

**EXPLANATORY MEMORANDUM TO**  
**THE M23 MOTORWAY (GATWICK SPUR) (50 MILES PER HOUR SPEED LIMIT)**  
**REGULATIONS 2020**

**2020 No. 721**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 These Regulations introduce a 50 mph speed limit on the M23 Gatwick spur, namely the length of motorway between junction 9 and the airport.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England. Only the section of motorway specified in the Regulations will be affected and that is in England.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 These Regulations are being made in respect of the use of a particular length of special road (i.e. motorway) rather than in relation to the use of special roads generally. These Regulations allow the operation and enforcement of a fixed 50mph speed limit in relation to the length of road specified in the Regulations.
- 6.2 Section 134(2) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.
- 6.3 The Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) have been amended to provide for the use of emergency refuge areas (S.I. 2015/392).

## **7. Policy background**

### *What is being done and why?*

- 7.1 The M23 Junctions 8 to 10 Smart Motorway Scheme (“the Scheme”) was included in the June 2013 Spending Review and confirmed in the Road Investment Strategy published in December 2014. The Gatwick Spur is too short a section of road for the proper operation of variable mandatory speed limits. So, although the operation of a fixed 50 mph speed limit on the Gatwick Spur does not make it a smart motorway this aspect was nevertheless included as part of this Scheme as a whole.
- 7.2 The M23 motorway is a strategic route for local, regional and international traffic and forms part of the Strategic Road Network (SRN) in England connecting Crawley and Gatwick Airport to the M25 motorway and routes into London. This section of the M23 motorway carries more than 111,000 vehicles a day. The Scheme is part of the Highways England programme to add capacity to the SRN to support economic growth and maintain mobility.
- 7.3 The Scheme design included the conversion of the westbound carriageway of the Gatwick Spur (from junction 9 to Gatwick airport) from a two lane carriageway to three running lanes with no hard shoulder and construction works are now complete.
- 7.4 Highways England is committed to ensuring traffic safety on all roads and primarily for this reason the Scheme design necessitated a permanent 50 mph speed limit for the westbound carriageway of the Gatwick Spur for its safe operation and also to manage traffic flows.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This instrument is not amending another instrument.

## **10. Consultation outcome**

- 10.1 A consultation which included the proposed implementation of a permanent 50 mph mandatory speed limit on the westbound carriageway of the Gatwick Spur as part of the Scheme took place between 11th December 2017 and 12th January 2018. A consultation pack was sent to 39 consultees including stakeholder groups, other affected representative organisations and individual businesses. The consultation was also open to public participation through the Highways England Citizen Space website and the consultation document can be accessed using the following link-  
<https://s3.eu-west-2.amazonaws.com/assets.highwaysengland.co.uk/roads/road-projects/M23+junctions+8+to+10++smart+motorway/M23+J8-10+SI+consultation+Document.pdf>
- 10.2 Highways England encouraged the specific consultees and the general public to register their views on the speed limits proposed for the Scheme. A total of 15 responses were received. The responses were wide-ranging and included support for smart motorways in general. No objections were made in regard to the proposed permanent 50 mph speed limit proposed for the Gatwick Spur.

- 10.3 Highways England addressed, and responded in writing to, all the issues and concerns raised by respondents. The post-consultation report concluded that the speed limits proposed for the Scheme should be implemented. The report can be accessed using the following link - <https://highwaysengland.citizenspace.com/he/m23-junctions-8-to-10-smart-motorway/results/m23j8-10responsereportforstatutoryinstrument-pbamendsjune18.pdf>

## **11. Guidance**

- 11.1 The consultation pack issued by Highways England to stakeholders on 11th December 2017 contained information on the operation of variable mandatory speed limits as well as the 50 mph permanent speed limit on the M23 spur proposed for the Scheme. This consultation pack was also published on the gov.uk website. Stakeholders included members of the emergency services, road user groups, local authorities and vehicle recovery operators. Stakeholders will continue to receive updates and news on the Scheme implementation with consideration given to the commencement of the Scheme and its effects on local residents, the travelling public and businesses through Highway's England's website, media and press releases.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An impact assessment has not been prepared for this instrument because there is an insignificant impact on business. The de minimis assessment undertaken by Highways England concluded that the annual monetised costs to business of compliance with the speed limit would be -£0.1m with lower and upper limits between -£0.2m and £0.0m (undiscounted 2016 prices as required by the assessment).

## **13. Regulating small business**

- 13.1 The legislation does not directly impose a regulatory burden on business activity.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of the legislation for the Scheme as a whole is to conduct an assessment of the effectiveness of the Scheme in relation to traffic flows, accidents and environmental factors. A Post Opening Project Evaluation (POPE) of the Scheme is planned in the second and sixth years of its operation. The purpose of the POPE is to measure the business case aims and benefits of the Scheme against what it is actually delivering at the time of the evaluations.
- 14.1 A statutory review provision is not included in the Regulations because a review would be disproportionate when taking into account the economic impact of the Regulations on business and there are no factors that would make it particularly desirable to include a review provision.

## **15. Contact**

- 15.1 Graham Hayes at Highways England (Telephone: 07775 701830 or [Graham.Hayes@highwaysengland.co.uk](mailto:Graham.Hayes@highwaysengland.co.uk)) can be contacted with any queries regarding the instrument.

- 15.2 Rosemary Hopkins, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere of Norbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.