
STATUTORY INSTRUMENTS

1982 No. 1163

ROAD TRAFFIC SPECIAL ROADS

The Motorways Traffic (England and Wales) Regulations 1982

<i>Made</i>	- - - -	<i>11th August 1982</i>
<i>Laid before Parliament</i>		<i>24th August 1982</i>
<i>Coming into Operation</i>		<i>15th September 1982</i>

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of the powers conferred by Section 13(2) and (3) of the Road Traffic Regulation Act 1967(1) and now vested in them (2), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 107(2) of that Act, hereby make the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 15th September 1982 and may be cited as the Motorways Traffic (England and Wales) Regulations 1982.

Revocation

2. The Motorways Traffic Regulations 1959(3) and the Motorways Traffic (England and Wales) (Amendment) Regulations 1971(4) are hereby revoked.

Interpretation

3.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them:—

- (a) “the Act of 1967” means the Road Traffic Regulation Act 1967;
- (b) “carriageway” means that part of a motorway which—
 - (i) is constructed with a surface suitable for the regular passage of vehicular motor traffic along the motorway,
 - (ii) has on each side either a hard shoulder, a raised kerb, or a central reservation, and

(1) 1967 c. 76.
(2) As to the Secretary of State for Transport by virtue of S.I. 1970/1681, 1979/571, 1981/238.
(3) S.I. 1959/1147.
(4) S.I. 1971/1087.

- (iii) has the approximate position of its edges marked with a traffic sign of the type shown in diagram 1012.1 in Schedule 2 to the Traffic Signs Regulations and General Directions 1981(5);
- (c) “central reservation” means that part of a motorway which separates the carriageway to be used by vehicles travelling in one direction from the carriageway to be used by vehicles travelling in the opposite direction;
- (d) “excluded traffic” means traffic which is not traffic of Classes I or II;
- (e) “hard shoulder” means a part of the motorway which is adjacent to and situated on the left hand or near side of the carriageway when facing in the direction in which vehicles may be driven in accordance with Regulation 6, and which is designed to take the weight of a vehicle;
- (f) “motorway” means any road or part of a road to which these Regulations apply by virtue of Regulation 4;
- (g) “verge” means any part of a motorway which is not a carriageway, a hard shoulder, or a central reservation.

(2) A vehicle shall be treated for the purposes of any provision of these Regulations as being on any part of a motorway specified in that provision if any part of the vehicle (whether it is at rest or not) is on the part of the motorway so specified.

(3) Any provision of these Regulations containing any prohibition or restriction relating to the driving, moving or stopping of a vehicle, or to its remaining at rest, shall be construed as a provision that no person shall use a motorway by driving, moving or stopping the vehicle or by causing or permitting it to be driven or moved, or to stop or remain at rest, in contravention of that prohibition or restriction.

(4) In these Regulations references to numbered classes of traffic are references to the classes of traffic set out in Schedule 4 to the Highways Act 1980(6).

Application

4. These Regulations apply to every special road or part of a special road which can only be used by traffic of Classes I or II, but shall not apply to any part of any such road until such date as may be declared in accordance with the provisions of section 1(7) of the Act of 1967 to be the date on which it is open for use as a special road.

Vehicles to be driven on the carriageway only

5. Subject to the following provisions of these Regulations, no vehicle shall be driven on any part of a motorway which is not a carriageway.

Direction of driving

6.—(1) Where there is a traffic sign indicating that there is no entry to a carriageway at a particular place, no vehicle shall be driven or moved onto that carriageway at that place.

(2) Where there is a traffic sign indicating that there is no left or right turn into a carriageway at a particular place, no vehicle shall be so driven or moved as to cause it to turn to the left or (as the case may be) to the right into that carriageway at that place.

(5) S.I. 1981/859.

(6) 1980 c. 66.

(3) Every vehicle on a length of carriageway which is contiguous to a central reservation, shall be driven in such a direction that the central reservation is at all times on the right hand or off side of the vehicle.

(4) Where traffic signs are so placed that there is a length of carriageway (being a length which is not contiguous to a central reservation) which can be entered at one end only by vehicles driven in conformity with paragraph (1) of this Regulation, every vehicle on that length of carriageway shall be driven in such a direction only as to cause it to proceed away from that end of that length of carriageway towards the other end thereof.

(5) Without prejudice to the foregoing provisions of this Regulation, no vehicle which—

(a) is on a length of carriageway on which vehicles are required by any of the foregoing provisions of this Regulation to be driven in one direction only and is proceeding in or facing that direction, or

(b) is on any other length of carriageway and is proceeding in or facing one direction,

shall be driven or moved so as to cause it to turn and proceed in or face the opposite direction.

Restriction on stopping

7.—(1) Subject to the following provisions of this Regulation, no vehicle shall stop or remain at rest on a carriageway.

(2) Where it is necessary for a vehicle which is being driven on a carriageway to be stopped while it is on a motorway—

(a) by reason of a breakdown or mechanical defect or lack of fuel, oil or water, required for the vehicle; or

(b) by reason of any accident, illness or other emergency; or

(c) to permit any person carried in or on the vehicle to recover or move any object which has fallen onto a motorway; or

(d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the foregoing provisions of this paragraph,

the vehicle shall, as soon and in so far as is reasonably practicable, be driven or moved off the carriageway on to, and may stop and remain at rest on, any hard shoulder which is contiguous to that carriageway.

(a) (3) (a) A vehicle which is at rest on a hard shoulder shall so far as is reasonably practicable be allowed to remain at rest on that hard shoulder in such a position only that no part of it or of the load carried thereby shall obstruct or be a cause of danger to vehicles using the carriageway.

(b) A vehicle shall not remain at rest on a hard shoulder for longer than is necessary in the circumstances or for the purposes specified in paragraph (2) of this Regulation.

(4) Nothing in the foregoing provisions of this Regulation shall preclude a vehicle from stopping or remaining at rest on a carriageway while it is prevented from proceeding along the carriageway by the presence of any other vehicle or any person or object.

Restriction on reversing

8. No vehicle on a motorway shall be driven or moved backwards except in so far as it is necessary to back the vehicle to enable it to proceed forwards or to be connected to any other vehicle.

Restriction on the use of hard shoulders

9. No vehicle shall be driven or stop or remain at rest on any hard shoulder except in accordance with paragraphs (2) and (3) of Regulation 7.

Vehicles not to use the central reservation or verge

10. No vehicle shall be driven or moved or stop or remain at rest on a central reservation or verge.

Vehicles not to be driven by learner drivers

11. No motor vehicle shall be driven on a motorway by a person who is authorised to drive that vehicle only by virtue of his being the holder of a provisional licence under section 88(2) of the Road Traffic Act 1972(7), unless, since the date of coming into force of the said provisional licence that person has passed a test prescribed under section 85 of the Road Traffic Act 1972 sufficient to entitle him under that Act to be granted a licence, other than a provisional licence, authorising him to drive that vehicle on a road.

Restriction on use of right hand or off side lane

12.—(1) This Regulation applies to—

- (a) a motor car with a maximum gross weight exceeding 7.5 tonnes,
- (b) a heavy motor car, except a heavy motor car constructed solely for the carriage of passengers and their effects and not adapted or used for any other purpose the overall length of which does not exceed 12 metres, and
- (c) a motor vehicle drawing a trailer.

(2) Subject to the provisions of paragraph (3) below, no vehicle to which this Regulation applies shall be driven, or moved, or stop or remain at rest on the right hand or off side lane of a length of carriageway which has three or more traffic lanes at any place where all the lanes are open for use by traffic proceeding in the same direction.

(3) The prohibition contained in paragraph (2) above shall not apply to a vehicle while it is being driven on any right hand or off side lane such as is mentioned in that paragraph in so far as it is necessary for the vehicle to be so driven to enable it to pass another vehicle which is carrying or drawing a load of exceptional width.

(4) In this Regulation—

- (a) “maximum gross weight” has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 1981; and
- (b) “overall length” has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(8).

Restrictions affecting persons on foot on a motorway

13. No person shall at any time while on foot go or remain on any part of a motorway other than a hard shoulder except in so far as it is necessary for him to do so to reach a hard shoulder or to secure compliance with any of these Regulations or to recover or move any object which has fallen on to a motorway or to give help which is required by any other person in any of the circumstances specified in paragraph (2) of Regulation 7.

(7) 1972 c. 20.

(8) S.I. 1978/1017, to which there are amendments not relevant to these Regulations.

Restrictions affecting animals carried in vehicles

14. The person in charge of any animal which is carried by a vehicle using a motorway shall, so far as is practicable, secure that—

- (a) the animal shall not be removed from or permitted to leave the vehicle while the vehicle is on a motorway, and
- (b) if it escapes from, or it is necessary for it to be removed from, or permitted to leave, the vehicle—
 - (i) it shall not go or remain on any part of the motorway other than a hard shoulder, and
 - (ii) it shall whilst it is not on or in the vehicle be held on a lead or otherwise kept under proper control.

Use of motorway by excluded traffic

15.—(1) Excluded traffic is hereby authorised to use a motorway on the occasions or in the emergencies and to the extent specified in the following provisions of this paragraph, that is to say—

- (a) traffic of Classes III or IV may use a motorway for the maintenance, repair, cleaning or clearance of any part of a motorway or for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of a motorway;
- (b) pedestrians may use a motorway—
 - (i) when it is necessary for them to do so as a result of an accident or emergency or of a vehicle being at rest on a motorway in any of the circumstances specified in paragraph (2) of Regulation 7, or
 - (ii) in any of the circumstances specified in sub-paragraphs (b), (d), (e) or (f) of paragraph (1) of Regulation 16.

(2) The Secretary of State may authorise the use of a motorway by any excluded traffic on occasion or in emergency or for the purpose of enabling such traffic to cross a motorway or to secure access to premises abutting on or adjacent to a motorway.

(3) Where by reason of any emergency the use of any road (not being a motorway) by any excluded traffic is rendered impossible or unsuitable the Chief Officer of Police of the police area in which a motorway or any part of a motorway is situated, or any officer of or above the rank of superintendent authorised in that behalf by that Chief Officer, may—

- (a) authorise any excluded traffic to use that motorway or that part of a motorway as an alternative road for the period during which the use of the other road by such traffic continues to be impossible or unsuitable, and
- (b) relax any prohibition or restriction imposed by these Regulations in so far as he considers it necessary to do so in connection with the use of that motorway or that part of a motorway by excluded traffic in pursuance of any such authorisation as aforesaid.

Exceptions and relaxations

16.—(1) Nothing in the foregoing provisions of these Regulations shall preclude any person from using a motorway otherwise than in accordance with the provisions in any of the following circumstances, that is to say—

- (a) where he does so in accordance with any direction or permission given by a constable in uniform or with the indication given by a traffic sign;
- (b) where, in accordance with any permission given by a constable, he does so for the purpose of investigating any accident which has occurred on or near a motorway;

- (c) where it is necessary for him to do so to avoid or prevent an accident or to obtain or give help required as the result of an accident or emergency, and he does so in such manner as to cause as little danger or inconvenience as possible to other traffic on a motorway;
 - (d) where he does so in the exercise of his duty as a constable or as a member of a fire brigade or of an ambulance service;
 - (e) where it is necessary for him to do so to carry out in an efficient manner—
 - (i) the maintenance, repair, cleaning, clearance, alteration or improvement of any part of a motorway, or
 - (ii) the removal of any vehicle from any part of a motorway, or
 - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of a motorway; or
 - (f) where it is necessary for him to do so in connection with any inspection, survey, investigation or census which is carried out in accordance with any general or special authority granted by the Secretary of State.
- (2) Without prejudice to the foregoing provisions of these Regulations, the Secretary of State may relax any prohibition or restriction imposed by these Regulations.

4th August 1982

David Howell
Secretary of State for Transport

Signed by authority of the Secretary of State

11th August 1982

Michael Roberts
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with amendments the provisions of The Motorways Traffic Regulations 1959 and the Motorways Traffic (England and Wales) (Amendment) Regulations 1971. The principal amendments are as follows—

(1) The definitions of the constituent parts of a motorway in Regulation 3(1) are amended, introducing a specific definition of hard shoulder in Regulation 3(1)(e). The provisions in Regulations 7 and 9 as to stopping on a motorway are, in consequence, framed by reference to the hard shoulder.

(2) The restrictions on the use of the right hand or off side lane are amended so that they apply to a motor car with a maximum gross weight exceeding 7.5 tonnes, and a heavy motor car constructed for the carriage of passengers and their effects and which has an overall length greater than 12 metres (Regulation 12(1)). These restrictions will apply on any motorway which has three or more traffic lanes where all the lanes are open for use by traffic proceeding in the same direction (Regulation 12(2)).