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STATUTORY INSTRUMENTS

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**2005 No. 1671**

**The M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005**

**Citation and commencement**

1. These Regulations may be cited as the M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005 and shall come into force on 27th July 2005.

**Interpretation**

2. In these Regulations—

“the 1982 Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(1);

“the 2002 Regulations” means the Traffic Signs Regulations 2002(2);

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

“relevant roads” means the lengths of motorway specified in the Schedule to these Regulations.

**Modification of the 1982 Regulations in relation to relevant roads**

3.—(1) In relation to the relevant roads, the 1982 Regulations shall have effect subject to the following modifications.

(2) In regulation 3(1)—

(a) after sub-paragraph (a) insert—

“(aa) “actively managed hard shoulder” means the hard shoulder of the relevant roads;”;

(b) in sub paragraph (b) (i) after “the motorway” insert “and includes the actively managed hard shoulder when it is treated as a lane of the carriageway in accordance with regulation 5A;”;

(c) after sub paragraph (c) insert—

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

(ii) whose boundary with the hard shoulder or carriageway is indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002;”;

(d) in sub paragraph (e) after “hard shoulder”, insert “subject to regulation 5A(3);”;

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(1) S.I.1982/1163; relevant amending instruments are S.I. 1984/1479, 1992/1364.

(2) Part I of S.I. 2002/3113; relevant amending instrument is S.I. 2005/1670.

- (e) in sub paragraph (g), after “hard shoulder”, add “an emergency refuge area,”; and
- (f) after sub paragraph (f) insert—

“(aff) “relevant roads” has the meaning given by regulation 2 of the M42 (Junctions 3A to 7) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2005;”.

- (3) For regulation 4 substitute—

**“Application**

4. These Regulations apply to the relevant roads.”

- (4) After regulation 5 insert—

**“Use of actively managed hard shoulder**

5A.—(1) Subject to the following provisions of these Regulations, a vehicle may be driven on a relevant length of the actively managed hard shoulder.

(2) The relevant length of the actively managed hard shoulder shall be treated for the purposes of these Regulations as a lane of the carriageway.

(3) Accordingly where paragraph (2) applies, references in these Regulations—

- (a) to a carriageway shall be treated as including references to the relevant length of the actively managed hard shoulder; and
- (b) to a hard shoulder, except in regulation 3(1), shall be treated as excluding references to the relevant length of the actively managed hard shoulder.

(4) For the purposes of this regulation “relevant length” in relation to the actively managed hard shoulder means a length of the actively managed hard shoulder that—

- (a) begins immediately after an overhead gantry on which, directly above the actively managed hard shoulder, there is displayed a traffic sign of the type shown in diagram 670 in Schedule 2 to the Traffic Signs Regulations 2002 indicating that a speed limit other than the national speed limit applies to the actively managed hard shoulder; and
- (b) ends immediately before an overhead gantry on which directly above the actively managed hard shoulder there is displayed a traffic sign of the type shown in diagram 5003.1 in Schedule 10, or 6031.1 in Schedule 11, to the Traffic Sign Regulations 2002.”

(5) At the end of regulation 7(2) after “carriageway” insert “or on any emergency refuge area which is contiguous to that carriageway or hard shoulder”.

(6) In regulations 7(3)(a) and (b), 9 and 14(b)(i), after “hard shoulder” (in each place), add “or emergency refuge area”.

(7) In regulation 12(2), after “three or more traffic lanes” add “(including the actively managed hard shoulder when it is in use as a lane of the carriageway in accordance with regulation 5A).”

**Speed limits on relevant roads**

4.—(1) Subject to paragraph (3) where a motor vehicle being driven on any part of the relevant roads passes a speed limit sign no person shall during the relevant period, drive the vehicle on any part of the relevant roads at a speed exceeding the relevant speed.

(2) For the purposes of this regulation, a vehicle shall not be regarded as passing a speed limit sign unless the sign is—

- (a) on or near any part of the relevant roads; and

(b) directed at traffic on the carriageway on which the vehicle is being driven.

(3) If—

- (a) a motor vehicle being driven on any part of the relevant roads passes a speed limit sign at a particular location; and
- (b) apart from this paragraph, the vehicle would be subject to a speed limit by virtue of this regulation, but would not have been subject to a speed limit by virtue of this regulation had it passed that location ten seconds earlier than was in fact the case,

the vehicle shall not be subject to any speed limit by virtue of this regulation until that vehicle again passes a speed limit sign.

(4) In this regulation—

“national speed limit” has the meaning given by regulation 5(2) of the 2002 Regulations;

“relevant period” means the period that begins immediately after the vehicle passes the speed limit sign and ends immediately before one of the following events occurs, namely—

- (a) the vehicle passes a traffic sign which indicates that the national speed limit or any different maximum speed limit is in force; or
- (b) the vehicle goes outside the area comprising the relevant roads;

“relevant speed” means the maximum speed indicated by the speed limit sign at the time that the vehicle passes it, or, if higher, the maximum speed indicated by the speed limit sign ten seconds before that time; and

“speed limit sign” means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which indicates that a specified maximum speed limit other than the national speed limit is in force.

Signed by authority of the Secretary of State for Transport

18th June 2005

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