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STATUTORY INSTRUMENTS

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**2005 No. 1671**

**ROAD TRAFFIC**

**SPECIAL ROADS**

**The M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005**

|                               |         |                       |
|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>18th June 2005</i> |
| <i>Laid before Parliament</i> |         | <i>27th June 2005</i> |
| <i>Coming into force</i>      | - -     | <i>27th July 2005</i> |

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(1) and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005 and shall come into force on 27th July 2005.

**Interpretation**

2. In these Regulations—

“the 1982 Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(2);

“the 2002 Regulations” means the Traffic Signs Regulations 2002(3);

“carriageway”, “hard shoulder”, “motorway” and “verge” have the same meaning as in the 1982 Regulations; and

“relevant roads” means the lengths of motorway specified in the Schedule to these Regulations.

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(1) 1984 c. 27. Section 17 was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 28 and Schedule 9 and by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 25 and Schedule 8.  
(2) S.I.1982/1163; relevant amending instruments are S.I. 1984/1479, 1992/1364.  
(3) Part I of S.I. 2002/3113; relevant amending instrument is S.I. 2005/1670.

### **Modification of the 1982 Regulations in relation to relevant roads**

3.—(1) In relation to the relevant roads, the 1982 Regulations shall have effect subject to the following modifications.

(2) In regulation 3(1)—

(a) after sub-paragraph (a) insert—

“(aa) “actively managed hard shoulder” means the hard shoulder of the relevant roads;”;

(b) in sub paragraph (b) (i) after “the motorway” insert “and includes the actively managed hard shoulder when it is treated as a lane of the carriageway in accordance with regulation 5A;”;

(c) after sub paragraph (c) insert—

“(ca) “emergency refuge area” means a part of a motorway—

(i) which is adjacent to and situated on the left-hand or near-side of the hard shoulder or carriageway when facing in the direction in which, in accordance with regulation 6, vehicles may be driven, and

(ii) whose boundary with the hard shoulder or carriageway is indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002;”;

(d) in sub paragraph (e) after “hard shoulder”, insert “subject to regulation 5A(3);”;

(e) in sub paragraph (g), after “hard shoulder”, add “an emergency refuge area;”;

(f) after sub paragraph (f) insert—

“(aff) “relevant roads” has the meaning given by regulation 2 of the M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005;”.

(3) For regulation 4 substitute—

#### **“Application**

4. These Regulations apply to the relevant roads.”

(4) After regulation 5 insert—

#### **“Use of actively managed hard shoulder**

5A.—(1) Subject to the following provisions of these Regulations, a vehicle may be driven on a relevant length of the actively managed hard shoulder.

(2) The relevant length of the actively managed hard shoulder shall be treated for the purposes of these Regulations as a lane of the carriageway.

(3) Accordingly where paragraph (2) applies, references in these Regulations—

(a) to a carriageway shall be treated as including references to the relevant length of the actively managed hard shoulder; and

(b) to a hard shoulder, except in regulation 3(1), shall be treated as excluding references to the relevant length of the actively managed hard shoulder.

(4) For the purposes of this regulation “relevant length” in relation to the actively managed hard shoulder means a length of the actively managed hard shoulder that—

(a) begins immediately after an overhead gantry on which, directly above the actively managed hard shoulder, there is displayed a traffic sign of the type shown in diagram

670 in Schedule 2 to the Traffic Signs Regulations 2002 indicating that a speed limit other than the national speed limit applies to the actively managed hard shoulder; and

- (b) ends immediately before an overhead gantry on which directly above the actively managed hard shoulder there is displayed a traffic sign of the type shown in diagram 5003.1 in Schedule 10, or 6031.1 in Schedule 11, to the Traffic Sign Regulations 2002.”

(5) At the end of regulation 7(2) after “carriageway” insert “or on any emergency refuge area which is contiguous to that carriageway or hard shoulder”.

(6) In regulations 7(3)(a) and (b), 9 and 14(b)(i), after “hard shoulder” (in each place), add “or emergency refuge area”.

(7) In regulation 12(2), after “three or more traffic lanes” add “(including the actively managed hard shoulder when it is in use as a lane of the carriageway in accordance with regulation 5A).”

### **Speed limits on relevant roads**

4.—(1) Subject to paragraph (3) where a motor vehicle being driven on any part of the relevant roads passes a speed limit sign no person shall during the relevant period, drive the vehicle on any part of the relevant roads at a speed exceeding the relevant speed.

(2) For the purposes of this regulation, a vehicle shall not be regarded as passing a speed limit sign unless the sign is—

- (a) on or near any part of the relevant roads; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven.

(3) If—

- (a) a motor vehicle being driven on any part of the relevant roads passes a speed limit sign at a particular location; and
- (b) apart from this paragraph, the vehicle would be subject to a speed limit by virtue of this regulation, but would not have been subject to a speed limit by virtue of this regulation had it passed that location ten seconds earlier than was in fact the case,

the vehicle shall not be subject to any speed limit by virtue of this regulation until that vehicle again passes a speed limit sign.

(4) In this regulation—

“national speed limit” has the meaning given by regulation 5(2) of the 2002 Regulations;

“relevant period” means the period that begins immediately after the vehicle passes the speed limit sign and ends immediately before one of the following events occurs, namely—

- (a) the vehicle passes a traffic sign which indicates that the national speed limit or any different maximum speed limit is in force; or
- (b) the vehicle goes outside the area comprising the relevant roads;

“relevant speed” means the maximum speed indicated by the speed limit sign at the time that the vehicle passes it, or, if higher, the maximum speed indicated by the speed limit sign ten seconds before that time; and

“speed limit sign” means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which indicates that a specified maximum speed limit other than the national speed limit is in force.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Transport

18th June 2005

*S. J. Ladyman*  
Minister for State,  
Department for Transport

## SCHEDULE

Regulation 2

### RELEVANT ROADS

1. The relevant roads are the—
  - (a) northbound carriageway of the M42 from marker post 19/0 + 80 to marker post 35/8;
  - (b) carriageways of the relevant northbound slip roads;
  - (c) southbound carriageway of the M42 from marker post 35/8 to marker post 19/4 + 60; and
  - (d) carriageways of the relevant southbound slip roads.
2. Any reference in this Schedule to—
  - (a) the letter “M” followed by a number is a reference to the motorway known by that number and any reference to the letter “A” followed by a number is a reference to the road known by that number; and
  - (b) a junction followed by a number is a reference to the junction of the M42 of that number.
3. In this Schedule—

“J slip road” means the slip road in the vicinity of junction 7, which connects the northbound carriageway of the M42 with the westbound carriageway of the M6;

“K slip road” means the slip road in the vicinity of junction 3A, which connects the northbound carriageway of the M40 with the northbound carriageway of the M42;

“L slip road” means the slip road in the vicinity of junction 3A, which connects the southbound carriageway of the M42 with the southbound carriageway of the M40;

“M slip road” means the slip road in the vicinity of junction 7, which connects the westbound carriageway of the M6 with the southbound carriageway of the M42;

“on-slip road” means a slip road intended for the use of traffic entering the M42;

“off-slip road” means a slip road intended for the use of traffic exiting the M42;

“relevant northbound slip roads” is a reference to the lengths of road specified in paragraph 4 of this Schedule together with the adjacent hard shoulders, emergency refuge areas and verges;

“relevant southbound slip roads” is a reference to the lengths of road specified in paragraph 5 of this Schedule together with the adjacent hard shoulders, emergency refuge areas and verges; and

“zone sign” means a sign authorised by the Secretary of State for the purpose under the Road Traffic Regulation Act 1984 indicating that vehicles are entering a relevant road.
4. The relevant northbound slip roads are the:
  - (a) J slip road commencing at its junction with the northbound carriageway of the M42 and ending at the zone sign;
  - (b) K slip road commencing at the zone sign and ending at its junction with the northbound carriageway of the M42; and
  - (c) on-slip roads and off-slip roads which connect the northbound carriageway of the M42 with the—
    - (i) A34 at Junction 4,
    - (ii) A41 at Junction 5, and
    - (iii) A45 at Junction 6.
5. The relevant southbound slip roads are the:

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- (a) L slip road commencing at its junction with the southbound carriageway of the M42 and ending at the zone sign;
  - (b) M slip road commencing at the zone sign and ending at its junction with the southbound carriageway of the M42; and
  - (c) on-slip roads and off-slip roads which connect the southbound carriageway of the M42 with the—
    - (i) A3400 at Junction 4,
    - (ii) A4141 at Junction 5, and
    - (iii) A45 at Junction 6.
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## EXPLANATORY NOTE

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

These Regulations modify the Motorways Traffic (England and Wales) Regulations 1982 (“the 1982 Regulations”), in respect of the M42 Motorway, Junctions 3A to 7 and the adjoining slip roads (“the relevant roads”). On the relevant roads, the Regulations introduce variable speed limits and create the concept of an ‘actively managed hard shoulder’, which is a section of hard shoulder which may, in certain circumstances, be driven on.

Regulation 3 inserts a new regulation 5A into the 1982 Regulations, which provides that certain stretches of the hard shoulder of a relevant road may be used as a carriageway. These stretches (described as “relevant lengths”)—

- (a) start directly under an overhead gantry on which there is displayed a traffic sign of the type shown in diagram 670 in Schedule 2 to the Traffic Signs Regulations 2002 indicating that a speed limit other than the national speed limit applies to the hard shoulder; and
- (b) end immediately before an overhead gantry on which there is displayed a traffic sign of the type shown in diagram 5003.1 or 6031.1 in Schedule 10 to the Traffic Sign Regulations and General Directions 2002.

Regulation 3 also introduces into the 1982 Regulations the concept of the ‘emergency refuge area’, which has the same function as a hard shoulder and can be used in the circumstances set out in regulation 7(2) of the 1982 Regulations.

Regulation 4 introduces variable speed limits in relation to the relevant roads. Vehicles may not be driven at a speed above the maximum indicated by a traffic sign until they pass a sign indicating that the restriction ceases to apply or that another speed limit applies or until the vehicle ceases to be on a relevant road. Where a speed limit changes less than 10 seconds before a vehicle passes the sign, this regulation allows a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until he passes another speed limit sign.

A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the M42 Active Traffic Management Pilot Team, C6, Broadway, Broad Street, Birmingham, B15 1BL. A copy has been placed in the library of each House of Parliament.