

**EXPLANATORY MEMORANDUM TO**  
**THE M1 MOTORWAY (JUNCTIONS 23A TO 25) (VARIABLE SPEED LIMITS)**  
**(AMENDMENT) REGULATIONS 2018**

**2018 No. 1044**

**1. Introduction**

- 1.1 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**

- 2.1 The Regulations enable the operation of variable speed limits on a slip road at junction 24 and a linking carriageway at junction 24A on the M1 motorway.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England. Only the two sections of motorway referred to in the instrument will be affected, both of which are located in England.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

**6. Legislative Context**

- 6.1 These Regulations have been made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 (“the 1984 Act”), which empowers the Secretary of State to make regulations with respect to the use of special roads generally and, as in this case, with respect to particular lengths of motorway. These Regulations allow for the operation and enforcement of variable mandatory speed limits in relation to the two roads referred to in the Regulations.
- 6.2 Section 134(2) of the 1984 Act requires the Secretary of State to consult with such representative organisations as are seen fit prior to making regulations under the Act.

- 6.3 The Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) enable certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways.
- 6.4 In addition, traffic signs authorised by the Secretary of State under section 64 of the 1984 Act will be placed on or near the two roads referred to in the Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road to which variable mandatory speed limits apply.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The two roads referred to in the Regulations will become part of the M1 Junction 23A to 25 Smart Motorway Scheme (“the Scheme”) which is a scheme within Highways England’s programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. The background to the Scheme is set out in the explanatory memorandum to S.I. 2018/819 which instrument is being amended by these Regulations. S.I. 2018/819 introduced variable mandatory speed limits on roads covered by the Scheme save for the two roads referred to in these Regulations. The two roads were originally intended to be included within the Scheme but had not been completed prior to the making of S.I. 2018/819 and that instrument needed to be made at that time in order to avoid delaying the essential testing and commissioning works for the remainder of the roads within the Scheme.
- 7.2 The two roads were completed on 29th July 2018 and so should be included within the Scheme and become roads to which variable mandatory speed limits apply.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 As these Regulations are the first amendment of S.I. 2018/819 consolidation is not considered appropriate.

## **10. Consultation outcome**

- 10.1 The consultation period on the proposal to introduce variable mandatory speed limits on all the roads intended to be included within the Scheme started on 2nd February 2017 for a period of four weeks, finishing on 3rd March 2017. The Statutory Instrument Consultation Document is available on the following websites: Citizen Space: <https://highwaysengland.citizenspace.com/he/m1-23a-to-25-smart-motorway/> and Scheme webpage: <http://roads.highways.gov.uk/projects/m1-junctions-23a-to-25-smart-motorway/>
- 10.2 The Consultation Document therefore included the two roads referred to in these Regulations. The Explanatory Memorandum for S.I. 2018/819 summarises the consultation responses received and the outcome thereof. A detailed analysis of the consultation outcome and report, including responses to the issues raised, is available on the Highways England website at the following address: <http://roads.highways.gov.uk/projects/m1-junctions-23a-to-25-smart-motorway/>

## **11. Guidance**

- 11.1 The Consultation Document contained information on the operation of variable mandatory speed limits on the Scheme roads. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators.

## **12. Impact**

- 12.1 The impact on business, charities or voluntary bodies and the public sector is that variable mandatory speed limits will benefit the motorist by helping to reduce congestion, be informative and improve journey times.
- 12.2 An Impact Assessment has not been prepared for this instrument because no impact on the costs of business, charities, voluntary bodies or the public sector is foreseen.

## **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 The introduction of variable mandatory speed limits will not have an adverse effect on small business. The Regulations do not impose any new or increased burden. Highways England will continue to provide targeted information on the Scheme to organisations within the surrounding area, including small businesses.

## **14. Monitoring & review**

- 14.1 The operation of the Scheme as a whole will be monitored and assessed to establish its effectiveness on traffic flows, accidents and environmental factors through Post Opening Project Evaluation.

## **15. Contact**

- 15.1 David Cooke at Highways England, telephone: 0300 4702915 or email: [david.cooke@highwaysengland.co.uk](mailto:david.cooke@highwaysengland.co.uk) can be contacted with any queries regarding the instrument.

