STATUTORY INSTRUMENTS

2013 No. 1123

ROAD TRAFFIC

SPECIAL ROADS

The M4 Motorway (Junctions 19 to 20) and the M5 Motorway (Junctions 15 to 17) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2013

Made - - - -	*8th May 2013*
Laid before Parliament	*10th May 2013*
Coming into force - -	*15th June 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 M4 Motorway (Junctions 19 to 20) and the M5 Motorway (Junctions 15 to 17) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2013 and come into force on 15th June 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**);

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

"emergency refuge area" means a part of a motorway—

(**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 sections 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**) Part 1 of S. I. 2002/3113; as amended by S. I. 2005/1670. There are other amending instruments but none is relevant.

(a) 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 of the 1982 Regulations, vehicles may be driven, and

(b) 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 2002 Regulations; and

"relevant roads" means the lengths of carriageway specified in Schedule 1 together with the adjacent hard shoulders, emergency refuge areas and verges.

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

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

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

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

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

(b) in sub-paragraph (b)(i) after "the motorway", there were inserted ", and includes the actively managed hard shoulder when it is treated as a lane of the carriageway in accordance with regulation 5A(3)";

(c) 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;";

(d) in sub-paragraph (e) after "hard shoulder", there were inserted ", subject to regulation 5A,";

(e) after sub-paragraph (f), there were inserted—

"(fa)"relevant roads" has the meaning given to it by regulation 2 of the M4 Motorway (Junctions 19 to 20) and the M5 Motorway (Junctions 15 to 17) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2013;"; and

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

(3) Regulation 4 (application) has effect as if for that regulation there were substituted—

"Application

4. These Regulations apply to the relevant roads."

(4) The 1982 Regulations have effect as if after regulation 5 (vehicles to be driven on the carriageway only) there were inserted—

"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 these 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—

(i) an overhead gantry on which directly above the actively managed hard shoulder there is displayed a traffic sign of the type shown in diagram 5003.1 in Schedule 10, or 6031.1 in Schedule 11, to the Traffic Signs Regulations 2002, or

(ii) a verge mounted traffic sign of the type shown in diagram 820.1 in schedule 4 to the Traffic Signs Regulations 2002 incorporating the non-prescribed text variant "Hard Shoulder ENDS"".

(5) 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".

(6) 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 in vehicles) have effect as if, after "hard shoulder" (in each place), there were inserted "or emergency refuge area".

(7) Paragraph (2) of regulation 12 (restriction on use of right hand or off side lane) has effect as if, after "three or more traffic lanes", there were inserted "(including the actively managed hard shoulder when it is in use as a lane of the carriageway in accordance with regulation 5A)".

Variable speed limits

4.—(1) No person shall drive a vehicle on a section of a road which is subject to a variable speed limit at a speed 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 Schedule 2;

(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 purpose 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 Schedule 2; 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
Department for transport

8th May 2013

SCHEDULE 1

Regulation 2

RELEVANT ROADS

1. The relevant roads are—

(a) the eastbound carriageway of the M4 between junction 20 and junction 19 beginning at a point which is 52 metres after marker post 187/0, and ending at a point which is 78 metres after marker post 181/6;

(b) the westbound carriageway of the M4 between points just before junction 19 and just after junction 20 beginning at a point which is 45 metres after marker post 181/1, and ending at a point which is 63 metres after marker post 187/8;

(c) the northbound carriageway of the M5 between points just before junction 17 and just after junction 15 beginning at a point which is 27 metres after marker post 136/6, and ending at a point which is 20 metres after marker post 129/9; and

(d) the southbound carriageway of the M5 between junction 15 and junction 17 beginning at a point which is 39 metres after marker post 130/0, and ending at a point which is 8 metres after marker post 135/8.

2. Any reference in this Schedule to the letter "M" followed by a number is a reference to the motorway known by that name.

SCHEDULE 2

Regulation 4(2)(a)

SPECIFIED ROADS

1. The specified roads are—

(a) the eastbound carriageway of the M4 between junction 20 and junction 19 beginning at a point which is 52 metres after marker post 187/0, and ending at a point which is 78 metres after marker post 181/6;

(b) the eastbound linking carriageways;

(c) the westbound carriageway of the M4 between points just before junction 19 and just after junction 20 beginning at a point which is 45 metres after marker post 181/1, and ending at a point which is 63 metres after marker post 187/8;

(d) the westbound linking carriageways;

(e) the northbound carriageway of the M5 between points just before junction 17 and just after junction 15 beginning at a point which is 27 metres after marker post 136/6, and ending at a point which is 20 metres after marker post 129/9;

(f) the northbound slip roads of the M5;

(g) the northbound linking carriageways;

(h) the southbound carriageway of the M5 between junction 15 and junction 17 beginning at a point which is 39 metres after marker post 130/0, and ending at a point which is 8 metres after marker post 135/8;

(i) the southbound slip roads of the M5; and

(j) the southbound 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 name;

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

(c) the letter "B" followed by a number is a reference to the road known by that name.

3. In this Schedule—

"C link road" means a linking carriageway exiting the M5 southbound carriageway at junction 15 and entering the M4 eastbound carriageway at junction 20;

"D link road" means a linking carriageway exiting the M4 westbound carriageway at junction 20 and entering the M5 southbound carriageway at junction 15;

"E link road" means a linking carriageway exiting the M5 northbound carriageway at junction 15 and entering the M4 westbound carriageway at junction 20;

"F link road" means a linking carriageway exiting the M4 eastbound carriageway at junction 20 and entering the M5 northbound carriageway at junction 15;

"H link road" means a linking carriageway exiting the M5 southbound carriageway at junction 15 and entering the M4 westbound carriageway at junction 20;

"J link road" means a linking carriageway exiting the M4 eastbound carriageway at junction 20 and entering the M5 southbound carriageway at junction 15;

"G link road" means a linking carriageway exiting the M5 northbound carriageway at junction 15 and entering the M4 eastbound carriageway at junction 20;

"K link road" means a linking carriageway exiting the M4 westbound carriageway at junction 20 and entering the M5 northbound carriageway at junction 15;

"L link road" means a linking carriageway for exiting the eastbound carriageway of the M4 at junction 19 leading to the M32;

"N link road" means a linking carriageway for entering the westbound carriageway of the M4 at junction 19 from the M32;

"O slip road" means a road for exiting the northbound carriageway of the M5 at junction 16;

"P slip road" means a road for entering the northbound carriageway of the M5 at junction 16;

"Q slip road" means a road for exiting the northbound carriageway of the M5 at junction 17;

"R slip road" means a road for entering the northbound carriageway of the M5 at junction 17;

"S slip road" means a road for exiting the southbound carriageway of the M5 at junction 17;

"T slip road" means a road for exiting the southbound carriageway of the M5 at junction 16; and

"U slip road" means a road for entering the southbound carriageway of the M5 at junction 16.

4. The eastbound linking carriageways are—

(a) In the vicinity of Junction 19 of the M4, the L link road leading to the M32 commencing where it diverges from the M4 eastbound carriageway and ending at a point which is 50 metres after marker post 181/8;

(b) In the vicinity of Junction 20 of the M4—

(i) the C link road leading to the M4 eastbound commencing where it diverges from the M5 southbound carriageway and ending where it merges with the M4 eastbound carriageway; and

(ii) the G link road leading to the M4 eastbound commencing where it diverges from the M5 northbound carriageway and ending where it merges with the M4 eastbound carriageway.

5. The westbound linking carriageways are—

(a) In the vicinity of Junction 19 of the M4, the N link road from the M32 commencing at a point which is 54 metres before marker post 182/0 and ending where it merges with the M4 westbound carriageway;

(b) In the vicinity of Junction 20 of the M4—

(i) the E link road leading to the M4 westbound commencing where it diverges from the M5 northbound carriageway and ending where it merges with the M4 westbound carriageway; and

(ii) the H link road leading to the M4 westbound commencing where it diverges from the M5 southbound carriageway and ending where it merges with the M4 westbound carriageway.

6. The northbound linking carriageways are—

(a) In the vicinity of Junction 15 of the M5—

(i) the F link road leading to the M5 northbound commencing after the diverge from the M4 eastbound carriageway at a point which is 7 metres after marker post 131/1 and ending where it merges with the M5 northbound; and

(ii) the K link road leading to the M5 northbound commencing where it diverges from the M4 westbound carriageway and ending where it merges with the M5 northbound carriageway.

7. The northbound slip roads are—

(a) In the vicinity of Junction 16 of the M5—

(i) the O slip road leading to the A38 commencing where it diverges from the M5 northbound carriageway and ending at a point which is 47 metres before marker post 132/4; and

(ii) the P slip road from the A38 commencing at a point which is 39 metres after marker post 132/1 and ending where it merges with the M5 northbound carriageway;

(b) In the vicinity of Junction 17 of the M5—

(i) the Q slip road leading to the B4055 and the A4018 commencing where it diverges from the M5 northbound carriageway and ending at a point which is 24 metres before marker post 136/0; and

(ii) the R slip road from the B4055 and the A4018 commencing at a point which is 17 metres before marker post 135/8 and ending where it merges with the M5 northbound carriageway.

8. The southbound linking carriageways are—

(a) In the vicinity of Junction 15 of the M5—

(i) the D link road leading to the M5 southbound commencing where it diverges from the M4 westbound carriageway and ending where it merges with the M5 southbound carriageway; and

(ii) the J link road leading to the M5 southbound commencing after the diverge from the M4 eastbound carriageway at a point which is 7 metres after marker post 131/1 and ending where it merges with the M5 southbound.

9. The southbound slip roads are—

(a) In the vicinity of Junction 16 of the M5—

(i) the T slip road leading to the B4055 and the A4018 commencing where it diverges from the M5 southbound carriageway and ending at a point which is 50 metres after marker post 132/1; and

(ii) the U slip road leading to the M5 southbound commencing at a point which is 66 metres before marker post 132/4 and ending where it merges with the M5 southbound carriageway;

(b) In the vicinity of Junction 17 of the M5, the S slip road leading to the B4055 and the A4018 commencing where it diverges from the M5 southbound carriageway and ending at a point which is 25 metres after marker post 135/8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the M4 Motorway from junctions 19 to 20 and the M5 Motorway from junctions 15 to 17 and on associated slip roads and linking carriageways.

The Regulations also modify the way that the Motorways Traffic (England and Wales) Regulations 1982 ("the 1982 Regulations") apply to the carriageways of the M4 Motorway from junctions 19 to 20 and the M5 Motorway from junctions 15 to 17 and create the concept of an 'actively managed hard shoulder', which is a hard shoulder which, in certain circumstances, may be driven on.

Regulation 3 provides for the 1982 Regulations to apply as if a new regulation 5A were inserted, which provides that the hard shoulder of a relevant road may be used as a carriageway where a speed limit sign is displayed above the hard shoulder.

Regulation 3 also provides for the 1982 Regulations to apply as if the concept of the 'emergency refuge area' were introduced. Where a hard shoulder is actively managed, this emergency refuge area has the same function as a hard shoulder.

Regulation 4 provides for variable speed limits to have effect on the roads specified in Schedule 2. 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 the 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 10 seconds before a vehicle passes the sign and the sign had indicated a higher speed limit, the regulation allows the 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 10 seconds previously it was either giving no indication of a speed limit or that the national speed limit applied, the sign is to be taken as giving no indication of a speed limit to the vehicle passing it.

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

A copy of the impact assessment prepared in respect of the Regulations can be obtained from the M4/M5 Managed Motorways Team, The Cube, 199 Wharfside Street, Birmingham, B1 1RN. A copy has been placed in the library of each House of Parliament and is available alongside the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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ISBN 978-0-11-153919-4

9 780111 539194

£5.75

E6579 05/2013 136579T 19585