STATUTORY INSTRUMENTS

2009 No. 1814

ROAD TRAFFIC

The Motorways Traffic (M42 Motorway) (Junctions 10 to 11 Northbound) (Restriction on Use of Offside Lane) Regulations 2009

Made - - - -	*7th July 2009*
Laid before Parliament	*10th July 2009*
Coming into force - -	*10th August 2009*

The Secretary of State for Transport makes the following regulations in exercise of the powers conferred by sections 17(2) and 17(3) of the Road Traffic Regulation Act 1984(**a**) ("the 1984 Act").

In accordance with section 134(2) of the 1984 Act the Secretary of State has consulted with such representative organisations as were thought fit.

Citation and commencement

1. These Regulations may be cited as the Motorways Traffic (M42 Motorway) (Junctions 10 to 11 Northbound) (Restriction on Use of Offside Lane) Regulations 2009 and shall come into force on 10th August 2009.

Interpretation

2. In these Regulations—

"the specified length of carriageway" means that part of the northbound carriageway of the M42 Motorway in the County of Warwickshire which lies between–

(a) a point 4300 metres northeast of the centre point of the M42 Motorway junction 10 roundabout; and

(b) a point 2500 metres southwest of the centre point of the M42 Motorway junction 11 roundabout; and

"traffic officer" means an individual designated as such by the Secretary of State, or by a person authorised by the Secretary of State, in accordance with section 2 of the Traffic Management Act 2004.

(**a**) 1984 c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, Part II, paragraph 28(3); and by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 25 and by Schedule 8. There are other amendments to sections 17 and 134 which are not relevant to these Regulations.

Restriction on heavy commercial vehicles

3.—(1) No heavy commercial vehicle(**a**) shall be driven or moved in the right hand or offside lane of the specified length of carriageway at any place where both the lanes are open for use by traffic proceeding in the same direction, between the hours of 0700 and 1900 on any day.

(2) Nothing in this regulation shall have effect so as to require a heavy commercial vehicle to change lane during a period when it would not be reasonably practicable for it to do so without involving danger of injury to any person or inconvenience to other traffic.

Exceptions to the restriction on heavy commercial vehicles

4. The restriction in regulation 3 shall not apply—

(a) to any person using the right hand or off side lane of the specified length of carriageway, where it is done in accordance with–

(i) any direction or permission given by a constable in uniform;

(ii) any direction or permission given by a traffic officer in uniform; or

(iii) any indication given by a traffic sign;

(b) where it is necessary for a person to use the right hand or off side lane of the specified length of carriageway to avoid or prevent an accident;

(c) to any vehicle being used by–

(i) a constable;

(ii) a traffic officer in uniform;

(iii) a member of an ambulance service ; or

(iv) an employee of a fire and rescue authority;

where such vehicle is being used in the exercise of their duties; and

(d) where it is necessary for a person to use the right hand or off side lane of the specified length of carriageway to carry out in an efficient manner—

(i) the maintenance, repair, cleaning, clearance, alteration or improvement of the northbound carriageway of the M42 between junctions 10 and 11;

(ii) the removal of any vehicle from the northbound carriageway of the M42 between junctions 10 and 11; or

(iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal or any structure, works or apparatus in, on, under, or over any part of the northbound carriageway of the M42 between junctions 10 and 11.

Signed by authority of the Secretary of State for Transport

C.D. Mole
Parliamentary Under Secretary of State
Department for Transport

7th July 2009

(**a**) See section 138 of the Road Traffic Regulation Act 1984 (c.27) for the definition of "heavy commercial vehicles".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations restrict heavy commercial vehicles, as defined by section 138 of the Road Traffic Regulation Act 1984, from using the offside lane of the two lanes of the northbound carriageway of the M42 Motorway between junctions 10 and 11 between the hours of 7am to 7pm.

There are exceptions where a vehicle is directed to the offside lane by the police, traffic officers or traffic signs; where necessary to avoid an accident and for vehicles used by traffic officers and the emergency services.

It is an offence to use a special road in contravention of regulations made under section 17(2) of the Road Traffic Regulation Act 1984.

A full impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

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