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Criminal Justice Committee

The International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2023 [draft]



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Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



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Introduction

1. At its meeting on Wednesday 31 May 2023, the Criminal Justice Committee considered the [International Organisations \(Immunities and Privileges\) \(Scotland\) Amendment Order 2023 \[draft\]](#).
2. The purpose of the Order is to amend the International Organisations (Immunities and Privileges) (Scotland) Order 2009 to confer immunities and privileges, insofar as they are within devolved competence, upon the International Criminal Police Organisation-Interpol (“[INTERPOL](#)”) and accord certain privileges and immunities to INTERPOL officials, experts and country representatives in accordance with the Host Country Agreement.

Consideration by the Delegated Powers and Law Reform Committee

3. The Delegated Powers and Law Reform Committee ("the DPLR Committee") considered the instrument at its meeting on 9 May 2023.
4. In its [report on the instrument](#), the DPLR Committee noted, that the Order states that the term "Member Country" has the meaning it has in the Constitution of INTERPOL. However, this term does not appear in INTERPOL's Constitution. It does appear in the Host Country [Agreement between the UK and INTERPOL](#), which is referred to in the Order. There is also [an Explanatory Memorandum](#) from the UK Government which accompanies the Host Country Agreement.
5. In response to a query from the DPLR Committee, the Scottish Government advised that the use of the term "Member Country" was intentional; that it has been used for consistency with the terms of the Host Country Agreement and with the related UK statutory instrument; and that this term has evolved into general use by INTERPOL.
6. The DPLR Committee considered nonetheless that the meaning of the term in the instrument could be clearer given that the instrument defines the term by reference to a document in which the term does not appear.
7. The DPLR Committee has therefore drawn the instrument to the attention of the Parliament on reporting ground (h) on account that the meaning of the term "Member Country" could be clearer.

Consideration by the Criminal Justice Committee

8. Motion S6M-08712 was lodged proposing that the Committee recommends approval of the instrument. At its meeting on Wednesday 31 May 2023, the Committee took oral evidence from the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP ("the Cabinet Secretary").
9. During the evidence session, the Cabinet Secretary outlined the purpose of the Order to the Committee, as set out above.
10. When questioned on how long the provisions outlined in the Order will last for, the Cabinet Secretary advised that in addition to enabling Glasgow to host the General Assembly of INTERPOL in November 2024, the Order also allows for the United Kingdom, to continue to engage with INTERPOL on an on-going basis and it therefore has no end date.
11. When asked about exemptions relating to road traffic accidents, the Cabinet Secretary confirmed that the Host Country Agreement provides for exceptions to immunity in respect of road traffic offences.
12. The Cabinet Secretary also confirmed that the costs incurred by Police Scotland and the city of Glasgow for hosting the General Assembly event will be met by the UK Government.
13. There being no further questions from Members, the Cabinet Secretary moved the motion:
 - S6M-08712—That the Criminal Justice Committee recommends that the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2023 [draft] be approved.
14. Motion S6M-08712 was agreed to without debate or dissent.
15. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2023 [draft].**

