

2019 No. 1158

ROAD TRAFFIC

SPECIAL ROADS

**The M20 Motorway (Junctions 3 to 5) (Variable Speed Limits)
Regulations 2019**

<i>Made</i> - - - -	<i>20th July 2019</i>
<i>Laid before Parliament</i>	<i>24th July 2019</i>
<i>Coming into force</i> - -	<i>14th August 2019</i>

The Secretary of State 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 M20 Motorway (Junctions 3 to 5) (Variable Speed Limits) Regulations 2019 and come into force on 14th August 2019.

Interpretation

2. In these Regulations—

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

“the 2016 Regulations and Directions” means the Traffic Signs Regulations and General Directions 2016(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 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 2, paragraph 28(3); section 17(2)(b) was amended by the Road Traffic Act 1991 (c.40), Schedule 8; section 17(2)(d) was inserted by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 25. There are other amendments to sections 17 and 134 which are not relevant to these Regulations.

(b) S.I. 1982/1163, relevant amending instruments are S.I. 1983/374, 1984/1479, 1992/1364, 2004/3258, 2015/392.

(c) S.I. 2016/362, to which there are 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;
- (c) the vehicle has not subsequently 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; and
- (d) no speed restriction is in force by virtue of—
 - (i) an order or notice under section 14(a) of the Road Traffic Regulation Act 1984; or
 - (ii) a traffic sign placed by a traffic officer pursuant to section 7 of the Traffic Management Act 2004(b).

(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 purposes 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 Schedule 1 to the 2016 Regulations and Directions and a traffic sign which indicates that the national speed limit is in force means a traffic sign of the type shown in diagram 671 in Part 2 of Schedule 10 to the 2016 Regulations and Directions which is—

- (a) placed on or near a road; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven;

“road” includes the adjacent hard shoulder and verge; and

“speed limit sign” in relation to a vehicle, means a traffic sign of the type shown in diagram 670 in Part 2 of Schedule 10 to the 2016 Regulations and Directions which is—

- (a) situated on or near any part of a road specified in paragraph 1 of 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

20th July 2019

Michael Ellis
Minister of State
Department for Transport

SCHEDULE Regulation 3(2)(a)

THE SPECIFIED ROADS

1. The specified roads are—

- (a) that length of the eastbound carriageway of the M20 beginning at junction 3 at a point 635 metres east of the eastern edge of the bridge carrying Ford Lane over the M20 (“Ford

(a) Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1.
(b) 2004 c.18.

- Lane bridge”) and ending at junction 4 at a point 620 metres east of the eastern edge of the bridge carrying Birling Road over the M20 (“Birling Road bridge”);
- (b) that length of the westbound carriageway of the M20 beginning at junction 4 at a point 580 metres east of the eastern edge of Birling Road bridge and ending at junction 3 at a point 265 metres east of the eastern edge of Ford Lane bridge;
 - (c) that length of the left hand or nearside lane of the eastbound carriageway of the M20 beginning at junction 4 at a point 40 metres east of the eastern edge of the bridge carrying Lunsford Lane over the M20 and ending at junction 5 at a point 168 metres east of the eastern end of the parapet railing of the bridge carrying the M20 over Hall Road;
 - (d) that length of the left hand or nearside lane of the westbound carriageway of the M20 beginning at junction 5 at a point 25 metres west of the western edge of the eastern bridge carrying Coldharbour Lane over the M20 and ending at junction 4 at a point 580 metres east of the eastern edge of Birling Road bridge;
 - (e) at junction 3—
 - (i) the carriageway linking the eastbound carriageway of the M26 with the eastbound carriageway of the M20 beginning at a point 270 metres east of the eastern end of the parapet railing of the bridge carrying the M26 over the M20 and ending at the merge with the M20; and
 - (ii) the carriageway linking the westbound carriageway of the M20 with the westbound carriageway of the M26 beginning at the diverge from the M20 and ending at a point 695 metres east of the eastern end of the parapet railing of the bridge carrying the M26 over Ford Lane; and
 - (f) at junction 4 the carriageways of the off-slip road from the eastbound carriageway of the M20 to the A228 and the on-slip road from the A228 to the westbound carriageway of the M20.

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;
- (b) the letter “A” followed by a number is a reference to the road known by that name; and
- (c) a junction followed by a number is a reference to the junction of the M20 of that number.

3. In this Schedule—

“off-slip road” means a slip road intended for the use of traffic exiting the M20;

“on-slip road” means a slip road intended for the use of traffic entering the M20; and

“slip road” means a road which connects a motorway with another road other than a motorway.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to—

- (a) the eastbound and westbound carriageways of the M20 motorway between junctions 3 and 4;
- (b) sections of the left hand or nearside lane of the eastbound and westbound carriageways of the M20 between junctions 4 and 5;
- (c) the off-slip road from the eastbound carriageway of the M20 motorway to the A228 and the on-slip road from the A228 to the westbound carriageway of the M20 motorway; and
- (d) sections of the carriageways linking the M20 motorway with the M26 motorway both eastbound and westbound.

Regulation 3 provides for variable speed limits to have effect on the roads specified in paragraph 1 of 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 a 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 ten seconds before a vehicle passes the sign and the sign had indicated a higher speed limit, the regulation allows the 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 ten 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.

Contravention of these Regulations is an offence under section 17(4) of the Road Traffic Regulation Act 1984.

An impact assessment has not been prepared for these Regulations as no impact on the cost of business or the voluntary sector is foreseen. An Explanatory Memorandum is published alongside the Regulations at www.legislation.gov.uk.

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