EXPLANATORY MEMORANDUM TO

THE M6 TOLL (SPEED LIMIT) REGULATIONS 2006

2006 No. 1185

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

2. Description

2.1 The new Regulations will introduce permanent graduated speed limits of 50 mph and 30 mph on the approaches to the main toll road plazas at Great Wyrley and Weeford Park on the M6 Toll motorway. There is currently a temporary traffic regulation order, titled The M6 Toll Motorway (Weeford Park and Great Wyrley Toll Plazas) (Temporary 30 Miles Per Hour Speed Restrictions) Order 2003 ("the Temporary Order"), in place imposing the 30 mph limit. The new Regulations will make the temporary order permanent and will revoke the M6 Toll (Speed Limit) Regulations 2003, which introduced the original 50 mph speed limit on the approaches to the toll booths.

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

3.1 None.

4. Legislative Background

4.1 Section 17(2) of the Road Traffic Regulation Act 1984 enables the Secretary of State, inter alia, to introduce speed limits on motorways by means of regulations. The M6 Toll (Speed Limit) Regulations 2003 were made under this power on 21 August 2003, laid before Parliament on 29 August 2003 and came into force on 25 September 2003. They impose a uniform speed limit of 50 mph on the approaches to the two main toll road plazas.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 A Concession Agreement was made on 28 February 1998 between Midland Expressway Limited (MEL) and the Secretary of State for Transport. In return for designing, constructing, financing, operating and maintaining the M6 Toll motorway, MEL was given the right to charge tolls.

7.2 When consultation on the draft M6 Toll (Speed Limit) Regulations 2003 took place in June 2003, the Central Motorway Police Group asked for a graduated speed limit on the approach to the mainline toll booths, initially 50 mph and then 30 mph on the final approach. The reason given was safety on the approaches to the toll booths.

7.3 This request meant a fundamental change to the draft regulations, which would have required the Department for Transport to go out to consultation again. The contractual completion date for the M6 Toll was January 2004. However, MEL, advised the Department that it was extremely likely that the new motorway would be complete and ready for operation before this date. In fact it was opened on 9 December 2003, so the Department was unable to go out to consultation again in the limited time available.

7.4 The Department had already agreed with all parties that 50 mph on the main line was appropriate. As a trial measure it was agreed with the Police that a Temporary Order would be promoted for the sections on which 30 mph speed limits were required. This approach also enabled all parties to determine the best location for the start and end of the 30 mph speed limit on the final approaches to the toll plazas, once the toll booths were fully operational. Experience since the opening of the motorway has demonstrated the benefits of the 30 mph speed limit.

7.5 The main reason for a permanent 30 mph speed limit is that on the final approach to the tollbooths, there are no Motorway Incident Detector and Automatic System (MIDAS) signals or any other signals capable of being activated at present to inform motorists of any likely queues at the toll booths. Accordingly, there is movement between traffic lanes depending on the speed at which the queues are processed or if another booth opens. There is less likelihood of a collision or serious accident during such a manoeuvre if a 30mph speed limit is in place. Thus there are considerable safety benefits in having graduated speed limits both for road users and MEL's employees. The location of the start and end of the 30 mph sections, as implemented under the Temporary Order, has proved to be the optimum solution.

7.6 The Department consulted on the new Regulations from 14 July 2005 to 6 October 2005. There was one objection from the RAC to the 30 mph speed limit, and comments from the Environment Agency that the speed limit approach signage to the toll plazas was not clear enough. Responses have been sent.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector will not change as The Temporary Order has been in place since 17 October 2003. The Regulations will simply make permanent the 30 mph speed limit in the Temporary Order, which were introduced for safety reasons when the motorway was opened, and revoke the original M6 Toll (Speed Limit) regulations 2003.

Note: The location of the start and end points of the 50 mph and 30 mph sections are defined by reference to the marker posts. Marker posts are located every 100 metres along the whole of the motorway. The numbers on the marker posts increase from south to north and so MP 44/4+50, for example, represents a distance of 44 kms and 450 metres from MP 0/0.

9. Contact

Alan Odey, Project Manager for the M6 Toll at the Highways Agency (Telephone number: GTN 6189 8131 or by e.mail alan.odey@highways.gsi.gov.uk) can answer any queries about this instrument.