
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 344

**The M9/A9 Trunk Road (Newbridge to
Winchburgh) (Variable Speed Limits and Actively
Managed Hard Shoulder) Regulations 2012**

Application of 1995 Regulations to the relevant road

5. In relation to the relevant road the 1995 Regulations apply as if they had been modified as follows—

- (a) in regulation 2(1) (interpretation) as if—
 - (i) in the appropriate places, there were inserted—
 - ““the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002(1);”;
 - ““actively managed hard shoulder” means the lengths of hard shoulder of the relevant road specified in Schedule 2;”;
 - ““emergency refuge area” means a part of the relevant road which is—
 - (a) adjacent to and situated on the left hand or near side of the 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 Schedule 6 to the 2002 Regulations;”;
 - ““permitted vehicle” means a motor vehicle constructed or adapted to carry more than 23 seated passengers (exclusive of the driver);”;
 - ““relevant road” means the road known as the M9/A9 Edinburgh–Stirling–Thurso Trunk Road from Newbridge to Winchburgh;”;
 - (ii) in the definition of “carriageway” after the second occurrence of “motorway” there was inserted “(other than the actively managed hard shoulder)”;
 - (iii) in the definition of “hard shoulder” after “vehicle” there was inserted “(and includes the actively managed hard shoulder)”;
- (b) in regulation 6(2), (3)(a) and (b) (restriction on stopping) as if, in each place where it occurs, for “or in an emergency layby” there was substituted “, in an emergency layby, or emergency refuge area”;
- (c) for regulation 8 (restriction on the use of hard shoulders or emergency laybys) by substituting—

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

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

8A. Use of the actively managed hard shoulder

(1) A permitted vehicle may drive on the actively managed hard shoulder as if it were a lane of the carriageway.

(2) Paragraph (1) does not apply when on a gantry directly above the actively managed hard shoulder there is displayed a traffic sign of the type shown in diagram 5003 or 5003.1 in Schedule 10 to, or diagram 6031 in Schedule 11 to, the 2002 Regulations.

(3) Paragraph (2) does not apply to a permitted vehicle which is being driven on the actively managed hard shoulder when any of the traffic signs mentioned in paragraph (2) is displayed until that vehicle passes a gantry displaying one of those signs.

(4) When paragraph (1) applies the actively managed hard shoulder is to be regarded, in relation to a permitted vehicle, as part of the carriageway of the relevant road for the purposes of these Regulations.

(5) 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).

8B. Use of emergency refuge area on actively managed hard shoulder

(1) When regulation 8A(1) applies, any vehicle using or intending to use the actively managed hard shoulder for the purposes of a hard shoulder in accordance with regulation 6(2), must comply with paragraph (2).

(2) The vehicle must as soon and insofar as reasonably practicable and safe, be driven or moved off the actively managed hard shoulder on to an emergency refuge area.

(3) A vehicle at rest on the emergency refuge area must so far as reasonably practicable be positioned so that no part of it, or of the load carried by it, obstructs or is a cause of danger to vehicles using the actively managed hard shoulder.”

- (d) in regulation 12 (restriction affecting animals carried in vehicles) as if after “emergency layby” there was inserted “, emergency refuge area”; and
- (e) as if after the Schedule there was inserted—

“SCHEDULE 2

Regulation 2(1)

THE ACTIVELY MANAGED HARD SHOULDER OF THE RELEVANT ROAD

1. The length of hard shoulder of the southbound carriageway from the point where the southbound on-slip merges with the southbound carriageway at Junction 1a to the point where the southbound off-slip diverges from that carriageway at Junction 1.

2. The length of hard shoulder of the southbound off-slip at Junction 1.

3. In this Schedule—

- (a) a junction followed by a number is a reference to the junction of the M9 of that number;

- (b) “M9” means the motorway known by that name;
- (c) “on-slip” means a slip road intended for the use of traffic entering the relevant road;
- (d) “off-slip” means a slip road intended for the use of traffic exiting the relevant road.”