STATUTORY INSTRUMENTS

2013 No. 2397

ROAD TRAFFIC

SPECIAL ROADS

The M25 Motorway (Junctions 5 to 7) (Variable Speed Limits) Regulations 2013

Made - - - -	*19th September 2013*
Laid before Parliament	*24th September 2013*
Coming into force - -	*4th November 2013*

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

Representative organisations have been consulted in accordance with section 134(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the M25 Motorway (Junctions 5 to 7) (Variable Speed Limits) Regulations 2013 and come into force on 4th November 2013.

Interpretation

2. In these Regulations—

"the 1982 Regulations" means the Motorways Traffic (England and Wales) Regulations 1982(**b**);

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002(**c**); and

"carriageway", "hard shoulder", "motorway" and "verge" have the same meaning as in the 1982 Regulations.

Modification of the 1982 Regulations

3.—(1) In relation to the specified roads the 1982 Regulations have effect as if they were modified as follows.

(**a**) 1984. c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, Part 2, Paragraph 28(3); section 17(2)(b) was amended by the Road Traffic Act 1991 (c.40), Schedule 8; section 17(2)(d) was inserted by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 25. 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. 1983/374, 1984/1479, 1992/1364 and 2004/3258.

(**c**) S.I. 2002/3113, as amended by S.I. 2005/1670. There are other amending instruments but none are relevant.

(2) Paragraph (1) of regulation 3 (interpretation) has effect as if—

(a) after sub-paragraph (c) there were inserted—

"(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;";

(b) in sub-paragraph (g) after "hard shoulder", there were inserted "an emergency refuge area,";

(c) in regulation 7 (restrictions on stopping), paragraph (2) has effect as if at the end, after "carriageway" there were added "or on any emergency refuge area which is adjacent to that carriageway or hard shoulder.".

(3) Paragraph 3(a) and (b) of regulation 7, regulation 9 (restriction on the use of hard shoulders) and paragraph (b)(i) of regulation 14 (restrictions affecting animals carried by vehicles) have effect as if after "hard shoulder" (in each place) there was inserted "or emergency refuge area".

Variable speed limits

4.—(1) No person shall drive a vehicle on a section of road which is subject to a variable speed limit exceeding that indicated by a speed limit sign.

(2) A section of a road is subject to a variable speed limit in relation to a vehicle being driven along it if—

(a) the road is specified in the Schedule;

(b) the vehicle has passed a speed limit sign; and

(c) the vehicle has not subsequently passed—

(i) another speed limit sign indicating a different speed limit; or

(ii) a traffic sign which indicates that the national speed limit is in force.

(3) In relation to a vehicle, the speed limit indicated by a speed limit sign is the speed shown at the time the vehicle passes the sign, or, if higher, the speed limit shown by the sign ten seconds before the vehicle passed the sign.

(4) For the purposes of this regulation a speed limit sign is to be taken as not indicating any speed limit if, ten seconds before the vehicle passed it, the sign had indicated no speed limit or that the national speed limit was in force.

(5) In this regulation—

"national speed limit" has the meaning given by regulation 5(2) of the 2002 Regulations and a traffic sign which indicates that the national speed limit is in force means a traffic sign of the type shown in diagram 671 in Schedule 2 to the 2002 Regulations which is—

(a) placed on or near a road; and

(b) directed at traffic on the carriageway on which the vehicle is being driven;

"road" includes the adjacent hard shoulder and verge;

"speed limit sign", in relation to a vehicle, means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which is—

(a) situated on or near any part of a road specified in the Schedule; and

(b) directed at traffic on the carriageway on which the vehicle is being driven.

Signed by authority of the Secretary of State for Transport

Stephen Hammond
Parliamentary Under Secretary of State

SCHEDULE

Regulation 4(2)(a)

1. The specified roads are—

(a) that length of the clockwise carriageway of the M25 beginning at the eastern edge of the bridge carrying the M25 spur road to the A21 over the M25 at junction 5 and ending in the vicinity of junction 7 at marker post 45/7;

(b) that length of the anti-clockwise carriageway of the M25 beginning in the vicinity of junction 7 at marker post 45/7 and ending at the start of the western edge of the bridge carrying the M25 spur road from the A21 over the anti-clockwise eastbound carriageway to the M26 at junction 5;

(c) the carriageways of the clockwise slip roads;

(d) the carriageways of the anti-clockwise slip roads; and

(e) the linking carriageways.

2. Any reference in this Schedule to—

(a) the letter "M" followed by a number or a number followed by the letter "M" in brackets is a reference to the motorway known by that name;

(b) the letter "A" followed by a number is a reference to the road known by that name; and

(c) a junction followed by a number is (unless the context otherwise requires) a reference to the junction of that M25 of that number.

3. In this Schedule—

"on-slip road" means a slip road intended for use of traffic entering the M25;

"off-slip road" means a slip road intended for use of traffic exiting the M25;

"spur road" is a reference to lengths of carriageway forming a spur of the M25; and

"linking carriageway" is a reference to a carriageway (or specified length of the carriageway) linking a part of the M25 to another part of that motorway or to another motorway.

4. The clockwise slip roads are—

(a) the on-slip roads which connect—

(i) the motorway service area (Clacket Lane) with the clockwise carriageway of the M25 between junction 5 and junction 6; and

(ii) the A22 with the clockwise carriageway of the M25 at junction 6.

(b) the off-slip roads which connect the clockwise carriageway of the M25—

(i) between junction 5 and junction 6 with the motorway service area (Clacket Lane); and

(ii) at junction 6 with the A22.

5. The anti-clockwise slip roads are—

(a) the on-slip roads which connect—

(i) The motorway service area (Clacket Lane) with the anti-clockwise carriageway of the M25 between junction 6 and junction 5; and

(ii) the A22 with the anti-clockwise carriageway of the M25 at junction 6.

(b) the off-slip roads which connect the anti-clockwise carriageway of the M25—

(i) Between junction 6 and junction 5 with the motorway service area (Clacket Lane); and

(ii) At junction 6 with the A22.

6. The linking carriageways are—

(a) at junction 5, the carriageway beginning at the diverge from the M25 spur northbound and ending at the merge with the M25 clockwise;

(b) at junction 5, the anti-clockwise carriageway beginning at the diverge from the M25 eastbound carriageway to the M26 and ending at the merge with the M25 spur from the A21 northbound;

(c) at junction 7, the carriageway beginning at the diverge from the M25 clockwise and ending where the carriageway divides into separate linking carriageways to the M23 northbound and M23 southbound; and

(d) at junction 7, the carriageway beginning at the merge of the separate linking carriageways from the M23 northbound and M23 southbound and ending at the merge with the M25 anti-clockwise.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the M25 Motorway from junctions 5 to 7 and on associated spur road, slip roads and linking carriageways.

These Regulations also modify the way the Motorways Traffic (England and Wales) Regulations 1982 ("the 1982 Regulations") apply to the carriageways of the M25 between junctions 5 to 7 by introducing the concept of emergency refuge areas.

Regulation 3 modifies the 1982 Regulations for the purpose of the roads covered by these Regulations, by inserting the concept of an emergency refuge area.

Regulation 4 provides for variable speed limits to have effect on the roads specified in the Schedule. Where variable speed limit signs are in operation a vehicle may not be driven at a speed above the maximum indicated by each speed limit sign passed by a vehicle, until it passes a sign indicating that the national speed limit applies or the vehicle leaves the roads covered by the regulation. Where a speed limit changes less than ten seconds before a vehicle passes the sign and the sign had indicated a higher speed limit, the regulation allows a driver to proceed at a speed up to the maximum applicable before the change. Where the speed limit sign indicates a speed limit when it is passed by a vehicle but less than ten seconds previously it was either giving no indication of a speed limit or that the national speed limit applies, the sign is to be taken as giving no indication of a speed limit to the vehicle passing it.

Contravention of these regulations is an offence under section 17(4) of the Road Traffic Regulation Act 1984.

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