EXPLANATORY MEMORANDUM TO

THE M275 AND M27 MOTORWAY (SPEED LIMIT AND BUS LANE) REGULATIONS 2014

2014 No. 790

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

Following the construction of a new junction (the Tipner Interchange) and associated slip roads on the M275 motorway at Portsmouth, it is considered necessary to revoke the M275 and M27 Motorway (Speed Limit) Regulations 2005 (the "2005 Regulations") and replace them with these new Regulations which impose speed limits of 50 mph and 60 mph on various stretches of road in addition to the creation of a bus lane on a specified length of the M275 motorway and its southbound entry slip road from the Tipner Interchange.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

This instrument is made under the powers in section 17(2) and (3) of the Road Traffic Regulation Act 1984 ("RTRA 1984") for the Secretary of State to make regulations governing the use of a particular special road. Specifically, the relevant power is found is s.17(2)(d) RTRA 1984 and the laying power (negative resolution) is found in s.134(3) RTRA 1984.

Normally, speed limit orders for motorways are dealt with on behalf of the Secretary of State by the Highways Agency. The Highways Agency is an executive agency of the Department for Transport responsible for the maintenance and management of the strategic road network in England. However, the M275 at Portsmouth is one of a very small number of motorways in England which is managed by the local authority (in this case Portsmouth City Council). The Highways Agency therefore has no jurisdiction, nor can the council make the speed limit order because of the status of the motorway as a special road (section 84(4) of the RTRA 1984 specifically excludes special roads from a local traffic authority's jurisdiction in relation to speed limit orders). This is therefore one of a very small number of cases where the powers of traffic regulation fall to be exercised directly by the Secretary of State, as was also the case for the original 2005 Regulations.

5. Territorial Extent and Application

England (although in practice it only affects specific local roads in the Portsmouth area).

6. European Convention on Human Rights

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

7. Policy background

- ***What is being done and why***

The creation of a new junction and associated slip roads requires new speed limits to be imposed and also has knock on effects on the stretches of road governed by existing speed limits. It is therefore considered expedient to revoke the existing 2005 Regulations and replace them with these new Regulations which also create a designated bus lane at the request of Portsmouth City Council.

- ***Consolidation***

The Regulations revoke and replace the original 2005 Regulations so that there is no confusion on the statute book as to the applicable law.

8. Consultation outcome

The Department has carried out consultation with relevant representative organisations under s.134(2) RTRA 1984 - in particular, Portsmouth City Council, Hampshire Police and the Highways Agency. In relation to the stretches of road to be governed by various speed limits, it has been guided by these organisations as to the appropriate speed limits for different sections of road. Hampshire Police have also given feedback regarding the exemptions to be applicable for the newly created bus lane.

9. Guidance

Road users will be aware of the new obligations as a result of the placement of appropriate signage on the roads concerned.

10. Impact

This instrument has no significant effect on business, charities, voluntary bodies or the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

The operation of the new junction and associated speed limits and bus lane will be kept under review by Portsmouth City Council and Hampshire Police. If it is felt at a future point that further legislative amendments are needed, then these organisations will make a request to the Department for Transport. As explained in paragraph 4 above, this is in effect a local traffic regulation order which the local organisations concerned are best placed to monitor. The power to make the regulations falls to the Department for Transport only because of the unusual legal status of the M275 as a local authority motorway.

13. Contact

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