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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 145**

**ROAD TRAFFIC**

**The A823(M) Pitreavie Spur Trunk Road  
(Variable Speed Limits) Regulations 2012**

*Made* - - - - - *16th May 2012*  
*Laid before the Scottish*  
*Parliament* - - - - - *18th May 2012*  
*Coming into force* - - - *1st September 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 17(2) and (3) of the Road Traffic Regulation Act 1984(1) and all other powers enabling them to do so.

In accordance with section 134(2)(2) of that Act they have consulted with such representative organisations as they think fit.

**Citation and commencement**

1. These Regulations may be cited as the A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012 and come into force on 1st September 2012.

**Interpretation**

2. In these Regulations—

“the 1995 Regulations” means the Motorways Traffic (Scotland) Regulations 1995(3);

“hard shoulder” means a part of the road which is adjacent to and situated on the left hand side of the carriageway, when facing in the direction in which vehicles may be driven in accordance with regulation 5 of the 1995 Regulations, and which is designed to take the weight of a vehicle;

“national speed limit” means any prohibition imposed on a road by regulation 3 of the Motorways Traffic (Speed Limit) Regulations 1974(4);

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(1) 1984 c.27. Section 17(2) is amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 28, by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 25 and Schedule 8, paragraph 1 and by the National Parks (Scotland) Act 2000 (asp 10), Schedule 5, paragraph 11. The functions of the Secretary of State were transferred to the Scottish Ministers by S.I. 1999/1750, article 2 and Schedule 1.

(2) Section 134(2) is amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 77.

(3) S.I. 1995/2507 amended by S.I. 1995/3070, S.I. 1996/2664, S.S.I. 2004/3261, S.S.I. 2005/344, S.S.I. 2006/129 and S.I. 2006/594.

(4) S.I. 1974/502.

“relevant speed limit sign” means a traffic sign of the type shown in diagram 670 in Schedule 2 to the Traffic Signs Regulations and General Directions 2002(5) which is—

- (a) displayed on a variable message sign which is situated over, on or near any part of a specified length of road; and
- (b) directed at traffic, on the specified length of road being driven in accordance with regulation 5 of the 1995 Regulations;

“road” includes the adjacent hard shoulder;

“specified lengths of road” means any of the lengths of the road known as A823(M) Pitreavie Spur Trunk Road specified in the Schedule to these Regulations.

### **Variable speed limits**

3.—(1) A person must not drive a vehicle on a section of any of the specified lengths of road to which a variable speed limit applies at a speed exceeding the applicable variable speed limit.

(2) The section of the specified length of road to which a variable speed limit applies is the section of the road—

- (a) beginning immediately after a relevant speed limit sign indicating a maximum speed limit other than the national speed limit; and
- (b) ending immediately after—
  - (i) a relevant speed limit sign indicating that another maximum speed limit applies; or
  - (ii) traffic signs mounted on the same post bearing the words “Variable Speed Limit” and “Ends”.

(3) The applicable variable speed limit is the maximum speed limit indicated by the relevant speed limit sign referred to in paragraph (2)(a)—

- (a) when the vehicle passed that sign; or
- (b) if higher, the maximum speed limit indicated by that sign ten seconds before the vehicle passed it.

(4) For the purposes of this regulation the relevant speed limit sign is to be taken as not indicating any maximum speed limit if, ten seconds before the vehicle passed it, the sign had not indicated any maximum speed limit.

St Andrew’s House,  
Edinburgh  
16th May 2012

*KEITH BROWN*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Regulation 2

### LENGTHS OF ROAD ON WHICH A VARIABLE SPEED LIMIT MAY BE APPLIED

1. The eastbound carriageway from a point 950 metres or thereby east of its junction with Pitreavie Roundabout eastwards to the point where it merges with the northbound carriageway of the M9/A90/M90 at Junction 2 Masterton Interchange.
2. The eastbound off-slip from the point where it diverges from the eastbound carriageway at Junction 2 Masterton Interchange to the point where it merges with the southbound carriageway of the M9/A90/M90.
3. The westbound on-slip connecting the southbound carriageway of the M9/A90/M90 at Junction 2 Masterton Interchange with the westbound carriageway.
4. The westbound on-slip connecting the northbound carriageway of the M9/A90/M90 at Junction 2 Masterton Interchange with the westbound carriageway.
5. In this Schedule—
  - (a) a junction followed by a number is a reference to the junction of the M90 of that number;
  - (b) “the M90” means the motorway known by that name;
  - (c) “the M9/A90/M90” means the road known as the M9/A90/M90 Edinburgh to Fraserburgh Trunk Road;
  - (d) “motorway” has the same meaning as in the 1995 Regulations;
  - (e) “off-slip” means a slip road intended for the use of traffic exiting the road known as A823(M) Pitreavie Spur Trunk Road;
  - (f) “on-slip” means a slip road intended for the use of traffic entering the road known as A823(M) Pitreavie Spur Trunk Road.

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### EXPLANATORY NOTE

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

These Regulations make provision for variable speed limits on various sections of the road known as the A823(M) Pitreavie Spur Trunk Road.

Regulation 3 provides for variable speed limits to have effect on the sections of that road specified in 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 the vehicle. Where a speed limit sign changes 10 seconds or less before a vehicle passes the sign and the sign 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 the vehicle but 10 seconds before it was not indicating any speed limit the sign is to be taken as not indicating any speed limit to that vehicle. In this instance the variable speed limit provisions will not apply and the default maximum speed will be 70 miles per hour as provided for by the Motorways Traffic (Speed Limit) Regulations 1974.

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

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