EXPLANATORY MEMORANDUM TO

THE STRATEGIC HIGHWAYS COMPANY (NAME CHANGE AND CONSEQUENTIAL AMENDMENTS) REGULATIONS 2023

2023 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 These Regulations make consequential changes to reflect the change in name of the Strategic Highways Company in England from 'Highways England Company Limited' to 'National Highways Limited', as announced in August 2021.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 An explanatory memorandum on this subject was first laid on 24 April 2023. This amended explanatory memorandum is being laid to respond to feedback received from the House of Lords Secondary Legislation Scrutiny Committee. The policy background section from paragraphs 7.1 to 7.5 has been expanded.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is the same as the legislation which it amends.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is also the same as the legislation which it amends.

5. European Convention on Human Rights

5.1 Richard Holden MP, Parliamentary Under Secretary of State at the Department for Transport, has made the following statement regarding Human Rights:

"In my view the provisions of the Strategic Highways Company (Name Change and Consequential Amendments) Regulations 2023 are compatible with the Convention rights."

6. Legislative Context

6.1 These Regulations amend a number of references to "Highways England Company Limited" in primary and secondary legislation to "National Highways Limited". "Highways England Company Limited" changed its name in August 2021. The company remains the same legal entity, company number 09346363, and its name has been updated with Companies House. The amendments to primary and secondary legislation are being made to avoid confusion or ambiguity that may arise over time by removing key references to the organisation's old name.

6.2 While there are a number of references to “Highways England Company Limited” in legislation, a large number of them are of limited application or where updating the name change would have no practical effect (e.g. Development Consent Orders and traffic orders). The amendments made by this instrument are limited to those where confusion or ambiguity could potentially arise from retention of the out-dated reference.

7. Policy background

What is being done and why?

7.1 In August 2021 the Government announced that the name of the Strategic Highways Company in England would change from ‘Highways England Company Limited’ to ‘National Highways Limited’.

7.2 The decision to rename the organisation was made to ensure the name accurately reflects the organisation as it focuses on delivery of the Government’s plans to maintain and enhance England’s strategic road network of motorways and major A roads, ensuring it is safe, reliable and efficient for everyone. The strategic road network plays a key role by connecting England’s regions and providing the most heavily used cross-border routes between England, Scotland and Wales. The name signalled a new era for the company and recognises the role it plays in ensuring national connectivity. The new name better reflects the organisation’s role leading the development of the UK's highways standards.

7.3 The name National Highways also helps provide a distinction between local roads, which are the responsibility of local authorities, and the strategic road network for which National Highways is responsible.

7.4 The name change was conducted to keep associated costs to a minimum. National Highways has estimated the cost at £312,000, which it has met from its budget. This has covered the legal, administrative and digital costs required as well as a small allocation for some signage to be updated as required. Most old branding has continued to be used with items such as uniforms, fleet vehicles and the majority of signage only being updated at end of life.

7.5 The change of name has now been implemented and these Regulations make consequential changes to reflect this. There are numerous references to the previous name - ‘Highways England Company Limited’ - in legislation but a proportionate approach has been taken through these Regulations to amend those references where retention of a reference to “Highways England Company Limited” could lead to confusion or ambiguity over the passage of time.

7.6 The pieces of legislation being amended are: The Appointment of a Strategic Highways Company Order 2015 (S.I. 2015/376); The Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015 (S.I. 2015/377); The Equality Act 2010 (c. 15); The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353); and The Local Transport Act 2008 (c. 26).

7.7 Where possible the amended references have been ‘future-proofed’ to make reference to the Strategic Highways Company in England in order to avoid the need to amend legislation should the name of National Highways change in the future.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 These Regulations do not require consolidation.

10. Consultation outcome

10.1 No formal consultation has taken place given the consequential nature of these Regulations.

10.2 Key stakeholders have been informally consulted on the plans to make the changes within these Regulations including National Highways officials and relevant National Highways-facing policy teams in the Department for Transport to check the approach, including on which pieces of legislation will and will not be updated. The Government Equalities Office was also consulted on the amendments to the Equality Act 2010.

11. Guidance

11.1 Guidance is not required for these Regulations given their consequential nature.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies because they are consequential amendments as a result of the name change of the Strategic Highways Company in England.

12.2 There is no, or no significant, impact on the public sector because they are consequential amendments as a result of the name change of the Strategic Highways Company in England.

12.3 A full Impact Assessment has not been prepared for this instrument because they are consequential amendments as a result of the name change of the Strategic Highways Company in England.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses because it contains consequential amendments as a result of the name change of the Strategic Highways Company in England.

14. Monitoring & review

14.1 There are no plans to monitor or review these Regulations due to their consequential nature.

15. Contact

15.1 Kyri Papasavva at the Department for Transport Telephone: 07815 454187 or email: kyri.papasavva@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Sophie Keay, Deputy Director for National Highways Shareholding, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Richard Holden MP, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.