

**EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (VARIATION OF SPEED LIMITS) (ENGLAND AND
WALES) REGULATIONS 2014**

2014 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument increases the maximum speed limit in England and Wales for heavy goods vehicles (HGVs) over 7.5 tonnes (t) from 40 to 50 miles per hour on single carriageway roads and from 50 to 60 miles per hour on dual carriageway roads in England and Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

This instrument amends Schedule 6 to the Road Traffic Regulation Act 1984 (“the 1984 Act”). Schedule 6 to the 1984 Act provides for speed limits for certain classes of vehicles. Part one of the Schedule applies to vehicles and vehicle plus trailer fitted with pneumatic tyres. The current speed limit for HGVs is set out in item 5 of this Part to the Schedule. Section 86(2) of the 1984 Act provides that the provisions of Schedule 6 may be varied by Regulation. Section 134 requires that regulations which vary Schedule 6 follow the affirmative procedure.

5. Territorial Extent and Application

The Road Traffic Regulation Act 1984 extends to Great Britain. However as maximum vehicle speed limits are devolved matters in Scotland and Northern Ireland, this instrument applies to England and Wales only.

6. European Convention on Human Rights

The Parliamentary Under-Secretary of State for Transport, Claire Perry MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Motor Vehicles (Variation of Speed Limit) (England and Wales) Regulations 2014 are compatible with the Convention rights.”

7. Policy background

Single Carriageways

7.1 The speed limit of 40 mph on single carriageways for HGVs weighing more than 7.5t dates from the 1960s and there have been long-standing calls for it to be changed to 50 mph. The Department for Transport (DfT) commissioned a research report about an increase in the speed limit from the Transport Research Laboratory (TRL) about possible safety effects of speed limit change, which was completed in 2009. Findings from this report were incorporated into the Department's impact assessment, discussed below.

7.2 The speed limit for HGVs over 7.5t on single carriageways was considered in the red tape challenge (RTC) for road transport, which started in May 2011. The aim was to invite public comments and re-examine regulations, including to consider whether they were still necessary, whether the requirements they proposed on business and the public were proportionate and how useful they were. The challenge concluded with the Department indicating that it "intend[ed] to consider raising the speed limit for HGVs over 7.5 tonnes on single carriageway roads".

7.3 In November 2011 DfT published the Logistics Growth Review (at <https://www.gov.uk/government/publications/logistics-growth-review>), which included a set of measures to target the barriers to growth identified by the logistics industry and its users. The review indicated DfT intended to consult on the speed limit for HGVs over 7.5 tonnes on single carriageway roads in 2012.

7.4 The 40 mph HGV speed limit on single carriageways is 20 mph less than the national single carriageway speed limit and is the lowest of the mainstream vehicle class speed limits (with cars towing trailers or caravans, buses and coaches and smaller lorries all having speed limits of 50 mph). It was set when HGVs had very different technology and the problems associated with it include:

- it is an antiquated restriction, which is not matched in most other European countries - the justification for its current level is now relatively weak;
- a substantial majority of drivers do not comply with it;
- significantly increasing roadside enforcement to establish a credible deterrent for the 40 mph limit would not be a reasonable demand on finite police resources. Enforcement is more difficult to automate using cameras than road speed limits. If a lot more enforcement did occur, it would involve the disproportionate targeting and punishment of these drivers;
- the current widely-flouted restrictions mean that the law-abiding are at a competitive disadvantage and incur extra costs associated with the slower journeys and reduced driver and vehicle utilisation than those that ignore the law;
- the speed limit differential generates congestion, particularly on some main roads; and
- the safety problems associated with overtaking and driver frustration.

7.5 This instrument therefore amends the speed limit from 40 mph to 50 mph on single carriageway roads in England and Wales for goods vehicles exceeding 7.5 tonnes (whether 7.5t is the maximum laden weight for an articulated vehicle or a motor vehicle not drawing a trailer, or it is the aggregate maximum laden weight of a motor vehicle drawing one trailer).

Dual Carriageways

7.6 This instrument also amends the speed limit from 50mph to 60mph on dual carriageway roads in England and Wales for the same vehicles.

7.7 As with the single carriageway speed limit, it is clear that the dual carriageway limit is outdated and poorly observed. More than 80% of HGVs over 7.5t exceed 50 mph on dual carriageways in free-flow conditions. As with single carriageways, rigorous enforcement of the limit would not be a reasonable call on finite police resources.

7.8 National Statistics show that average free-flow¹ speeds for HGVs over 7.5t on dual carriageways and motorways are broadly the same at 53 mph, despite the higher 60 mph limit on motorways. This suggests that increasing the speed limit to 60 mph for these vehicles on dual carriageways would not result in an increase in actual speeds, as it is implausible that HGVs would travel faster on dual carriageways than on motorways, which are designed to higher standards. 99% of HGVs over 7.5t travel within the 60 mph limit on motorways, in part because they are required by Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, to have speed limiters fitted and set at 56 mph.

7.9 The evidence suggests that the main effect of the 50 mph dual carriageway speed limit for HGVs is to criminalise common-place driver behaviour. In doing so it risks contributing to bringing other road traffic regulations, particularly speed limits, into disrepute. The policy intention of the change is therefore to modernise the speed limit so it reflects the capabilities of modern HGVs, improve compliance, make the limit more credible, and legitimise the behaviour of professional HGV drivers.

8. Consultation outcomes

8.1 The Department issued separate consultations on the change in speed limit for single carriageways and dual carriageways.

Single Carriageways

8.2 DfT published the consultation ‘Examining the Speed Limit for HGVs over 7.5 tonnes on Single Carriageway Roads’² on 9th November 2012 which closed on 1st

¹ Where vehicle speeds are not restricted by congestion or obstacles such as hills or bends.

² <https://www.gov.uk/government/consultations/examining-the-speed-limit-for-heavy-goods-vehicles-over-7-5-tonnes-on-single-carriageway-roads>

February 2013) to seek views and evidence, including about possible effects on safety, emissions, noise, road maintenance and the use of railways.

8.3 DfT received 703 responses in total. More than half came from private individuals, more than 100 from local authorities and 79 were from the logistics sector³. By number of responses about 73% opposed an increase of the speed limit to 50 mph, whilst 25% supported it. 77% of private individuals opposed the change, whilst 78% of logistics sector respondents in favour (these included companies and four associations, whose members range in number from 300 to 14,000 members). Very few people supported an alternative option of changing the speed limit to 45 mph.

8.4 The main issues raised by those opposing change were:

- road safety concerns – though the majority of both those in favour of an increase and those opposing it cited road safety as the reason for their opinion
- concerns that raising the speed limit would have a detrimental effect on road wear and tear
- and environmental concerns, though some consultees thought environmental impacts would be negligible or improved with the speed limit change.

8.5 The most frequently cited reason for opposing the proposal was the effect on road safety, as respondents were concerned that HGVs travelling faster would be involved in more, and more serious, accidents, and that there would be negative impacts for vulnerable road users in particular. There are potential risks of the higher speed limit related to higher average speeds, and these have been quantified using previous experience, albeit with a significant degree of uncertainty. A significant reason for the uncertainty is that as almost all research into speed and accidents relates to the speed of all traffic, rather than just one type of vehicle, the Department adapted the findings of these studies in consultation with academics to give an estimate. The assessment indicates the scale of risk would be about 2 or 3 extra fatal road traffic incidents per year with the change compared to without it. There is also a potential road safety benefit associated with the change, that of reduced speed variance amongst HGVs and other traffic, which could lead to fewer risky overtaking manoeuvres and less driver frustration, but there is little evidence available to quantify this benefit. The assessment suggests that it would be unlikely that it would balance the potential risks of higher average speeds. Associated measures will therefore be put in place with the aim of improving safety and also addressing localised environmental issues. These are detailed at paragraph 8.8.

8.6 Britain has an excellent and improving road safety record – one of the best in the world. Better vehicle design, highways engineering and behavioural change have all contributed to these improvements, including a halving during the last decade of the total number of deaths on rural roads and of those deaths in incidents involving HGVs.

³ 164 vulnerable road users, 108 local councils / employees, 265 private individuals, 7 businesses, 79 logistics sector, 25 local associations / groups, 8 road safety groups, 17 public services, 9 farming sector, 11 education / transport research, 10 other.

8.7 Improvements in lorry design to improve braking, visibility, crash resilience and the effects when vulnerable road users are hit all continue to develop and spread through the lorry fleet. Changes have been or are being introduced to tackle high risk behaviours, such as drug impaired, drink and careless driving.

8.8 In addition some measures designed to improve safety directly associated with speed policy or HGVs, some of which are directly associated with the HGV speed limit change, are:

- more encouragement for local authorities to consider lower local speed limits, including on sections of road where there are relatively high numbers of pedestrians and cyclists and frontage development. The Department wrote to local highway authorities following the announcement of its post-consultation decision, about the opportunities offered in its 2013 local speed circular. Local 50 mph speed limits have spread and those introduced over the three years from 2010 to 2013 appear to have had an effect on fatalities greater than the additional risk associated with the national HGV speed limit. The Department anticipates allowing local authorities to introduce reduced sign 40 mph zonal limits without specific authorisations early in 2015;
- a stronger consideration of HGV vehicle class speed limit offences in the vocational driver conduct process, with more use of warnings about the risk of licence revocations, an approach enabled by the HGV speed limit being set at a reasonable level. This builds on changes being made in relation to instances of the offence involving the use of hand held mobile phones whilst driving;
- the progression of proposals through consultation and to implementation related to more effective ways to enforce commercial vehicle drivers' hours offences, the use of side guard equipment, roadworthiness testing and operator licensing.

8.9 Some consultees also raised concerns about the impact of a higher speed limit on the environment, as they thought HGVs travelling faster would use more fuel and hence have higher emissions. Due to increased fuel use at higher speeds, Carbon Dioxide (CO₂) emissions from HGVs are projected to increase by a small amount, monetised as £0.7m. Using the latest vehicle emissions curves, the projected increase in average vehicle speed will result in reduced Nitrous Oxide (NO_x) emissions as HGVs are more NO_x efficient at higher speeds. Particle Matter (PM₁₀) emissions will however increase slightly, as HGVs are most efficient with regard to PM₁₀s at 44mph. Where air quality is of particular concern, local authorities can set lower local speed limits as set out in the Department's speed limit circular.

8.10 Road wear and tear was another concern consultees raised. The effect of speed on road wear and tear is relatively small; weight, in particular axle weight, is a much bigger factor. As the speed increase is predicted to be less than 1 mph across the road network, the Department does not consider that the impacts on road maintenance are likely to be significant.

8.11 The Consultation response and Government decision report can be found at <https://www.gov.uk/government/consultations/examining-the-speed-limit-for-heavy-goods-vehicles-over-7-5-tonnes-on-single-carriageway-roads>

Dual Carriageways

8.12 The Department published the consultation 'Examining the Speed Limit for HGVs over 7.5t on Dual Carriageway Roads' on 24th July 2014⁴ which closed on 5th September 2014. DfT received 524 responses to this consultation⁵, 68% of whom supported changing the speed limit for HGVs over 7.5t on dual carriageways to 60mph. 14% opposed an increase in speeds, and very few supported 55mph or made other suggestions. The majority of organisations responding, including the Association of Chief Police Officers, The Association of Directors of the Environment, Planning and Transport, the Freight Transport Association, the Road Haulage Association, and the Automobile Association were in favour of 60mph, with the exception of some road safety organisations, including Brake.

8.13 As with the single carriageways measure, the main reasons given for opposing change were road safety and environmental concerns, and some respondents expressed the view that current speed limits should be better enforced. The Department's view that actual speeds of HGVs over 7.5t are unlikely to increase as a result of the speed limit change (and consequently, that there would be no road safety or environmental impacts) was not well understood by consultees, many of whom seemed unaware of the requirement for these vehicles to have speed limiters fitted, preventing their powered speed exceeding 56mph. Consequently, the Department carried out an indicative sensitivity test to consider the impacts of a 1mph change in average speeds, and set out its reasons more fully in the impact assessment. The sensitivity test showed a possible very small impact on road safety as a result of a 1 mph increase in average speeds, of 0.18 additional fatal accidents per year. It also showed a possible benefit to business as a result of faster journey times of £9.8m per year. The Department does not consider these effects to be likely, as it would entail HGVs driving faster on dual carriageways than motorways.

8.14 Many of the safety measures mentioned above in relation to the speed limit change on single carriageway roads, including the ability of local authorities to set lower local speed limits, are also relevant for the speed limit change on dual carriageways.

The Consultation response and Government decision report can be found at: <https://www.gov.uk/government/consultations/increased-speed-limit-for-heavy-goods-vehicles-over-75-tonnes-dual-carriageway>

8.15 Before arriving at a decision the Department has considered very carefully the points made against the proposals for single and dual carriageways. However, it is the

⁴ <https://www.gov.uk/government/consultations/increased-speed-limit-for-heavy-goods-vehicles-over-75-tonnes-dual-carriageway>

⁵ 146 road users, 137 haulage companies, 126 HGV drivers, 16 road safety organisations, 16 trade associations or representative bodies, 6 enforcement bodies, 25 driving instructors, 13 local authorities and 22 'other'.

case that the major reasons for negative responses can be addressed, including those made in respect of road safety. The Department has assessed the major effects of a change and the evidence provided with respect to them. It considers the best course of action is to change the speed limit, as part of a package of measures designed to address road safety and environmental concerns, the main components of which are detailed above at paragraph 8.8.

9. Guidance

9.1 The Highway Code will be amended to reflect the speed limit increases. DfT plans to run a communications campaign to raise awareness of the speed limit changes.

9.2 DfT has already issued policy advice to English and Welsh local authorities about local speed limits, at <https://www.gov.uk/government/publications/setting-local-speed-limits>.

10. Impact

10.1 The impact on business, charities and voluntary bodies is deregulatory.

10.2 The best estimate of net benefit (present value) associated with the single carriageway speed limit increase is £126.5m (2014 prices over 18 years). This is the sum of costs and benefits related to the value of time savings, fuel and other vehicle operating costs, wider economic impacts, environmental effects, road safety and implementation work.

10.3 Some potential effects have not been included in the quantified net benefit figure for single carriageways, primarily because they are difficult to quantify. These include the effects related to less congestion for other motorists, the maintenance costs and the safety effects of less overtaking/ reduced variance in speeds.

10.4 For the change of speed limits on dual carriageways, the Department does not forecast any costs or benefits as a result of the change, because the evidence suggests that actual speeds of HGVs over 7.5t will not increase as a result of the speed limit change.

10.5 Indirect tax revenues are forecast to increase with the single carriageway speed limit change as fuel use rises. Other effects on the public sector are likely to be relatively small. There will be some limited costs (for example possible signage at the Anglo-Scottish border) and some limited savings (for example due to fewer proceedings for speeding offences).

10.6 The final Impact Assessments are attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

As this instrument is deregulatory there is no requirement to minimise the impact on firms employing up to 20 people.

12. Monitoring & review

12.1 Official statistical data is collected and monitored annually about speeds and safety and will be monitored.

12.2 The Department intends to conduct an evaluation study of the impacts of the amended legislation within five years of the coming into force date.

13. Contact

Alanna Barber (at the Department for Transport Tel: 0207 944 5813 or email: alanna.barber@dft.gsi.gov.uk) can answer any queries regarding the instrument.