EXPLANATORY MEMORANDUM TO

THE MANAGED MOTORWAY (ACTIVELY MANAGED HARD SHOULDER AND VARIABLE SPEED LIMITS) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2013

2013 No. 482

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

2. Purpose of the instrument

2.1. These Regulations are required to amend three existing statutory instruments to correct errors to the marker post references in the Schedules to those instruments. The marker post references define the lengths of road on which a vehicle may be driven on the actively managed hard shoulder or which are subject to mandatory variable speed limits. They comprise a marker post and distance measurements in relation to marker posts. The original Regulations are:

- The M1 Motorway (Junctions 25 to 28) (Variable Speed Limits) Regulations 2011.
- The M1 Motorway (Junctions 10 to 13) (Actively Managed Hard Shoulder and Variable Speed Limit) 2012.
- The M62 Motorway (Junctions 25 to 30) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2012 ("the original Regulations").

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

3.1. None.

4. Legislative Context

4.1 These Regulations have been made under Sections 17 (2) and (3) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), which empowers the Secretary of State to make regulations with respect to the use of special roads generally and, as in this case, with respect to particular lengths of motorway. These Regulations amend the original Regulations which allow for the operation and enforcement of variable mandatory speed limits and actively managed hard shoulder in relation to the specified roads set out in the Schedules to those Regulations.

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain but applies only to England. Only those sections of motorway specified in the instrument will be affected, all of which are located in England.

6. European Convention on Human Rights

6.1 As these Regulations are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy Background

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

7.1 As explained in paragraph 2, the purpose of these Regulations is to amend the original Regulations which have errors in some of the marker post references. The amendments are to some of the marker post numbers and the distance measurements. In addition, distance measurements given before a marker post have been deleted.

- ***Consolidation***

7.2 As these are the first amendments to these Regulations there is no intention of consolidating these Regulations.

8. Consultation outcome

8.1 The amendments being made to the original Regulations are to correct errors in some of the references to marker posts and do not affect the purpose or intent of the original Regulations. Accordingly, no public consultation has been held. Representative organisations (the police, local authority, fire and ambulance services) have been consulted in accordance with section 134(2) of the Road Traffic Regulation Act 1984 and no objections were made to the proposed amendments.

9. Guidance

9.1 The operation of the managed motorway schemes has already been widely published and consulted on in the relevant areas. No further guidance is proposed. The traffic management measures of variable speed limits are an essential element of:

- achieving best use of existing road space;
- responding more quickly to incidents and reducing clear-up times; and
- reducing congestion and improving the reliability of journey times.

10. Impact

10.1 The impact on business, charities or voluntary bodies, and the public sector is that variable mandatory speed limits and actively managed hard shoulder running will benefit the motorist by helping to reduce congestion and provide more reliable journey times. It aims to reduce the impact of accidents and reduce driver stress. There are no additional impacts created by these Regulations.

10.2 The impact on the public sector is the same as the impact on business, charities or voluntary bodies identified in 10.1 above.

10.3 Impact assessments were produced for each of the original regulations. Consequently, as there are no additional impacts created by this instrument no impact assessment has been produced.

11. Regulating small business

11.1 These Regulations will not have an adverse effect on small businesses. These Regulations do not impose any new or increased burden. The Highways Agency will continue to provide targeted information on the schemes comprising the original Regulations to organisations within the surrounding area, including small businesses.

12. Monitoring and review

12.1 The cost and benefits of actively managed hard shoulder and variable speed limits schemes in the original Regulations will be monitored and reviewed.

13. Contact

8.1 If you have any queries regarding the Regulations please contact Ruth Griffiths at the Highways Agency Tel: (0)1234 796802 or e-mail: Ruth.Griffiths@highways.gsi.gov.uk.