
 STATUTORY INSTRUMENTS

2009 No.

ROAD TRAFFIC

SPECIAL ROADS

The M6 Motorway (Junctions 4 to 5) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2009

<i>Made</i>	- - - -	200x
<i>Laid before Parliament</i>		200x
<i>Coming into force</i>	- -	[] 2009

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred in section 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 organisation as were thought fit.

Citation and commencement

1. These Regulations may be cited as the M6 Motorway (Junctions 4 to 5) (Variable Speed Limits and Actively Managed Hard Shoulder) 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

“relevant roads” means the lengths of carriageway in Schedule 2 to these Regulations together with the adjacent hard shoulders, emergency refuge areas and verges.; and

(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. 1984/1364 and S. I. 3258.

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

“specified roads” means the length of carriageway specified in Schedule 1 to these Regulations together with the adjacent hard shoulders and verges.

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 under this regulation, but it would not have been subject to that speed limit had it passed the 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 the following event occurs—

- (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 a type shown in diagram 670 in Schedule 2 to the 2002 Regulations which indicate that a specified maximum speed limit other than the national speed limit is in force.

Modification of the 1982 Regulations to allow for actively managed hard shoulder

4.—(1) In relation to the relevant roads, the 1982 Regulation shall have effect subject to the following modifications.

(2) In regulation 3(1)—

(a) after sub-paragraph (a) insert—

“(aa) “actively managed hard shoulder” means the hard shoulder of the relevant roads;”

(b) in sub-paragraph (b) (i) after “the motorway” insert “and includes the actively managed hard shoulder when it is treated as a lane of the carriageway in accordance with regulation 5A;”;

(c) after sub-paragraph (c) insert—

“(ca) “emergency refuge area” means a part of a motorway—

(i) which is adjacent to and situated on the left-hand or near side of the hard shoulder or carriageway when facing in the direction in which, in accordance with regulation 6, vehicles may be driven, and

(ii) whose boundary with the hard shoulder or carriageway is indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002;”;

(d) in sub-paragraph (e) after “hard shoulder”, insert “subject to regulation 5A;”;

(e) in sub-paragraph (g) after “hard shoulder”, add “an emergency refuge area;” and

(f) after sub-paragraph (f) insert—

“(aff) “relevant roads has the meaning given to it by regulation 2 of the M6 (Junction 4 to 5) (Actively Managed Hard Shoulder and Variable Speed Limit) Regulations 2009;”.

(3) For regulation 4 substitute—

“Application

4. These Regulations apply to the relevant roads.”

(4) After regulation 5 insert—

“Use of actively managed hard shoulder

5A.—(1) Subject to the following provisions of these Regulations, a vehicle may be driven on a relevant length of the actively managed hard shoulder.

(2) The relevant length of the actively managed hard shoulder shall be treated for the purposes of the regulations as a lane of the carriageway.

(3) Accordingly where paragraph (2) applies, references in these Regulations—

- (a) to a carriageway shall be treated as including references to the relevant length of the actively managed hard shoulder; and
- (b) to a hard shoulder, except in regulation 3(1), shall be treated as excluding references to the relevant length of the actively managed hard shoulder.

(4) For the purposes of this regulation “relevant length” in relation to the actively managed hard shoulder means a length of the actively managed hard shoulder that—

- (a) begins immediately after an overhead gantry on which directly above the actively managed hard shoulder, there is displayed a traffic sign of the type shown in diagram 670 in Schedule 2 to the Traffic Signs Regulations 2002 indicating that a speed limit other than the national speed limit applies to the actively managed hard shoulder; and
- (b) ends immediately before an overhead gantry on which directly above the actively managed hard shoulder there is displayed a traffic sign of the type shown in diagrams 5003.1 in Schedule 10, or 6031.1 in Schedule 11, to the Traffic Sign Regulations 2002 ”

(5) At the end of regulation 7(2) after “carriageway” insert “or on any emergency refuge area which is contiguous to that carriageway or hard shoulder”.

(6) In regulations 7(3)(a) and (b), 9 and 41(b)(i) after “hard shoulder” (in each place) add “or emergency refuge area”.

(7) In regulation 12(2) after “three or more traffic lanes” add “(including the actively managed hard shoulder when it is in use as a lane of the carriageway in accordance with regulation 5A).”

Signed by the authority of the Secretary of State for Transport

Date

[name]
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE 1

Regulation 2

SPECIFIED ROADS

1. The specified roads are the—
 - (a) northbound carriageway of the M6 from marker post 170/3A to marker post 178/3 + 70A;
 - (b) carriageways of the northbound slip roads;
 - (c) southbound carriageway of the M6 from marker post 178/2 + 45B to marker post 170/3 + 60B;
 - (d) carriageway of the southbound slip roads; and
 - (e) linking carriageways.
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) to 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 M6 of that number.
3. In this Schedule—

“J slip road” refers to a road which connects the M6 northbound with the A452;

“K slip road” refers to a road which connects the A446 with the M6 northbound;

“L slip road” refers to a road which connects the M6 southbound with the A446;

“M slip road” refers to a road which connects the A452 with the M6 southbound;

“linking carriageway” means the carriageway in the vicinity of junction 4 of the M6 northbound commencing at the diverge from the M42 northbound and ending at its merge with the M6 northbound;

“northbound slip roads” means those roads specified in paragraph 4 of this Schedule;

“southbound slip roads” means those roads specified in paragraph 5 of this Schedule; and

“zone sign” means a sign authorised by the Secretary of State for the purpose of the 1984 Act indicating that vehicles are entering or exiting a relevant road.
4. The northbound slip roads are the—
 - (a) J slip road in the vicinity of junction 5 of the M6 northbound commencing at the diverge and ending at the zone sign; and
 - (b) K slip road in the vicinity of junction 4 of the M6 northbound commencing at the zone sign and ending at its merge with the M6 northbound.
5. The southbound slip roads are the—
 - (a) L slip road in the vicinity of junction 4 of the M6 southbound commencing at the diverge and ending at the zone sign; and
 - (b) M slip road in the vicinity of junction 5 of the M6 southbound commencing at the zone sign and ending at its merge with the M6 southbound.

SCHEDULE 2

Regulation 2

RELEVANT ROADS

1. The relevant roads are the—
 - (a) northbound carriageway of the M6 from marker post 170/3A to marker post 178/3 + 70A;
and
 - (b) southbound carriageway of the M6 from marker post 178/2 + 45B to marker post 175/0 + 60B;
2. Any reference in this Schedule to the letter “M” followed by a number is a reference to the motorway known by that number.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations introduce variable speed limits to the M6 motorway (junctions 4 to 5) (“the relevant roads”). The Regulations modify the Motorway Traffic (England and Wales) Regulations (“the 1982 Regulations”) and create the concept of an ‘actively managed hard shoulder’, which is a hard shoulder which, in certain circumstances, may be driven on and this is introduced to the northbound section of the M6 Motorway (junction 4 to 5) and southbound from junction 5 to 4A.

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 until the vehicle ceases to be on a relevant 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 applicable before the change, and to continue to do so until the driver leaves the relevant road, or some other speed limit applies.

Regulation 4 inserts a new regulation 5A into the 1982 Regulations, which provides that the hard shoulder of a relevant road may be used as a carriageway where a speed limit sign is displayed.

Regulation 4 also introduces into the 1982 Regulations the concept of the ‘emergency refuge area’, which, where a hard shoulder is actively managed, has the same function as a hard shoulder.

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.