

2017 No. 77

ROAD TRAFFIC

SPECIAL ROADS

**The M5 Motorway (Junctions 4a to 6)(Variable Speed Limits)
Regulations 2017**

<i>Made</i> - - - -	<i>30th January 2017</i>
<i>Laid before Parliament</i>	<i>2nd February 2017</i>
<i>Coming into force</i> - -	<i>24th February 2017</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(a).

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 M5 Motorway (Junctions 4a to 6)(Variable Speed Limits) Regulations 2017 and come into force on 24th February 2017.

Interpretation

2. In these Regulations—

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

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

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

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.

(a) 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.

(b) S.I. 1982/1163, as amended by S.I. 1983/374, 1984/1479, 1992/1364, 2004/3258 and 2015/392.

(c) S.I. 2016/362.

(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 regulation 2(2) of, and Schedule 1 to, the 2016 Regulations 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 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; and

“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 which is—

- (a) situated on or near any part of a road specified in 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

30th January 2017

John Hayes
Minister of State
Department for Transport

SCHEDULE

Regulation 3(2)(a)

THE SPECIFIED ROADS

1. The specified roads are—

- (a) that length of the northbound carriageway of the M5 beginning at a point which is 200 metres south of the southern edge of the southernmost bridge carrying the circulatory carriageway of the M5, A449, A4440 and A4538 at junction 6 and ending at the southern edge of the bridge at junction 4a carrying northbound traffic to the M42 eastbound;
- (b) that length of the southbound carriageway of the M5 beginning at the southern edge of the bridge carrying the northbound traffic of the M42 over the M5 at junction 4a and ending at the northern edge of the southernmost bridge carrying the circulatory carriageway of the M5, A449, A4440 and A4538 at junction 6;
- (c) the carriageways of the northbound slip roads;
- (d) the carriageways of the southbound slip roads; and
- (e) the linking carriageways.

2. Any reference in this Schedule to—

- (a) the letter “M” followed by a number is a reference to the motorway known by that name;
- (b) the letter “A” followed by a number is a reference to the road known by that name;
- (c) a junction followed by a number, or a number and a letter, is a reference to the junction of the M5 of that number, or of that number and letter, as the case may be.

3. In this Schedule—

“on-slip road” means a slip road intended for the use of traffic entering the M5; and

“off-slip road” means a slip road intended for the use of traffic exiting the M5.

4. The northbound slip roads are—

- (a) the on-slip roads which connect—
 - (i) the A38 with the northbound carriageway of the M5 at junction 5; and
 - (ii) the A4440, the A449 and the A4538 with the northbound carriageway of the M5 at junction 6; and
- (b) the off-slip road which connects the northbound carriageway of the M5 at junction 5 with the A38.

5. The southbound slip roads are—

- (a) the on-slip road which connects the A38 and the Stoke Road with the southbound carriageway of the M5 at junction 5; and
- (b) the off-slip roads which connect the southbound carriageway of the M5 at—
 - (i) junction 5 with the A38; and
 - (ii) junction 6 with the A4440, the A449 and the A4538.

6. The linking carriageways are—

- (a) the southbound carriageway from the M42 to junction 4a, beginning at the southern edge of the bridge carrying the M42 northbound traffic and ending at the merge with the M5 southbound; and

- (b) the eastbound carriageway from junction 4a to the M42, beginning at the diverge from the M5 northbound and ending at a point 180 metres north of the northern edge of the bridge carrying Fockbury Mill Lane over the M5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the M5 Motorway from junctions 4a to 6 and on associated slip roads and linking carriageways.

Regulation 3 provides for variable speed limits to have effect on the roads 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 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 costs of business or the voluntary sector is foreseen. An Explanatory Memorandum is published alongside the Regulations at www.legislation.gov.uk.

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