EXPLANATORY MEMORANDUM TO

THE M20 MOTORWAY (JUNCTIONS 3 TO 5) (VARIABLE SPEED LIMITS) (AMENDMENT) REGULATIONS 2019

2019 No. 1158

1. Introduction

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

2. Purpose of the instrument

2.1 These Regulations enable the operation of variable mandatory speed limits on the M20 motorway between junctions 3 and 5.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England. Only those sections of motorway specified in the Schedule to the Regulations will be affected, all of which are in England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 These Regulations have been made in respect of the use of particular lengths of special road (i.e. motorway) rather than in relation to the use of special roads generally. These Regulations allow the operation and enforcement of variable mandatory speed limits in relation to the specified roads set out in the Schedule to the Regulations.

6.2 Section 134(2) of the Road Traffic Regulation Act 1984 requires the Secretary of State to consult with such representative organisations as are seen fit prior to making regulations under the Act.

6.3 The Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) enable certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways. In addition, traffic signs authorised by the Secretary of State under section 64 of the 1984 Act will be placed on or near the specified roads set out in the Schedule to the Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road to which the Regulations apply.

7. Policy background

What is being done and why?

7.1 The roads specified in the Schedule to the Regulations will become part of the M20 Junction 3 to 7 Smart Motorway Scheme ("the Scheme") which is a scheme within Highways England's programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. The Regulations extend variable speed limits to junction 3 of the M20 and to the new lanes being created from the hard shoulder between junctions 4 and 5.

7.2 The Scheme uses variable mandatory speed limits throughout which are set in response to the prevailing traffic conditions and will be clearly displayed on advanced motorway indicator signs above each lane of the main carriageway mounted on overhead gantries, on verge-mounted variable message signs and on post-mounted advanced motorway indicators. Once in force the Regulations will restrict driving at a speed exceeding that displayed on the signs. When no speed is displayed on the signs then the national speed limit will be in force.

7.3 Highways England is committed to building upon the success of the existing smart motorway schemes which have been implemented on a number of busy motorway sections across the country. It is expected that the Scheme will increase motorway capacity and reduce congestion; smooth traffic flows; provide more reliable journey times and increase and improve the quality of information for the driver.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

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 This instrument is not amending another instrument.

10. Consultation outcome

10.1 The consultation period on the proposal to introduce variable mandatory speed limits on the roads included in the Schedule to the Regulations was from 1st March 2018 for a period of four weeks, until 29th March 2018. The Consultation Document is available on the following websites: *https://highwaysengland.citizenspace.com/he/m20-junction-3-to-5-smart-motorway/* and Scheme webpage: *https://highwaysengland.co.uk/projects/m20-junctions-3-to-5-smart-motorway/*

10.2 Highways England received a total of 13 responses to the consultation. Eight of the responses were from members of the public, one was from a local business, one was

anonymous and three were from the following local government organisations: Boxley Parish Council, Kent Downs Area of Outstanding Natural Beauty and Maidstone Borough Council. Of those, 7 respondents expressed support for the proposal to extend the scheme with five saying that they were opposed to it and one not expressing an opinion.

10.3 The post consultation report concluded that the Scheme should be extended. A detailed analysis of the consultation outcome and report, including responses to the issues raised, is available on the Highways England website at the following address: *https://highwaysengland.co.uk/projects/m20-junctions-3-to-5-smart-motorway/*

11. Guidance

11.1 The consultation pack issued by Highways England to stakeholders contained information on the operation of variable mandatory speed limits. The consultation pack was also published on the Highways England Citizen Space website. Stakeholders included local authorities, members of the emergency services, road user groups and vehicle recovery operators. Stakeholders will continue to receive updates and news on the scheme implementation, with consideration given to the effects of the scheme on local residents, the travelling public and businesses. Prior to the scheme commencing operation road users will be made aware of it through the media and press releases.

12. Impact

12.1 The impact on business, charities or voluntary bodies and the public sector is that variable mandatory speed limits will benefit the motorist by helping to reduce congestion, be informative and improve journey times.

12.2 The impact on the public sector is as stated in section 12.1.

12.3 An Impact Assessment has not been prepared for this instrument because no impact on the costs of business, charities voluntary bodies or the public sector is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses in the sense of imposing a regulatory burden.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to conduct a Post Opening Project Evaluation ("POPE") of the scheme in the second and sixth years of its operation. The purpose of the POPE is to measure the business case aims and benefits of the scheme (its effectiveness on traffic flows, accidents and environmental factors) against what it is delivering at the time of the evaluations.

14.2 The regulations do not include a statutory review provision because they do not impose a regulatory burden impacting on business costs and there are no factors that would make it particularly desirable to include a review provision.

15. Contact

15.1 Kampandila Kaluba at Highways England, telephone: +44 (0) 300 470 3138 or email: ***Kampandila.Kaluba@highwaysengland.co.uk*** can be contacted with any queries regarding the instrument

15.2 Rosemary Hopkins, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Michael Ellis MP at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.