EXPLANATORY MEMORANDUM TO

THE M5 MOTORWAY (JUNCTIONS 1 TO 3) (60 MILES PER HOUR SPEED LIMIT) REGULATIONS 2022 (REVOCATION) REGULATIONS 2026

2026 No. 980

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. Declaration

2.1 Justin Madders MP, Parliamentary Under-Secretary of State, Minister for Roads and Buses, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Faith Wilkinson, Deputy Director for the Strategic Roads Directorate, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Samuel Twist at National Highways Limited can be contacted by email at the following address with any queries regarding the instrument: samuel.twist@nationalhighways.co.uk. Alternatively, he can be contacted by telephone: 07596 275594.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will revoke the M5 Motorway (Junctions 1 to 3) (60 Miles Per Hour Speed Limit) Regulations 2022 ("2022 Regulations")[1] which introduced a 60 miles per hour speed limit on the M5 motorway between junctions 1 and 3 and on slip roads at junctions 1 and 2. In consequence the national motorway speed limit will apply.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction which the instrument forms part of the law of) is England, Wales and Scotland. The instrument has been made under section 17(2), (3) and (3ZB) of the Road Traffic Regulation Act 1984[2] which extends to Great Britain as per section 147. The 2022 Regulations, which are being revoked, did not contain an extent provision meaning there is a presumption that they had the same extent as the enabling provision which is Great Britain. Therefore, this instrument shall also extend to Great Britain.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England; specifically, the section of the M5 motorway between junctions 1 and 3[3] and on slip roads at junctions 1 and 2.[4]

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[1] https://www.legislation.gov.uk/uksi/2022/391/made
[2] https://www.legislation.gov.uk/ukpga/1984/27/contents
[3] Between West Bromwich Interchange (junction 1) and Quinton Interchange (junction 3)
[4] Between West Bromwich Interchange (junction 1) and the Oldbury Interchange (junction 2)

5. Policy Context

What is being done and why?

5.1 The 2022 Regulations will be revoked meaning that the 60 miles per hour speed limit will be removed, and the national motorway speed limit will be reinstated. In addition, bend warning signage and an advisory speed limit of 50 miles per hour will be displayed as a supplementary plate on the signage. This follows a recommendation from a risk assessment carried out in accordance with the Design Manual for Roads and Bridges ("DMRB") GG 104.[5]

5.2 The 2022 Regulations introduced a 60 miles per hour speed limit to address air quality concerns in this area, specifically the levels of annual mean nitrogen dioxide ("NO_2") which exceeded their limit value as set by the Air Quality Standards Regulations 2010.[6] Concentrations of NO_2 have now dropped sufficiently that the 60 miles per hour speed limit can be removed and the section returned to the national motorway speed limit, without risk of the NO_2 levels exceeding their limit value reoccurring.

5.3 The risk assessment carried out in accordance with the DMRB GG 104 did not find significant variation on safety performance with the lower speed limit in place and therefore there is no justification on the grounds of safety for retaining the lower speed limit. Returning this section to the national motorway speed limit will enable vehicles to travel at a higher speed and motorists should therefore experience reduced journey times where appropriate for the driving conditions and vehicle type.

What was the previous policy, how is this different?

5.4 The 2022 Regulations introduced a temporary 60 miles per hour speed limit on the M5 motorway to improve air quality and achieve compliance with annual mean NO_2 limits as quickly as possible. Research at the time showed that reducing speed limits from 70 to 60 miles per hour lowered emissions from cars and vans, contributing to improved roadside NO_2 levels.

5.5 The air quality on this stretch has since improved, with the annual mean NO_2 concentrations now below their legal threshold and increasing the speed limit would not risk levels exceeding their limits again. This means the 2022 Regulations can be revoked and the national motorway speed limit reinstated.

5.6 This instrument will revoke the 2022 Regulations, returning the speed limit to the national motorway speed limit.

6. Legislative and Legal Context

How has the law changed?

6.1 The speed limit on the M5 motorway between junctions 1 and 3 and on slip roads at junctions 1 and 2 will be permanently changed from 60 miles per hour to the national motorway speed limit.

6.2 The instrument has been made under section 17(2), (3) and (3ZB) of the Road Traffic Regulation Act 1984, which empowers the Secretary of State for Transport to make regulations regarding the use of special roads generally and, in this case, with respect to a particular length of carriageway and slip roads on the M5 motorway.

[5] Design Manual for Roads and Bridges GG 104 - Requirements for safety risk assessment: https://www.standardsforhighways.co.uk/search/6393d1c9-31da-4675-b1b8-c43703409f1e

[6] https://www.legislation.gov.uk/uksi/2010/1001/contents

Why was this approach taken to change the law?

6.3 The 2022 Regulations reduced the speed limit on particular lengths of the M5 motorway. Revoking the 2022 Regulations is the only legislative approach to return this section of the M5 to the national motorway speed limit.

7. Consultation

Summary of consultation outcome and methodology

7.1 The consultation for the proposed revocation of the 60 miles per hour speed limit ran for six weeks, from 22nd September to 2nd November 2025.

7.2 A consultation document[7] which provided detailed information about the proposed instrument was issued to 1,264 stakeholders and published on National Highways Limited's Citizen Space website.

7.3 The consultation was open to the public through the Citizen Space website. Other consultees included local MPs, local Government bodies, members of the emergency services, environmental advisory groups, road transport groups, and local business organisations. The consultation provided an opportunity for consultees to comment on the proposed instrument. Responses were submitted through the questionnaire or by email.

7.4 A total of 37 responses were received - 26 from the public and businesses, and 11 from other stakeholders.

7.5 Respondents were asked whether they supported revoking the 2022 Regulations and restoring the national speed limit. 24 supported the proposal and 12 opposed it. One respondent provided no answer to this question.

7.6 20 respondents provided additional comments.

7.7 8 respondents, including Sandwell Metropolitan Borough Council and Transport for West Midlands, raised concerns that a higher speed limit would worsen air quality. National Highways Limited's response to the consultation[8] published in January 2026 stated NO_2 levels are now below legal limits and that increasing the speed limit would not risk levels exceeding their limits again.

7.8 Sandwell Metropolitan Borough Council also commented that legal compliance on NO_2 levels was not synonymous with the World Health Organisation ("WHO") guidelines.[9] National Highways Limited replied that WHO guidelines inform standards but are not targets. In addition, there is no legal duty imposed on National Highways Limited to consider air quality concentrations described by the WHO guidelines.

7.9 Two respondents believed lower speed limits improved safety, and one raised a concern about emergency callout risks. National Highways Limited stated that the speed reduction was for NO_2 values, not safety.

7.10 Two respondents commented on congestion and another on journey times and noise pollution. National Highways Limited responded that the 60 miles per hour speed

[7] Statutory Instrument Consultation Document and Consultation Response are both published on National Highways Limited's Consultation Citizen Space Website: https://nationalhighways.citizenspace.com/he/m5-j1-j3-si-consultation/. The consultation can be directly accessed: https://nationalhighways.citizenspace.com/he/m5-j1-j3-si-consultation/user_uploads/m5-j1-3-revoke-condoc-new-template---final---for-pdf.pdf

[8] Statutory Instrument Consultation Response: https://nationalhighways.citizenspace.com/he/m5-j1-j3-si-consultation/results/m5j1-3consultationresponsefinalforissuev2-st260123.pdf

[9] https://www.who.int/publications/i/item/9789240034228

limit had a negative impact on journey times and although noise levels may be noticeable in the short term, they would be no greater than before the 60 miles per hour speed limit was introduced.

7.11 One respondent suggested retaining or lowering the speed limit due to sharp bends on this section of the M5. National Highways Limited confirmed bend warning signage and an advisory 50 miles per hour speed limit will be reinstated as a supplementary plate when the national motorway speed limit is reintroduced.

7.12 One respondent commented that the 60 miles per hour speed limit caused panic braking and removing it may improve safety. Another respondent suggested a 60 miles per hour speed limit is required on motorways and that cameras should be used for enforcement. National Highways Limited responded that removing the speed limit should reduce panic braking and that the enforcement of driving standards and speed limits is a matter for the Police.

7.13 Three respondents believed the change would improve traffic flow and journey times. Another considered the 60 miles per hour speed limit effective for calming traffic.

7.14 A full analysis and National Highways Limited's responses are available in the consultation report on the Citizen Space website[10]. Respondents who provided contact details were sent a copy of the consultation report.

7.15 Concerns about reinstating the national motorway speed limit were adequately addressed during the consultation process. The consultation report concluded that the proposed speed limit changes should be implemented.

8. Applicable Guidance

8.1 These Regulations do not implement or require guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on the cost to business. The de minimis assessment undertaken by National Highways Limited concluded that the main monetised benefit to business arises from journey time savings, valued at approximately £1.02 million per annum. By reinstating the national motorway speed limit, businesses will benefit from reduced travel times, leading to productivity benefits and increased operational efficiency. The de minimis assessment is published alongside the statutory instrument and this explanatory memorandum.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because compliance with the reduced speed limits will have no significant impact on these entities.

9.3 The legislation does not impact small or micro businesses specifically because compliance with the national motorway speed limit is a requirement placed on all motorists.

[10] See footnote 8

9.4 There is no, or no significant, impact on the public sector because compliance with the national motorway speed limit is a requirement placed on all motorists, not just those from the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring the effect of this legislation is that collision data will be reviewed annually as part of National Highways Limited's routine review procedures. National Highways Limited has no plans to continue specific air quality monitoring at this location as NO_2 values are within the legal limit. This aligns with National Highways Limited's agreed evaluation approach.

10.2 The instrument does not include a statutory review clause and in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Justin Madders MP, Parliamentary Under-Secretary of State for Roads and Buses has made the following statement: 'a statutory review clause has not been included because this statutory instrument does 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'.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").