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STATUTORY INSTRUMENTS

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**2015 No. 392**

**ROAD TRAFFIC**

**SPECIAL ROADS**

**The Motorways Traffic (England and Wales)  
(Amendment) (England) Regulations 2015**

*Made* - - - - - *24th February 2015*

*Laid before Parliament* *4th March 2015*

*Coming into force* - - - *6th April 2015*

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<sup>(1)</sup>.

Representative organisations have been consulted in accordance with section 134(2) of that Act.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Motorways Traffic (England and Wales) (Amendment) (England) Regulations 2015 and come into force on 6th April 2015.

(2) These Regulations apply in relation to England only.

**Amendment to the Motorways Traffic (England and Wales) Regulations 1982**

2.—(1) The Motorways Traffic (England and Wales) Regulations 1982<sup>(2)</sup> are amended as follows.

(2) In regulation 3(1) (interpretation) after sub-paragraph (c) insert—

“(ca) emergency refuge area” means a part of the motorway—

(i) which is adjacent to and situated on the left hand or near side of the hard shoulder or carriageway when facing in the direction in which, in accordance with regulation 6, vehicles may be driven, and

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(1) 1984. c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, 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.

(2) S.I. 1982/1163. There are amendments to these Regulations which are not relevant.

- (ii) whose boundary with the hard shoulder or carriageway indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002(3);”
- (3) In regulation 3(1) sub-paragraph (g), after “hard shoulder,” insert “an emergency refuge area,”.
- (4) In regulation 7 (restriction on stopping)—
  - (a) at the end of paragraph (2) after “carriageway” insert “or on any emergency refuge area which is adjacent to that carriageway or hard shoulder”; and
  - (b) in paragraph (3) after “hard shoulder” (in each place) insert “or emergency refuge area”.
- (5) For regulation 9 (restriction on the use of hard shoulders), substitute-

**“Restriction on the use of hard shoulders and emergency refuge areas**

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

- (6) In regulation 14 (restrictions affecting animals carried in vehicles) in paragraph (b)(i), after “hard shoulder” insert “or an emergency refuge area”.

Signed by authority of the Secretary of State for Transport

24th February 2015

*John Hayes*  
Minister of State  
Department for Transport

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## EXPLANATORY NOTE

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

These Regulations amend the Motorways Traffic (England and Wales) Regulations 1982 (“the 1982 Regulations”). Although the 1982 Regulations extend to England and Wales, these amendments have application in England only.

The 1982 Regulations prescribe the manner in which motorways in England and Wales can be used, one aspect of which is the use of hard shoulders. New smart motorway schemes which enable the use of the hard shoulder as an additional lane have introduced the use of emergency refuge areas in place of hard shoulders. Accordingly, the 1982 Regulations are amended to provide for the use of emergency refuge areas.

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 these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk)