

**EXPLANATORY MEMORANDUM TO**  
**THE M6 MOTORWAY (JUNCTIONS 2 TO 4) (VARIABLE SPEED LIMITS)**  
**(AMENDMENT) REGULATIONS 2020**

**2020 No. 47**

**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 These Regulations enable the operation of variable mandatory speed limits on the M6 motorway between junctions 2 and 4.

**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 those sections of motorway specified in the Schedule to the Regulations will be affected, all of which are 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 in respect of the use of particular lengths of special road (i.e. motorway) rather than in relation to the use of special roads generally. These Regulations allow the operation and enforcement of variable mandatory speed limits in relation to the specified roads set out in the Schedule to the Regulations.
- 6.2 Section 134(2) of the Road Traffic Regulation Act 1984 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. In addition, traffic signs authorised by the Secretary of State under section 64 of the 1984 Act will be placed on or near the specified roads set out in the Schedule to the Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road to which the Regulations apply.

## **7. Policy background**

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

- 7.1 Highways England Company Limited (“Highways England”) was set up by Government on 1st April 2015 to operate and improve the strategic road network in England. Highways England’s primary role is to deliver a better service for road users and to support a growing economy. The operation of variable mandatory speed limits between junctions 2 and 4 of the M6 is included in Highways England’s programme to modernise England’s motorways by providing more capacity and better connections. The M6 junction 2 to 4 Scheme will have all lane running on four lanes between junctions 2 and 3A by converting the hard shoulder to a running lane. The climbing lane eastbound between junction 3a and 3 will be converted to a permanent traffic lane and will retain the hard shoulder. Between junctions 3A and 4 the Scheme will have three lanes and a hard shoulder. This is designed to tie in with the existing M6 junctions 5 to 8 smart motorway scheme.
- 7.2 The Scheme uses variable mandatory speed limits throughout which are set in response to the prevailing traffic conditions and will be clearly displayed on advanced motorway indicator signs above each lane of the main carriageway mounted on overhead gantries, on verge-mounted variable message signs and on post-mounted advanced motorway indicators. Once in force the Regulations will restrict driving at a speed exceeding that displayed on the signs. When no speed is displayed on the signs then the national speed limit will be in force.
- 7.3 Highways England is committed to building upon the success of the existing smart motorway schemes which have been implemented on a number of busy motorway sections across the country. It is expected that the Scheme will increase motorway capacity and reduce congestion; smooth traffic flows; provide more reliable journey times and increase and improve the quality of information for the driver.

## **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.

## **9. Consolidation**

- 9.1 This instrument is not amending another instrument.

## **10. Consultation outcome**

- 10.1 A formal consultation exercise was undertaken by Highways England for the M6 J2-4 Variable Mandatory Speed Limit and All Lane Running Scheme. The 5-week consultation period began on 14th November 2016 and ended on the 12th December 2016.

- 10.2 Highways England received a total of 5 responses to the consultation. Three of the responses were from the 97 stakeholder consultees, these being Solihull Council; Rugby Borough Council and Fillongley Parish Council. The remaining two were from members of the public. Of the five responses received, two agreed that the introduction of the smart motorway between junctions 2 and 4 of the M6 would improve travelling conditions, one stated that they had no objection to the scheme, one did not believe it would be an improvement and one did not respond to the question.
- 10.3 Four of the five respondents had additional comments and concerns that they submitted to the consultation. None of the respondents commented on the introduction of variable mandatory speed limits.
- 10.4 A detailed analysis of the outcome has been published on the Highways England scheme website: <https://s3.eu-west-2.amazonaws.com/assets.highwaysengland.co.uk/roads/road-projects/m6+junction+2+to+4+smart+motorway/M6+J2-J4+SM+VMS+Consultation+Report+FINAL.pdf>

## **11. Guidance**

- 11.1 The consultation pack issued by Highways England to stakeholders contained information on the operation of variable mandatory speed limits. This consultation pack was also published on the Highways England scheme and GOV.UK websites. Stakeholders included local authorities, members of the emergency services, road user groups and vehicle recovery operators. Stakeholders will continue to receive updates and news on the scheme implementation, with consideration given to the effects of the scheme on local residents, the travelling public and businesses. Prior to the scheme commencing operation road users will be made aware of it through the media and press releases.

## **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 does not apply to activities that are undertaken by small businesses in the sense of imposing a regulatory burden.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is to conduct a Post Opening Project Evaluation (“POPE”) of the scheme in the second and sixth years of its operation. The purpose of the POPE is to measure the business case aims and benefits of the scheme (its effectiveness on traffic flows, accidents and environmental factors) against what it is delivering at the time of the evaluations.

14.2 The regulations do not include a statutory review provision because they do not impose a regulatory burden impacting on business costs and there are no factors that would make it particularly desirable to include a review provision.

**15. Contact**

15.1 Syed Abbas at Highways England, telephone: 07803 442 286 or email: [Syed.Abbas@highwaysengland.co.uk](mailto:Syed.Abbas@highwaysengland.co.uk) can be contacted with any queries regarding the instrument.

15.2 Rosemary Hopkins, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Vere of Norbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.