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STATUTORY INSTRUMENTS

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**2016 No. 988**

**ROAD TRAFFIC**

**SPECIAL ROADS**

**The M62 Motorway (Junctions 9 to 11)  
(Eastbound) and the M6 Motorway (Junction  
21A) (Variable Speed Limits) Regulations 2016**

<i>Made</i>	- - - -	<i>10th October 2016</i>
<i>Laid before Parliament</i>		<i>14th October 2016</i>
<i>Coming into force</i>	- -	<i>5th November 2016</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 M62 Motorway (Junctions 9 to 11) (Eastbound) and the M6 Motorway (Junction 21A) (Variable Speed Limits) Regulations 2016 and come into force on 5th November 2016.

**Interpretation**

2. In these Regulations—

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

“the 2016 Regulations and Directions” means the Traffic Signs Regulations and General Directions 2016(3); and

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

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(1) 1984 c.27; section 17(2) was amended by the New Roads and Street Works 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.

(2) S.I. 1982/1163, relevant amending instruments are S.I. 1983/374, 1984/1479, 1992/1364, 2004/3258.

(3) S.I. 2016/362.

### **Variable speed limits**

3.—(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 the Schedule;
- (b) the vehicle has passed a speed limit sign; and
- (c) the vehicle has not subsequently 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 purposes 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 Schedule 1 to the 2016 Regulations and Directions 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 Part 2 of Schedule 10 to the 2016 Regulations and Directions 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 Part 2 of Schedule 10 to the 2016 Regulations and Directions which is—

- (a) situated on or near any part of a road specified in paragraph 1 of the Schedule; 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

10th October 2016

*John Hayes*  
Minister of State  
Department for Transport

## SCHEDULE

Regulation 3(2)

### THE SPECIFIED ROADS

1. The specified roads are—
  - (a) that length of the eastbound carriageway of the M62 beginning after junction 9 of that motorway at a point which is 498 metres east of the eastern edge of the easternmost overbridge of junction 9 of that motorway and ending at a point 30 metres west of the western edge of the easternmost overbridge of junction 11;
  - (b) the carriageway for leaving the M62 eastbound at junction 11 of that motorway (to join the A574) from the point where it diverges from that motorway to the point which is 115 metres east of the back of the diverge nose;
  - (c) the carriageway for leaving the M62 eastbound at junction 10 of that motorway (to join the M6) from the point where it diverges from that motorway to the point which is 120 metres east of the eastern edge of the Mill Lane overbridge;
  - (d) the carriageway for leaving the M6 northbound commencing in the vicinity of junction 21A of that motorway where it diverges from the M6 northbound carriageway and ending where it merges with the M62 eastbound carriageway; and
  - (e) the carriageway for leaving the M6 southbound commencing in the vicinity of junction 21A of that motorway where it diverges from the M6 southbound carriageway and ending where it merges with the M62 eastbound carriageway.
2. In this Schedule—
  - (a) any reference to—
    - (i) the letter “M” followed by a number is a reference to the motorway known by that name; and
    - (ii) the letter “A” followed by a number is a reference to the road known by that name; and
  - (b) “the back of the diverge nose” means the easternmost edge of the paved piece of land approximately triangular in shape which is marked with chevrons and situated between the offside edge of the road leaving the M62 eastbound and the nearside edge of the eastbound M62.

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### EXPLANATORY NOTE

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

These Regulations introduce variable speed limits to—

- (a) the M62 motorway eastbound from junctions 9 to 11;
- (b) the roads for leaving the M62 motorway eastbound at junctions 10 (to join the M6 motorway, northbound or southbound) and 11 (to join the A574) respectively; and
- (c) the roads for leaving the northbound and southbound carriageways respectively of the M6 motorway to join the eastbound carriageway of the M62 motorway.

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

*Regulation 3* provides for variable speed limits to have effect on the roads specified in paragraph 1 of 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 a 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 ten 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 ten 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 these regulations is an offence under section 17(4) of the Road Traffic Regulation Act 1984.

An impact assessment has not been prepared for these Regulations as no impact on the cost of business or the voluntary sector is foreseen. An Explanatory Memorandum is published alongside the Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).