
STATUTORY INSTRUMENTS

2009 No. 1571

**ROAD TRAFFIC
SPECIAL ROADS**

**The M6 Motorway (Junctions 4 to 5) (Actively Managed
Hard Shoulder and Variable Speed Limits) Regulations 2009**

<i>Made</i>	- - - -	<i>22nd June 2009</i>
<i>Laid before Parliament</i>		<i>29th June 2009</i>
<i>Coming into force</i>	- -	<i>21st July 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 17(2) and (3) of the Road Traffic Regulation Act 1984(1).

Representative organisations have been consulted in accordance with section 134(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the M6 Motorway (Junctions 4 to 5) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2009 and come into force on 21st July 2009.

Interpretation

2. In these Regulations—

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

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“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;

“emergency refuge areas” means a part of a motorway—

(1) 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 Schedule 8. There are other amendments to sections 17 and 134 which are not relevant to these Regulations.

(2) S. I. 1982/1163, as amended by S. I. 1984/1479, 1992/1364 and 2004/3258.

(3) Part I of S. I. 2002/3113; as amended by S. I. 2005/1670. There are other amending instruments but none is relevant.

- (a) 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 of the 1982 Regulations, vehicles may be driven, and
 - (b) 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 2002 Regulations; and
- “relevant roads” means the lengths of carriageway specified in Schedule 1 together with the adjacent hard shoulders, emergency refuge areas and verges.

Modification of the 1982 Regulations to allow for actively managed hard shoulder

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(3);”;
 - (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;”;
 - (e) in sub-paragraph (g) after “hard shoulder”, add “an emergency refuge area;” and
 - (f) after sub-paragraph (f) insert—
 - “(aff) “relevant roads” has the meaning given to it by regulation 2 of the M6 Motorway (Junctions 4 to 5) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2009;”.
- (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 the 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 either—
 - (i) 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 diagrams 5003.1 in Schedule 10, or 6031.1 in Schedule 11, to the Traffic Sign Regulations 2002; or
 - (ii) where the hard shoulder converts to a lane for the normal use of traffic indicated by the road marking of the type shown in diagram 1012.1 converting to a road marking of the type shown in diagram 1004.1.”
- (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).”

Variable speed limits

- 4.—(1) No person shall drive a vehicle on a section of a road which is subject to a variable speed limit at a speed exceeding that indicated by a speed limit sign.
- (2) A section of a road is subject to a variable speed limit in relation to a vehicle being driven along it if—
- (a) the road is specified in Schedule 2;
 - (b) the vehicle has passed a speed limit sign; and
 - (c) the vehicle has not passed—
 - (i) another speed limit sign indicating a different speed limit; or
 - (ii) a traffic sign which indicates that the national speed limit is in force.
- (3) The speed limit indicated to a vehicle by a speed limit sign is the speed indicated at the time the vehicle passes the sign, or, if higher, the speed limit indicated by the sign ten seconds before the vehicle passed the sign.
- (4) For the purpose of this regulation a speed limit sign is to be taken as not indicating any speed limit if, ten seconds before the vehicle passed it, the sign had indicated no speed limit or that the national speed limit was in force.
- (5) In this regulation—
- “national speed limit” has the meaning given by regulation 5(2) of the 2002 Regulations;
 - “road” includes the adjacent hard shoulder and verge;

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“speed limit sign”, in relation to a vehicle, means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which is—

- (a) situated on or near any part of a road specified in Schedule 2; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven.

Signed by authority of the Secretary of State for Transport

22nd June 2009

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

SCHEDULE 1

Regulation 2

RELEVANT ROADS

1. The relevant roads are the—
 - (a) northbound carriageway of the M6 from marker post 170/2A to marker post 178/3 + 47A; and
 - (b) southbound carriageway of the M6 from marker post 178/2 + 45B to marker post 175/1 + 50B;
2. Any reference in this Schedule to the letter “M” followed by a number is a reference to the motorway known by that name.

SCHEDULE 2

Regulation 4

SPECIFIED ROADS

1. The specified roads are the—
 - (a) northbound carriageway of the M6 from marker post 170/2A to marker post 178/3 + 47A;
 - (b) carriageways of the northbound slip roads;
 - (c) southbound carriageway of the M6 from marker post 178/2 + 45B to marker post 170/3 + 60B;
 - (d) carriageways of the southbound slip roads; and
 - (e) linking carriageway.
2. Any reference in this Schedule to—
 - (a) the letter “M” followed by a number is a reference to the motorway known by that name; and
 - (b) to the letter “A” followed by a number is a reference to the road known by that name.
3. In this Schedule—

“J slip road” means the slip road which connects the M6 northbound with the A452;

“K slip road” means the slip road which connects the A446 with the M6 northbound;

“L slip road” means the slip road which connects the M6 southbound with the A446;

“M slip road” means the slip road which connects the A452 with the M6 southbound;

“linking carriageway” means the carriageway in the vicinity of junction 4 of the M6 northbound commencing where it diverges from the M42 northbound carriageway and ending where it merges with the M6 northbound carriageway;

“northbound slip roads” means those roads specified in paragraph 4;

“southbound slip roads” means those roads specified in paragraph 5; and

“zone sign” means a sign authorised by the Secretary of State under section 64 of the 1984 Act for the purpose of indicating that vehicles are entering or exiting a specified road.
4. The northbound slip roads are the—
 - (a) J slip road at junction 5 of the M6 northbound commencing where it diverges from the M6 northbound carriageway and ending at the zone sign; and

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- (b) K slip road at junction 4 of the M6 northbound commencing at the zone sign and ending where it merges with the M6 northbound carriageway.
5. The southbound slip roads are the—
- (a) L slip road at junction 4 of the M6 southbound commencing where it diverges from the M6 southbound carriageway and ending at the zone sign; and
 - (b) M slip road at junction 5 of the M6 southbound commencing at the zone sign and ending where it merges with the M6 southbound carriageway.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the M6 Motorway from junctions 4 to 5 and on associated slip roads and linking carriageways.

The Regulations also modify the Motorways Traffic (England and Wales) Regulations (“the 1982 Regulations”) to provide for an ‘actively managed hard shoulder’, which is a hard shoulder that in certain circumstances may be driven on. This is introduced to the northbound section of the M6 motorway from junction 4 to 5 and southbound from junction 5 to 4A (“relevant roads”).

Regulation 3 inserts a new regulation 5A into the 1982 Regulations and provides that the hard shoulder of a relevant road may be used as a carriageway where a speed limit sign is displayed above the hard shoulder.

Regulation 3 also introduces into the 1982 Regulations the concept of the ‘emergency refuge area’, which, where a hard shoulder is actively managed, has the same function as a hard shoulder.

Regulation 4 provides for variable speed limits to have effect on the roads specified in Schedule 2. 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 until it passes a sign indicating that the national speed limit applies or the vehicle leaves the roads covered by the regulation. Where a speed limit changes less than 10 seconds before a vehicle passes the sign and 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 a vehicle but less than 10 seconds previously it was either giving no indication of a speed limit or that the national speed limit applied, the sign is to be taken as giving no indication of a speed limit to the vehicle passing it.

A copy of the impact assessment prepared in respect of these Regulations can be obtained from the ATM and ITS Solutions Team, C5, 5 Broadway, Broad Street, Birmingham, B15 1BL. A copy has been placed in the library of each House of Parliament and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.