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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for variable speed limits on various sections of the road known as the M9/A90/M90 Edinburgh to Fraserburgh Trunk Road, from Humbie Rail Bridge at Kirkliston to the M9 Junction 1a (“the relevant road”).

Regulation 3 provides for variable speed limits to have effect on the sections of the relevant road specified in the Schedule. Where variable speed limit signs are in operation a vehicle may not be driven at a speed above the maximum indicated by each speed limit sign passed by the vehicle. Where a speed limit sign changes 10 seconds or less before a vehicle passes the sign and the sign had indicated a higher speed limit, the regulation allows a driver to proceed at a speed up to the maximum applicable before the change. Where the speed limit sign indicates a speed limit when it is passed by the vehicle but 10 seconds before it was not showing any speed limit the sign is to be taken as not indicating any speed limit to that vehicle. In this instance the variable speed limit provisions will not apply and the default maximum speed will be 70 miles per hour as provided for by the Motorways Traffic (Speed Limit) Regulations 1974.

Regulation 4 provides that the variable speed limits do not apply to vehicles used for naval, military or air force purposes while being driven in response, or for practice in responding, to a national security emergency by a member of the special forces who has been trained in driving at high speeds or for the purpose of such training.

The Regulations also apply the Motorways Traffic (Scotland) Regulations 1995 (“the 1995 Regulations”) to the relevant road as if they have been modified to provide for an “actively managed hard shoulder”, which is a hard shoulder which in certain circumstances may be driven on. The Regulations provide that the only vehicles permitted to drive on the actively managed hard shoulder are motor vehicles constructed or adapted to carry more than 23 seated passengers (exclusive of the driver) (see regulation 5).

In relation to the relevant road regulation 5 has the effect of substituting for the current regulation 8 of the 1995 Regulations new regulations 8, 8A and 8B. New regulation 8A provides that sections of the hard shoulder set out in the Schedule 2 (provided by regulation 5(e) of these Regulations) may be used as a carriageway by permitted vehicles unless a traffic sign of the type shown in diagram 5003, 5003.1 or 6031 (various forms of red cross) is displayed on the overhead gantry above it.

New regulation 8B provides that where the hard shoulder is being used as a carriageway by the permitted vehicles any other vehicle using it or intending to use it for the purposes of a hard shoulder should, as soon as and insofar as reasonably practicable move off the actively managed hard shoulder and on to one of the emergency refuge areas provided.

Contravention of the Regulations is an offence under section 17(4) of the Road Traffic Regulation Act 1984.