

2021 No. 43

ROAD TRAFFIC

**The M8 and M9 Trunk Roads (Newbridge to Hermiston Gait)
(Actively Managed Hard Shoulder and Speed Limit)
Regulations 2021**

Made - - - - 26th January 2021
Laid before the Scottish Parliament 28th January 2021
Coming into force - - 18th March 2021

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

In accordance with section 134(8)(b) 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 M8 and M9 Trunk Roads (Newbridge to Hermiston Gait) (Actively Managed Hard Shoulder and Speed Limit) Regulations 2021 and come into force on 18 March 2021.

Modification of the Motorways Traffic (Scotland) Regulations 1995 to allow for actively managed hard shoulder

2.—(1) The Motorways Traffic (Scotland) Regulations 1995(c) apply in relation to the specified roads as if—

(a) in regulation 2(1) (interpretation)—

(i) in the appropriate places, there were inserted—

““the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016(d),”

““actively managed hard shoulder” means any length of hard shoulder of a length of road specified in schedule 2,”

(a) 1984 c.27. Section 17(2) was relevantly 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, and by the Scotland Act 2012 (c.11), section 21(3). Section 17(3ZA) was inserted by the Scotland Act 2012, section 21(4).
(b) Section 134(8) was inserted by the Scotland Act 2016 (c.11), schedule 2, paragraph 12(5).
(c) S.I. 1995/2507, modified by the Crime and Courts Act 2013 (c.22), schedule 8, paragraph 190, and amended by S.I. 1995/3070, S.I. 1996/2664, S.S.I. 2004/53, S.I. 2004/3261, S.S.I. 2005/344, S.S.I. 2006/129, S.I. 2006/594, S.S.I. 2013/119, S.I. 2018/225 and S.S.I. 2019/168.
(d) S.I. 2016/362, amended by S.I. 2017/1011, S.I. 2017/1086, S.S.I. 2018/161, and S.I. 2020/663.

““emergency refuge area” means a part of a road which is—

- (a) adjacent to and situated on the left of any length of actively managed hard shoulder when facing the direction in which vehicles may be driven in accordance with regulation 5, and
- (b) indicated by a marking of the type shown in diagram 1010 in item 10, Part 4 of schedule 11 of the 2016 Regulations,”

““permitted vehicle” means a motor vehicle constructed or adapted to carry more than 23 seated passengers (exclusive of the driver),” and

- (ii) in the definition of “hard shoulder” after “vehicle” there were inserted “(and, subject to regulation 8A, includes the actively managed hard shoulder)”,
- (b) in regulation 6(2) and (3)(a) and (b) (restriction on stopping), for “or in an emergency layby”, in each place where it occurs, there were substituted “, in an emergency layby, or emergency refuge area”,
- (c) for regulation 8 (restriction on the use of hard shoulders or emergency laybys) there were substituted—

“Restriction on the use of hard shoulders, emergency laybys or emergency refuge areas

8. No vehicle may be driven, moved or stopped or may remain at rest on any hard shoulder, emergency layby or emergency refuge area, except in accordance with regulations 6(2) and (3) and 8A.

Use of the actively managed hard shoulder

8A.—(1) This regulation applies where a permitted vehicle passes a traffic sign with the sign reference number 001 showing a bus symbol (which was authorised for use by the Scottish Ministers under sections 64 and 65 of the Road Traffic Regulation Act 1984(a) on 22 December 2020).

(2) This regulation does not apply to a permitted vehicle where —

- (a) there is displayed beside the actively managed hard shoulder a traffic sign of the type described in item 15 (diagram number 6031.2 – carriageway side mounted light signals) of the sign table in part 2 of schedule 15 of the 2016 Regulations indicating that the prohibition described in paragraph 3 of Part 1 of that schedule is in effect,
- (b) the permitted vehicle passes that traffic sign.

(3) Where this regulation applies the actively managed hard shoulder is to be regarded, in relation to a permitted vehicle, as part of the carriageway of the lengths of road specified in schedule 2 for the purposes of these Regulations.

(4) Nothing in this regulation affects or prevents the use by any vehicle of the actively managed hard shoulder as a hard shoulder in accordance with regulation 6(2) and (3).”

- (d) in regulation 12(b)(i) (restrictions affecting animals carried in vehicles) after “emergency layby” there were inserted “, an emergency refuge area”, and

(a) Section 64 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), schedule 3, paragraph 25(3), the New Roads and Street Works Act 1991, schedule 8, paragraph 47, the Scotland Act 2016, section 41(3), and the Wales Act 2017 (c.4) section 26(4). Section 65 was amended by the Local Government and Housing Act 1989 (c.42), section 153(1) and (2), the New Roads and Street Works Act 1991, schedule 8, paragraph 48(2) and (3), the Road Traffic Act 1991, schedule 4, paragraph 29, the Infrastructure Act 2015 (c.7), schedule 1, paragraph 82, the Scotland Act 2016, section 41(5) to (9) and the Wales Act 2017, schedule 6, paragraph 37.

(e) after the schedule there were inserted—

“SCHEDULE 2

Regulation 2(1)

THE ACTIVELY MANAGED HARD SHOULDER OF THE SPECIFIED LENGTHS OF ROAD

1. The length of hard shoulder of the southbound carriageway of the M9 290 metres south of the point where the southbound on-slip merges with the southbound carriageway at Junction 1.

2. The length of hard shoulder of the eastbound carriageway of the M9-M8 interchange link road from its diverge from the M9 southbound carriageway to its merge with the M8 eastbound carriageway.

3. The length of hard shoulder of the eastbound carriageway of the M8 from the point where the southbound on-slip merges with that carriageway at Junction 2 to the end of the M8 at Junction 1.

4. In this schedule—

“M8” means the road known as the M8/A8 Edinburgh - Greenock Trunk Road,

“M9” means the road known as the M9/A9 Edinburgh - Stirling -Thurso Trunk Road,

“on-slip” means a slip road intended for the use of traffic joining the main carriageway of the length of road specified in this schedule,

“off-slip” means a slip road intended for the use of traffic leaving the main carriageway of the length of road specified in this schedule.”.

(2) In this regulation, “specified roads” means—

(a) the road known as the M8/A8 Edinburgh - Greenock Trunk Road, and

(b) the road known as the M9/A9 Edinburgh - Stirling -Thurso Trunk Road.

Amendment of the M8 and M9 Special Roads (Newbridge Grade Separation) Speed Limit Regulations 1997

3. In paragraph 9 of schedule 1 of the M8 and M9 Special Roads (Newbridge Grade Separation) Speed Limit Regulations 1997(a), for “200” substitute “770”.

MICHAEL MATHESON

A member of the Scottish Government

St Andrew’s House,
Edinburgh
26th January 2021

(a) S.I. 1997/2322.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for an actively managed hard shoulder on various lengths of the roads known as the M8/A8 Edinburgh - Greenock Trunk Road and the M9/A9 Edinburgh - Stirling - Thurso Trunk Road (“the specified roads”).

The Regulations apply the Motorways Traffic (Scotland) Regulations 1995 (“the 1995 Regulations”) to the specified roads as if they had been modified to provide for “an actively managed hard shoulder”, which is a hard shoulder that may be driven on in certain circumstances. The Regulations provide that the only vehicles permitted to drive on the actively managed hard shoulder are motor vehicles constructed or adapted to carry more than 23 seated passengers (exclusive of the driver) (see regulation 2).

In relation to the specified roads, regulation 2 has the effect of substituting, for the current regulation 8 of the 1995 Regulations, new regulations 8 and 8A.

New regulation 8A provides that lengths of the hard shoulder set out in new schedule 2 of the 1995 Regulations (inserted by regulation 2(e) of these Regulations) may be used as a carriageway by a permitted vehicle where it passes a traffic sign showing a bus symbol, authorised for use for the purposes of regulation 8A(1) by the Scottish Ministers under sections 64 and 65 of the Road Traffic Regulation Act 1984 (“the 1984 Act”). A permitted vehicle must cease to use the hard shoulder as a carriageway when it passes a traffic sign with diagram number 6031.2 (being item 15 in part 2, schedule 15 of the Traffic Signs Regulations and General Directions 2016 - carriageway side mounted light signals conveying the prohibition described at paragraph 3 of Part 1) or another sign authorised for use for the purpose of regulation 8A(2)(b) by the Scottish Ministers under sections 64 and 65 of the 1984 Act.

Regulation 2 also provides for the 1995 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 3 amends the M8 and M9 Special Roads (Newbridge Grade Separation) Speed Limit Regulations 1997 (“the 1997 Regulations”) to provide for an extension to the existing 50 mph speed limit on the interchange link road at the M9-M8 eastbound interchange. This is required to safely support the operation of the actively managed hard shoulder.

Contravention of the 1995 and 1997 Regulations is an offence under section 17(4) of the Road Traffic Regulation Act 1984.

No business or regulatory impact assessment has been prepared in relation to these Regulations as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.

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