
STATUTORY INSTRUMENTS

2012 No. 1865

The M62 Motorway (Junctions 25 to 30) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2012

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) after sub-paragraph (f), there were inserted—

“(fa) “relevant roads” has the meaning given to it by regulation 2 of the M62 Motorway (Junctions 25 to 30) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2012;”;

(f) in sub-paragraph (g) after “hard shoulder”, there were inserted “an emergency refuge area;”.

(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—

(i) 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 Signs Regulations 2002, or

(ii) a verge mounted traffic sign of the type shown in diagram 820.1 in schedule 4 to the Traffic Signs Regulations 2002 incorporating the non-prescribed text variant “Hard Shoulder ENDS”.

(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)”.