

EXPLANATORY MEMORANDUM TO
THE M6 MOTORWAY (JUNCTIONS 13 TO 15) (VARIABLE SPEED LIMITS)
REGULATIONS 2021

2021 No. 116

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 13 and 15.

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 are being made in respect of the use 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 (“the 1984 Act”) requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.
- 6.3 The Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) have been amended to provide for the use of emergency refuge areas (S.I. 2015/392).

- 6.4 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.
- 6.5 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 variable mandatory speed limits apply.

7. Policy background

What is being done and why?

- 7.1 The M6 Junctions 13 to 15 Motorway Upgrade Scheme (“the Scheme”) was included in the June 2013 Spending Review and confirmed in the Road Investment Strategy published in December 2014.
- 7.2 The M6 motorway is a strategic route for local, regional and international traffic and plays a major role as a national artery providing a direct motorway route between the north and central England. It is also a major inter-urban regional route connecting major conurbations and providing access to the important international gateways. This section of the M6 is used by more than 127,000 vehicles per day. The Scheme is part of the Highways England programme to add capacity to the SRN to support economic growth and maintain mobility.
- 7.3 The use of variable mandatory speed limits is an essential element in achieving the above objectives as varying the speed limit allows traffic flows to be managed more effectively. Variable mandatory speed limits will be 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 on a road specified in the Schedule to the Regulations 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.
- 7.4 Highways England is committed to building upon the success of the existing all lane running motorway upgrade 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 / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 This instrument is not amending another instrument.

10. Consultation outcome

- 10.1 A consultation which included the proposed implementation of variable mandatory speed limits as part of the Scheme took place between 24 November 2017 and 21 December 2017. The consultation paper was issued to 211 consultees on 24 November 2017. The consultation was also open to public participation through the Highways England Citizen Space website and the consultation document can be accessed using the following link- [https://highwaysengland.citizenspace.com/he/m6-
junctions-13-to-15-smart-motorway-statutory-
ins/results/m6junction13to15smartmotorway-vmsl-
summaryofconsultationresponses.pdf](https://highwaysengland.citizenspace.com/he/m6-junctions-13-to-15-smart-motorway-statutory-ins/results/m6junction13to15smartmotorway-vmsl-summaryofconsultationresponses.pdf)
- 10.2 Highways England encouraged the specific consultees and the general public to register their views on the variable mandatory speed limits proposed for the Scheme. A total of 20 responses to the consultation were received. The responses were wide-ranging and included support for all lane running motorways in general, support for the introduction of the proposed variable mandatory speed limits on this section of the motorway as well as raising concerns which fell outside the subject of the consultation.
- 10.3 Highways England addressed, and responded in writing to, all the issues and concerns raised by respondents. The post-consultation report concluded that the variable mandatory speed limits proposed for the Scheme should be implemented. The report can be accessed using the following link- [https://highwaysengland.citizenspace.com/he/m6-
junctions-13-to-15-smart-
motorway-statutory-ins/results/m6junction13to15smartmotorway-vmsl-
summaryofconsultationresponses.pdf](https://highwaysengland.citizenspace.com/he/m6-junctions-13-to-15-smart-motorway-statutory-ins/results/m6junction13to15smartmotorway-vmsl-summaryofconsultationresponses.pdf)

11. Guidance

- 11.1 The consultation paper was issued to 211 consultees on 24 November 2017. The consultation documents were made available on Highways England's and GOV.UK's websites, allowing the public to comment on the proposals the consultation document included information on the operation of VMSL. The consultation paper can be accessed using the following link- [https://highwaysengland.citizenspace.com/++
preview++/he/m6-
junctions-13-to-15-
smart-motorway-statutory-
ins/supporting_documents/M6%201315%20Smart%20motorway%20consultation%20
report.pdf](https://highwaysengland.citizenspace.com/++preview++/he/m6-junctions-13-to-15-smart-motorway-statutory-ins/supporting_documents/M6%201315%20Smart%20motorway%20consultation%20report.pdf)

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, provide more reliable journey times and reduce the likelihood of accidents. The aim in introducing the variable mandatory speed limits is to reduce the severity of accidents, reduce driver stress, and improve the quality of driver information and to allow reliability to be increased by management of traffic.
- 12.2 The de minimis assessment undertaken by Highways England concluded that compliance with the speed limit would result in neither an equivalent annual net direct cost nor benefit to business.

13. Regulating small business

- 13.1 The legislation does not impact directly on the activities carried on by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is to conduct an assessment of the effectiveness of the Scheme in relation to traffic flows, accidents and environmental factors. A Post Opening Project Evaluation (POPE) of the Scheme is planned 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 against what it is actually delivering at the time of the evaluations.
- 14.2 A statutory review provision is not included in the Regulations because a review would be disproportionate given the economic impact of the Regulations on business and there are no factors that would make it particularly desirable to include a review provision.

15. Contact

- 15.1 Lee Wise at Highways England, email: Lee.Wise@highwaysengland.co.uk can be contacted with any queries regarding the instrument.
- 15.2 Danny Trup, 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.