SCOTTISH STATUTORY INSTRUMENTS

2026 No. 61

ANIMALS

FOOD

PLANT HEALTH

The Official Controls (Location of Border Control Posts) (Scotland) Regulations 2026

Made - - - -	*5th February 2026*
Laid before the Scottish Parliament	*9th February 2026*
Coming into force - -	*21st March 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by Articles 64(2) and 144(6) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**a**) and all other powers enabling them to do so.

In accordance with Article 144(7) of that Regulation, before making these Regulations, the Scottish Ministers consulted such bodies or persons as appear to the Scottish Ministers to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Scottish Ministers considered appropriate.

Citation and commencement

1. These Regulations may be cited as the Official Controls (Location of Border Control Posts) (Scotland) Regulations 2026 and come into force on 21 March 2026.

Amendment of Commission Delegated Regulation (EU) 2019/1012

2.—(1) Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts(**b**) is amended as follows.

(2) In Article 1(b) (subject matter) omit "due to specific geographical constraints".

(**a**) EUR 2017/625. Article 64(2) was amended by S.I. 2020/1481 and S.I. 2025/102, and Article 144 was substituted by S.I. 2020/1481. Article 3(2A)(c) defines the Scottish Ministers as the appropriate authority in relation to Scotland.
(**b**) EUR 2019/1012, as amended by S.I. 2020/1631.

(3) In Article 3 (border control posts situated at a distance other than in the immediate vicinity of the point of entry into Great Britain)—

(a) in paragraph 1, for ", provided that" to the end substitute "in the cases described in paragraph 1A",

(b) after paragraph 1 insert—

"1A. The cases are where:

(a) this is necessitated by specific geographical constraints in accordance with paragraph 2, and the conditions laid down in paragraph 3 are fulfilled, or

(b) the border control post and the point of entry are situated in the same freeport, and the conditions laid down in paragraph 3A are fulfilled.

1B. In paragraph 1A(b) "freeport" means an area which is identified as such in a document published by, or with the consent of, the Treasury for the purposes of section 113 of the Finance Act 2021(**a**) (and not withdrawn).",

(c) in paragraph 2 for "paragraph 1" substitute "paragraph 1A(a)",

(d) in paragraph 3 for "paragraph 1" substitute "paragraph 1A(a)",

(e) after paragraph 3 insert—

"3A. Where a competent authority decides to designate one or more border control posts referred to in paragraph 1A(b), the designation shall be subject to compliance with the following conditions:

(a) the designation must not be for the purposes of performing official controls on one or more categories of animals, and

(b) the competent authority must be satisfied that the person who will be responsible for operating the border control post will put in place adequate measures to manage any risk to human, animal or plant health, or risk to the environment, arising from the location of the border control post.".

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St. Andrew's House
Edinburgh
5th February 2026

(**a**) 2021 c. 26. Section 113 was amended by section 331(2), (3) and (4) and paragraph 19 of schedule 23 of the Finance (No. 2) Act 2023 (c. 30) .

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts (EUR 2019/1012). They amend that Regulation to provide for an additional case, and conditions under which, a border control post may be situated at a distance other than in the immediate vicinity of a point of entry into Scotland.

Currently a border control post may be situated at a distance other than in the immediate vicinity of a point of entry into Scotland where that is necessitated by specific geographical constraints, and particular conditions are fulfilled.

The additional case provided for by these Regulations is where the border control post and the point of entry are situated in the same freeport area. That is subject to the conditions that it must not be a border control post for official controls on animals, and that adequate measures will be in place to manage any risk to human, animal or plant health, or risk to the environment, arising from the location of the border control post.

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