

2009 No. 1569

ROAD TRAFFIC

SPECIAL ROADS

**The M40 Motorway (M40 Junction 16 to M42 Junction 3A)
(Northbound) (Variable Speed Limits) Regulations 2009**

<i>Made</i> - - - -	<i>22nd June 2009</i>
<i>Laid before Parliament</i>	<i>29th June 2009</i>
<i>Coming into force</i> - -	<i>21st July 2009</i>

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(a).

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

Citation and commencement

1. These Regulations may be cited as the M40 Motorway (M40 Junction 16 to M42 Junction 3A) (Northbound) (Variable Speed Limits) Regulations 2009 and come into force on 21st July 2009.

Interpretation

2.—(1) In these Regulations—

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

“the 2002 Regulations” means the Traffic Signs Regulations 2002(c); and

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

Variable speed limits

3.—(1) No person shall drive a vehicle on a section of a road which is subject to a variable speed limit at a speed exceeding that indicated by a speed limit sign.

(a) 1984 c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, Part II, paragraph 28(3); and by the Road Traffic Act 1991(c.40), Schedule 4, paragraph 25 and Schedule 8. There are other amendments to sections 17 and 134 which are not relevant to these Regulations.
(b) S.I. 1982/1163, as amended by S.I. 1984/1479, 1992/1364 and 2004/3258.
(c) Part I of S.I. 2002/3113, as amended by S.I. 2005/1670. There are other amendments not relevant to these Regulations.

(2) A section of a road is subject to a variable speed limit in relation to a vehicle being driven along it if—

- (a) the road is specified in the Schedule;
- (b) the vehicle has passed a speed limit sign; and
- (c) the vehicle has not passed—
 - (i) another speed limit sign indicating a different speed limit; or
 - (ii) a traffic sign which indicates that the national speed limit is in force.

(3) In relation to a vehicle, the speed limit indicated by a speed limit sign is the speed shown at the time the vehicle passes the sign, or, if higher, the speed limit shown by the sign ten seconds before the vehicle passed the sign.

(4) For the purpose of this regulation a speed limit sign is to be taken as not indicating any speed limit if, ten seconds before the vehicle passed it, the sign had indicated no speed limit or that the national speed limit was in force.

(5) In this regulation—

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

“road” includes the adjacent hard shoulder and verge;

“speed limit sign”, in relation to a vehicle, means a traffic sign of the type shown in diagram 670 in Schedule 2 to the 2002 Regulations which is—

- (a) situated on or near any part of a road specified in the Schedule; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven.

Signed by authority of the Secretary of State for Transport

22nd June 2009

C. D. Mole
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 3(2)

SPECIFIED ROADS

1. The specified roads are the—
 - (a) northbound carriageway of the M40 from marker post 167/1 + 55A to marker post 169/8 -18A;
 - (b) carriageway of the northbound slip road; and
 - (c) linking carriageway.
2. Any reference in this Schedule to—
 - (a) the letter “M” followed by a number is a reference to the motorway known by that name; and
 - (b) the letter “A” followed by a number is a reference to the road known by that name.
3. In this Schedule—

“linking carriageway” means the carriageway in the vicinity of junction 3A of the M42 northbound commencing where it diverges from the M40 northbound carriageway and ending where it merges with the M42 northbound carriageway;

“northbound slip road” means the road for entering the M40 northbound in the vicinity of junction 16 of that motorway, from the A3400, commencing at the zone sign and ending where it merges with the M40 northbound carriageway; and

“zone sign” means a sign authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984 for the purpose of indicating that vehicles are entering a specified road.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the M40 Motorway northbound from junction 16 to where it meets junction 3A of the M42 Motorway, and on certain slip roads and the linking carriageway.

Regulation 3 provides for variable speed limits to have effect on the roads specified in the Schedule. Where variable speed limit signs are in operation a vehicle may not be driven at a speed above the maximum indicated by each speed limit sign passed by the vehicle until it passes a sign indicating that the national speed limit applies or the vehicle leaves the roads covered by the regulation. Where a speed limit changes less than 10 seconds before a vehicle passes the sign and had indicated a higher speed limit, the regulation allows a driver to proceed at a speed up to the maximum applicable before the change. Where the speed limit sign indicates a speed limit when it is passed by a vehicle but less than 10 seconds previously it was either giving no indication of a speed limit or that the national speed limit applied, the sign is to be taken as giving no indication of a speed limit to the vehicle passing it.

A copy of the impact assessment prepared in respect of these Regulations can be obtained from the ATM and ITS Solutions Team, C5, 5 Broadway, Broad Street, Birmingham, B15 1BL. A copy has been placed in the library of each House of Parliament and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

STATUTORY INSTRUMENTS

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£4.00