

**2010 No. 284**

**ROAD TRAFFIC**

**SPECIAL ROADS**

**The M6 Motorway (Junctions 8 to 10A) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2010**

*Made* - - - - - *7th February 2010*

*Laid before Parliament* *12th February 2010*

*Coming into force in accordance with regulation 1*

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(a).

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

**Citation and commencement**

1.—(1) These Regulations may be cited as the M6 Motorway (Junctions 8 to 10A) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2010.

(2) Regulations 1, 2 and 4 come into force on 14th April 2010.

(3) Regulation 3 comes into force on 10th August 2010.

**Interpretation**

2. In these Regulations—

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

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

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

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

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

(b) S. I. 1982/1163, as amended by S. I. 1983/374, 1984/1479, 1992/1364 and 2004/3258.

(c) Part 1 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 have effect as if they were modified as follows.

- (2) Paragraph (1) of regulation 3 (interpretation) has effect as if—
  - (a) after sub-paragraph (a), there were inserted—
    - “(aa) “actively managed hard shoulder” means the hard shoulder of the relevant roads;”;
  - (b) in sub-paragraph (b)(i) after “the motorway”, there were inserted “, 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), there were inserted—
    - “(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”, there were inserted “, subject to regulation 5A,”;
  - (e) in sub-paragraph (g) after “hard shoulder,”, there were inserted “an emergency refuge area,”; and
  - (f) after sub-paragraph (f), there were inserted—
    - “(fa)“relevant roads” has the meaning given to it by regulation 2 of the M6 Motorway (Junctions 8 to 10A) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2010;”.
- (3) Regulation 4 (application) has effect as if for that regulation there were substituted—

**“Application**

4. These Regulations apply to the relevant roads.”

(4) The 1982 Regulations have effect as if after regulation 5 (vehicles to be driven on the carriageway only) there were inserted—

**“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) In regulation 7 (restrictions on stopping), paragraph (2) has effect as if at the end, after “carriageway”, there were added “or on any emergency refuge area which is adjacent to that carriageway or hard shoulder”.

(6) Paragraph (3)(a) and (b) of regulation 7, regulation 9 (restriction on the use of hard shoulders), and paragraph (b)(i) of regulation 14 (restrictions affecting animals carried in vehicles) have effect as if, after “hard shoulder” (in each place), there were inserted “or emergency refuge area”.

(7) Paragraph (2) of regulation 12 (restriction on use of right hand or off side lane) has effect as if, after “three or more traffic lanes”, there were inserted “(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) In relation to a vehicle, the speed limit indicated by a speed limit sign is the speed shown at the time the vehicle passes the sign, or, if higher, the speed limit shown 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 and a traffic sign which indicates that the national speed limit is in force means a traffic sign of the type shown in diagram 671 in Schedule 2 to the 2002 Regulations which is—

- (a) placed on or near a road; and
  - (b) directed at traffic on the carriageway on which the vehicle is being driven;
- “road” includes the adjacent hard shoulder and verge;

“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 the authority of the Secretary of State for Transport

7th February 2010

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

**SCHEDULE 1**  
**RELEVANT ROADS**

Regulation 2

1. The relevant roads are—
  - (a) the northbound carriageway of the M6 beginning at a point which is 75 metres after marker post 193/5A and 25 metres before marker post 193/6A, and ending at a point which is 75 metres after marker post 204/1A and 25 metres before marker post 204/2A; and
  - (b) the southbound carriageway of the M6 beginning at marker post 204/1B, and ending at a point which is 37 metres after marker post 193/5B and 63 metres before marker post 193/4B.
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**  
**SPECIFIED ROADS**

Regulation 4(2)(a)

1. The specified roads are—
  - (a) the northbound carriageway of the M6 beginning at a point which is 75 metres after marker post 193/5A and 25 metres before marker post 193/6A, and ending at a point which is 75 metres after marker post 204/1A and 25 metres before marker post 204/2A;
  - (b) the carriageways of the northbound slip roads;
  - (c) the southbound carriageway of the M6 beginning at marker post 204/1B, and ending at a point which is 37 metres after marker post 193/5B and 63 metres before marker post 193/4B;
  - (d) the carriageways of the southbound slip roads; and
  - (e) the linking carriageways.
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) 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 a road for exiting the northbound carriageway of the M6 at a junction;
  - “K slip road” means a road for entering the northbound carriageway of the M6 at a junction;
  - “L slip road” means a road for exiting the southbound carriageway of the M6 at a junction;
  - “M slip road” means a road for entering the southbound carriageway of the M6 at a junction;
  - “linking carriageways” is a reference to the lengths of carriageway specified in paragraph 4;
  - “northbound slip roads” is a reference to the lengths of road specified in paragraph 5;
  - “southbound slip roads” is a reference to the lengths of road specified in paragraph 6; and

“zone sign” means a sign authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984<sup>(a)</sup> for the purpose of indicating that vehicles are entering, have entered or are exiting a specified road.

4. The linking carriageways are—
  - (a) the carriageways in the vicinity of junction 8 of the M6—
    - (i) commencing at the zone sign on the M5 northbound and ending where it merges with the M6 northbound; and
    - (ii) commencing where the carriageway diverges from the M6 southbound, towards the M5 southbound, and ending at the zone sign;
  - (b) the carriageways in the vicinity of junction 10A of the M6—
    - (i) commencing where it diverges from the M6 northbound and ending at the zone sign on the M54 northbound; and
    - (ii) commencing at the zone sign on the M54 southbound and ending where it merges with the M6 southbound.
5. The northbound slip roads are—
  - (a) in the vicinity of junction 9 of the M6—
    - (i) the J slip road leading to the A461 commencing where it diverges from the M6 northbound and ending at the zone sign; and
    - (ii) the K slip road from the A461 commencing at the zone sign and ending where it merges with the M6 northbound;
  - (b) in the vicinity of junction 10 of the M6—
    - (i) the J slip road leading to the A454 commencing where it diverges from the M6 northbound and ending at the zone sign; and
    - (ii) the K slip road from the A454 commencing at the zone sign and ending where it merges with the M6 northbound.
6. The southbound slip roads are—
  - (a) in the vicinity of junction 10 of the M6—
    - (i) the L slip road leading to the A454 commencing where it diverges from the M6 southbound and ending at the zone sign; and
    - (ii) the M slip road from the A454 commencing at the zone sign and ending where it merges with M6 southbound;
  - (b) in the vicinity of junction 9 of the M6—
    - (i) the L slip road leading to the A461 commencing where it diverges from the M6 southbound and ending at the zone sign; and
    - (ii) the M slip road, from the A461, commencing at the zone sign and ending where it merges with the M6 southbound.

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(a) 1984. c. 27. There are amendments to section 64 but none of these is relevant.

## EXPLANATORY NOTE

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

These Regulations introduce variable speed limits to the M6 Motorway from junctions 8 to 10A and on associated slip roads and linking carriageways.

The Regulations also modify the way that the Motorway Traffic (England and Wales) Regulations (“the 1982 Regulations”) apply to the carriageways of the M6 motorway between junctions 8 and 10A and create the concept of an ‘actively managed hard shoulder’, which is a hard shoulder which, in certain circumstances, may be driven on.

*Regulation 3* provides for the 1982 Regulations to apply as if a new regulation 5A were inserted, which 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 provides for the 1982 Regulations to apply as if the concept of the ‘emergency refuge area’ were introduced. Where a hard shoulder is actively managed, this emergency refuge area 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 the sign had indicated a higher speed limit, the regulation allows the 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.

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

A copy of the impact assessment prepared in respect of the 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 and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

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STATUTORY INSTRUMENTS

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Hard Shoulder and Variable Speed Limits) Regulations 2010

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