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**S T A T U T O R Y   I N S T R U M E N T S**

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**2009 No. 0000****ROAD TRAFFIC****SPECIAL ROADS****The M40 Motorway (M40 Junction 16 to M42 Junction 3A)  
(Northbound) (Variable Speed Limits) Regulations 2009**

<i>Made</i> - - - -	2009
<i>Laid before Parliament</i>	2009
<i>Coming into force</i> - -	2009

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 17(2) and (3) of the Road Traffic Regulation Act 1984(a) (“the 1984 Act”).

The Secretary of State, in accordance with section 134(2) of the 1984 Act, has consulted with such representative organisations as were thought fit.

**Citation and commencement**

1. These Regulations may be cited as the M40 Motorway (M40 Junction 16 to M42 Junction 3A) (Northbound) (Variable Speed Limits) Regulations 2009 and shall come into force on [ ] 2009.

**Interpretation**

2.—(1) In these Regulations—

“the 1982 Regulations” means the Motorway Traffic (England and Wales) Regulations 1982(b);

“the 2002 Regulations” means the Traffic Signs Regulations 2002(c);

“carriageway”, “hard shoulder”, “motorway” and “verge” have the same meaning as in the 1982 Regulations; and

“the specified roads” means the length of carriageway specified in the Schedule to these Regulations together with the adjacent hard shoulders and verges.

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(a) 1984 c. 27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, Part II, paragraph 28(3); and by the Road Traffic Act (c. 40), Schedule 4, paragraph 25 and by Schedule 8. There are other amendments to section 17 and 134 which are not relevant to these Regulations.

(b) S. I. 1982/1163, as amended by S. I. 1984/1479, S. I. 1992/1364 and S. I. 2004/3258.

(c) Part of S. I. 2002/3133; as amended by S. I. 2005/1670.

### **Speed Limits**

3.—(1) Where a vehicle driven on any part of the specified roads passes a speed limit sign no person shall, during the relevant period, drive the vehicle on any part of the specified roads at a speed exceeding that displayed on the speed limit sign.

(2) For the purposes of this regulation, a vehicle shall not be regarded as passing a speed limit sign unless the sign is—

- (a) on or near any part of the specified roads; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven.

(3) Where a vehicle—

- (a) is driven on any part of the specified roads and passes a speed limit sign; and
- (b) is subject to that speed limit under this regulation, but it would not have been subject to that speed limit had it passed that location ten seconds earlier than it did,

such a vehicle shall not be subject to that speed limit under this regulation until it passes another speed limit sign.

(4) In this regulation—

“national speed limit” has the meaning given to it by regulation 5(2) of the 2002 Regulations;

“relevant period” means the period that begins immediately after the vehicle passes the speed limit sign and ends immediately before one of the following events occur—

- (a) the vehicle passes a traffic sign which indicates that the national speed limit or any other speed limit is in force; or
- (b) the vehicle goes outside of the area comprising the specified roads; and

“speed limit sign” means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which indicate that a speed limit other than the national speed limit is in force.

### **Savings**

4. Nothing in these Regulations shall prejudice the operation of any other Regulations made or having effect as if made under section 17 of the 1984 Act.

Signed by authority of the Secretary of State for Transport

Date

*[name]*  
Parliamentary Under Secretary of State  
Department for Transport

## SCHEDULE

Regulation 2

### SPECIFIED ROADS

**1.** The specified roads are the—

- (a) northbound carriageway of the M40 from marker post 167/0 + 55A to marker post 169/9A;
- (b) carriageway of the northbound slip roads; and
- (c) linking carriageway.

**2.** Any reference in this Schedule to—

- (a) the letter “M” followed by a number is a reference to the motorway known by that number;
- (b) the letter “A” followed by a number is a reference to the road known by that number; and
- (c) a junction followed by a number is a reference to the junction of the M40 or M42 of that number.

**3.** In this Schedule—

“linking carriageway” means the carriageway in the vicinity of junction 3A of the M42 northbound commencing at the diverge from the M40 northbound and ending at its merge with the M42 northbound;

“northbound slip road” means the road for entering the M40 northbound in the vicinity of junction 16, from the A3400, commencing at the zone sign and ending at its merge with the M40 northbound; and

“zone sign” means a sign authorised by the Secretary of State for the purpose under the 1984 Act of indicating that vehicles are entering a specified road.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations introduce variable speed limits on the specified roads set out in Regulation 4.

Regulation 3 introduces variable speed limits in relation to the specified roads. Vehicles may not be driven at a speed above the maximum indicated by a traffic sign until they pass a sign indicating that the restriction ceases to apply or that another speed limit applies or until the vehicle ceases to be on a specified road. Where a speed limit changes less than 10 seconds before a vehicle passes the sign, this regulation allows a driver to proceed at a speed up to the maximum speed applicable before the change, and to continue to do so until the driver passes another speed limit sign.

A copy of the impact assessment prepared in respect of these Regulations can be obtained from the ATM and ITS Solutions Team, C5, 5 Broadway, Broad Street, Birmingham, B15 1BL. A copy has been placed in the library of each House of Parliament.