EXPLANATORY MEMORANDUM TO

THE M621 MOTORWAY (OFF SIDE LANE PROHIBITION DISAPPLICATION) (NO. 2) REGULATIONS 2023

2023 No. 840

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.

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

2. Purpose of the instrument

2.1 This instrument revokes and replaces the M621 Motorway (off side lane prohibition disapplication) Regulations 2023[1]. An error in regulation 1(3) of that instrument was identified after it was signed. The coming into force provision stated the year, but did not include the day and month.

2.2 This instrument also disapplies regulation 12 of the Motorways Traffic (England and Wales) Regulations 1982[2] ('Regulation 12') in relation to specified lengths of the westbound carriageway of the M621 motorway. Regulation 12 prohibits certain vehicles from using the off side lane (right hand lane) of a motorway carriageway with three or more lanes, where all lanes are open for use by traffic proceeding in the same direction.

2.3 The instrument is necessary because of modifications to the road layout as part of the M621 Junctions 1 to 7 Improvement Scheme ('Improvement Scheme'). The Improvement Scheme will provide capacity and technology upgrades to the full M621 corridor. The road layout modifications will cause all vehicles merging onto the westbound carriageway of the M621 at junction 3 to join the off side lane, putting certain vehicles (such as Heavy Commercial Vehicles ('HCVs') and those towing a trailer) in contravention of Regulation 12.

2.4 This instrument also revokes the Motorways Traffic (M621 Motorway) Regulations 1999[3] in their entirety.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 An error in regulation 1(3) of the M621 Motorway (off side lane prohibition disapplication) Regulations 2023 was identified after it was signed. The coming into force provision stated the year (2023) but did not include the day and month (1st December). This instrument corrects the error by revoking and replacing the M621 Motorway (off side lane prohibition disapplication) Regulations 2023.

[1] S.I. 2023/802.
[2] S.I. 1982/1163; as amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3258, 2006/594 and 2015/392.
[3] S.I. 1999/1077.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England. Only those sections of motorway specified in regulation 3 of the instrument will be affected, all of which are in England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Section 17 of the Road Traffic Regulation Act 1984 permits the Secretary of State to make regulations governing the use of special roads (primarily motorways). The Secretary of State for Transport, in exercise of the powers conferred by section 17(2) and (3) of the Road Traffic Regulation Act 1984, makes this instrument.

6.2 This instrument disapplies Regulation 12 in relation to specified lengths of the westbound carriageway of the M621 motorway. Regulation 12 prohibits certain types of vehicles (such as HCVs and vehicles towing a trailer) from using the off side lane.

6.3 The Motorways Traffic (M621 Motorway) Regulations 1999 already disapplies Regulation 12 between junctions 6 and 3 of the westbound carriageway of the M621. This instrument revokes those Regulations in their entirety and extends the disapplication of Regulation 12 from junction 6 to junction 1 of the M621 westbound.

6.4 This instrument revokes and replaces the M621 Motorway (off side lane prohibition disapplication) Regulations 2023, which contained an error that was identified after it was signed. The error concerned the coming into force provision, which stated the year (2023) but did not include the day and month (1st December).

7. Policy background

What is being done and why?

7.1 The M621 motorway serves the centre of Leeds and surrounding areas. As a result of the Improvement Scheme, all vehicles merging onto the M621 at junction 3 westbound will join the off side lane, putting some types of vehicles (such as HCVs and those towing a trailer) in contravention of Regulation 12. To avoid this situation, this instrument will disapply the Regulation 12 off side lane prohibitions from junction 6 to junction 1 of the M621 westbound.

Explanations

What did any law do before the changes to be made by this instrument?

7.2 Regulation 12 prohibits certain vehicles from using the off side lane of a motorway.

7.3 The Motorways Traffic (M621 Motorway) Regulations 1999 disapplies Regulation 12 between junctions 6 and 3 of the westbound carriageway of the M621 motorway.

Why is it being changed?

7.4 As a result of the Improvement Scheme, vehicles merging onto the westbound carriageway of the M621 at junction 3 will join the offside lane. This will cause some vehicles (such as HCVs and those towing a trailer) to be in contravention of Regulation 12. To avoid this situation, it is necessary for Regulation 12 to be disapplied in relation to this stretch of motorway, extending the current disapplication of Regulation 12 from junction 6 to junction 1 of the M621 westbound. This will allow for the safe merging of all vehicles.

What will it now do?

7.5 This instrument disapplies Regulation 12. This will enable all vehicles to use the off side lane from junction 6 to junction 1 of the M621 westbound.

7.6 This instrument revokes the Motorways Traffic (M621 Motorway) Regulations 1999 and the M621 Motorway (off side lane prohibition disapplication) Regulations 2023.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This instrument revokes the Motorways Traffic (M621 Motorway) Regulations 1999. The provisions of these Regulations will be included in this instrument.

9.2 This instrument revokes and replaces the M621 Motorway (off side lane prohibition disapplication) Regulations 2023.

10. Consultation outcome

10.1 The consultation for the proposed implementation of the M621 Motorway (off side lane prohibition disapplication) Regulations 2023 took place between 6th March 2023 and 3rd April 2023. A consultation pack was issued to 198 consultees including local councillors, MPs, members of the emergency services, local businesses, schools and other affected stakeholders. The consultation was also open to public participation through the National Highways scheme webpage.

10.2 Only one response was received during the consultation period (from Historic England). They stated that after reviewing the proposals they did not wish to submit any comments. The post-consultation report concluded that this instrument should be introduced.

10.3 The scheme webpage and consultation details can be accessed using the following link: https://nationalhighways.co.uk/our-roads/yorkshire-and-north-east/m621-junctions-1-to-7/[4]. Hard copies of the consultation documents are available for inspection or can be collected from the offices of National Highways Limited, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.

10.4 Given this instrument corrects an error in line with the intention of the M621 Motorway (off side lane prohibition disapplication) Regulations 2023, no further consultation has been undertaken.

[4] https://nationalhighways.co.uk/our-roads/yorkshire-and-north-east/m621-junctions-1-to-7/.

11. Guidance

11.1 This instrument does not require any guidance.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant impact on businesses. The de minimis assessment undertaken by National Highways concluded that the equivalent annual net direct cost to business of compliance with these Regulations would be nil.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision not to take action to assist small businesses is that the instrument will not impose any new burdens on them.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to conduct a Post Opening Project Evaluation ("POPE") of the scheme in the second and sixth years of its operation. The purpose of the POPE is to measure the business case aims and benefits of the scheme (its effectiveness on traffic flows, accidents and environmental factors) against what it is delivering at the time of the evaluations.

14.2 The Department for Transport will monitor the Regulations on an ongoing basis and review their effect within five years of 1st December 2023.

14.3 A statutory review clause is included in the instrument.

15. Contact

15.1 Sal Hopkinson at National Highways Limited, telephone: 0300 470 2452 or email: sal.hopkinson@nationalhighways.co.uk can be contacted with any queries regarding the instrument.

15.2 Kate Walters, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Richard Holden MP, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.