

**EXPLANATORY MEMORANDUM TO**  
**THE M5 MOTORWAY (JUNCTIONS 1 TO 3) (60 MILES PER HOUR SPEED**  
**LIMIT) REGULATIONS 2022**

**2022 No. 391**

**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 To enact, for purposes of improving air quality, a permanent speed limit of 60mph between junctions 1 to 3 of the M5 motorway, from just north of the junction 1 West Bromwich Interchange to just south of junction 2.

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

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

- 3.1 None.

**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 sections of motorway specified in the Regulations will be affected and those 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 with respect to 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 a fixed 60mph speed limit in relation to the lengths of road specified in the Regulations.  
6.2 Section 134(2) of the Road Traffic Regulation Act 1984 Act requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.

**7. Policy background**

*What is being done and why?*

- 7.1 A speed limit of 60mph is being brought in to address air quality concerns in this area; research undertaken by National Highways has shown that vehicles travelling at 60mph compared to the national speed limit of 70mph for motorways, leads to an overall reduction in vehicle emissions for cars and vans, which in turn contributes to lower roadside nitrogen dioxide concentrations.

7.2 The air quality will be reviewed periodically (expected to be twice annually) to review the current level of nitrogen dioxide. Once this reaches an acceptable level, and would not exceed with the re-instatement of the national speed limit (70mph), the intention is that the reduced speed limit of 60mph will be replaced by the national speed limit for the M5 motorway of 70mph.

## **8. European Union Withdrawal and Future Relationship**

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 No consolidation is appropriate.

## **10. Consultation outcome**

10.1 A consultation was carried out between 18<sup>th</sup> January 2022 and the 15<sup>th</sup> February 2022. The consultation was carried out via the Citizen Space website; the consultation document can be accessed via the following [link](#). The consultation document was sent to the consultees listed in its appendix C.

10.2 A total of 21 responses were received during the consultation period. All of the responses were received via Citizen Space.

10.3 National Highways addressed and responded to these enquiries in writing. The post-consultation report concluded that a permanent speed limit of 60mph between Junction 1 and Junction 3 of the M5 should be imposed by way of regulations.

10.4 A consultation summary report is available on the Citizen Space website and can be accessed via the following [link](#).

## **11. Guidance**

11.1 The consultation document which was issued to stakeholders included location information for the proposed speed limit and this document was also available on the Citizen Space website. Stakeholders included members of the emergency services, road user groups, local authorities, environmental advisory bodies, road and transport organisations and business organisations.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because the de minimis assessment carried out by National Highways indicated that the impact on business will be less than £5m.

## **13. Regulating small business**

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise the impact on small businesses as the legislation does not impose unnecessary burdens.

## **14. Monitoring & review**

- 14.1 The approach to the monitoring of this legislation is twofold.
- 14.2 Monitoring of the air quality is being carried out to establish the performance of the measure in improving this and also to inform when the speed limit will no longer be required for air quality purposes.
- 14.3 Monitoring is also being carried out on the roads to assess compliance with the speed limit and this is being done to understand if further enforcement measures, such as an average speed camera scheme, would be required to further encourage compliance.
- 14.4 The implementation of the speed limit will be subject to a road safety audit upon opening and a further audit will be carried out 18 months after opening to assess if any safety issues have arisen.

## **15. Contact**

- 15.1 Sam Twist at National Highways, telephone: 07596 275594 or email: [Samuel.twist@highwaysengland.co.uk](mailto:Samuel.twist@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, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.