STATUTORY INSTRUMENTS

2017 No. 77

ROAD TRAFFIC

SPECIAL ROADS

The M5 Motorway (Junctions 4a to 6) (Variable Speed Limits) Regulations 2017

Made - - - -	*30th January 2017*
Laid before Parliament	*2nd February 2017*
Coming into force - -	*24th February 2017*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 17(2) and (3) of the Road Traffic Regulation Act 1984(**1**).

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 M5 Motorway (Junctions 4a to 6)(Variable Speed Limits) Regulations 2017 and come into force on 24th February 2017.

Interpretation

2. In these Regulations—

"the 1982 Regulations" means the Motorways Traffic (England and Wales) Regulations 1982(**2**);

"the 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016(**3**); and

"carriageway", "hard shoulder", "motorway" and "verge" have the same meaning as in the 1982 Regulations.

(**1**) 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.

(**2**) S.I. 1982/1163, as amended by S.I. 1983/374, 1984/1479, 1992/1364, 2004/3258 and 2015/392.

(**3**) S.I. 2016/362.

Variable speed limits

3.—(1) No person shall drive a vehicle on a section of a road which is subject to a variable speed limit at a speed exceeding that indicated by a speed limit sign.

(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; and

(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.

(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 regulation 2(2) of, and Schedule 1 to, the 2016 Regulations 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 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 which is—

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

John Hayes
Minister of State
Department for Transport

30th January 2017