolved competence, to the European Forest Institute ("the EFI") and its staff members, board members and representatives of member countries, and to the Global Combat Air Programme International Government Organisation ("the GIGO") and to its representatives and personnel:

— Article 2(3)(a) inserts schedule 21 into the 2009 Order. That schedule makes provision about immunities and privileges for the purposes of the persons and organisation to which the schedule relates and gives effect to the Host Country Agreement between the Government of the United Kingdom and the EFI. These immunities and privileges are conferred in accordance with that Agreement. Schedule 21 should be read together with the European Forest Institute (Immunities and Privileges) Order 2024, which applies across the UK and confers additional immunities and privileges.

— Article 2(3)(b) inserts schedule 22 into the 2009 Order. That schedule makes provision about immunities and privileges for the purposes of the persons and organisation to which the schedule relates and gives effect to the Convention between the Government of the Italian Republic, the Government of Japan and the Government of the United Kingdom establishing the GIGO. These immunities and privileges are conferred in accordance with that Convention. Schedule 22 should be read together with the Global Combat Air Programme International Government Organisation (Immunities and Privileges) Order 2024, which applies across the UK and confers additional immunities and privileges.

Article 2(2) amends paragraph 7(5) of schedule 15 of the 2009 Order to correct an erroneous cross-reference.

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