
STATUTORY INSTRUMENTS

2005 No. 1671

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

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);”;

(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).”