
STATUTORY INSTRUMENTS

2020 No. 79

**ROAD TRAFFIC
SPECIAL ROADS**

**The M23 Motorway (Junctions 8 to 10)
(Variable Speed Limits) Regulations 2020**

<i>Made</i>	- - - -	<i>29th January 2020</i>
<i>Laid before Parliament</i>		<i>3rd February 2020</i>
<i>Coming into force</i>	- -	<i>24th February 2020</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(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 M23 Motorway (Junctions 8 to 10) (Variable Speed Limits) Regulations 2020 and come into force on 24th February 2020.

Interpretation

2. In these Regulations—

“the 1982 Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(2);

“the 2016 Regulations and Directions” 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, relevant amending instruments are S.I. 1983/374, 1984/1479, 1992/1364, 2004/3258, 2015/392.

(3) S.I. 2016/362, to which there are amendments not relevant to these 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.

(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(4) 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(5).

(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

29th January 2020

Vere
Parliamentary Under Secretary of State
Department for Transport

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

(5) 2004 c.18.

SCHEDULE

Regulation 3(2)(a)

THE SPECIFIED ROADS

1. The specified roads are—
 - (a) that length of the southbound carriageway of the M23 beginning at junction 8 at the southern end of the parapet railing of the bridge carrying the southbound carriageway of the M23 over the M25 and ending at junction 10 at the northern edge of the northern bridge of Crawley Interchange;
 - (b) that length of the northbound carriageway of the M23 beginning at junction 10 at the southern edge of the southern bridge of Crawley Interchange and ending at junction 8 at a point 50 metres north of the tip of the nose where the carriageway to the clockwise and anti-clockwise carriageways of the M25 at junction 7 of the M25 diverges from the northbound carriageway of the M23; and
 - (c) the roads, or the specified lengths of the roads (as the case may be) referred to in paragraph 4.
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 M23 of that number save where a contrary intention appears.
3. In this Schedule—

“Crawley Interchange” means the circulatory interchange at junction 10;

“nose” means a paved piece of land approximately triangular in shape which is marked with road markings of a type shown in diagram 1042 in Part 6 of Schedule 9 to the 2016 Regulations and Directions;

“off-slip road” means a road intended for the use of traffic exiting the M23;

“on-slip road” means a road intended for the use of traffic entering the M23; and

“tip” means the point at the most acute angle of a nose.
4. The roads, or specified lengths of roads, (as the case may be) to which this paragraph refers are—
 - (a) at junction 8—
 - (i) that length of the carriageway from the northbound carriageway of the M23 to the clockwise and anti-clockwise carriageways of the M25 at junction 7 of the M25 beginning at the diverge from the northbound carriageway of the M23 to the point where the carriageways to the clockwise and anti-clockwise carriageways of the M25 diverge then continuing from that point on the carriageway to the clockwise carriageway of the M25 and ending at the point where the carriageway merges with the carriageway from the southbound carriageway of the M23 to the clockwise carriageway of the M25; and
 - (ii) that length of the carriageway from the northbound carriageway of the M23 to the anti-clockwise carriageway of the M25 at junction 7 of the M25 beginning at the point where the carriageway diverges from the carriageway referred to in paragraph (i) and ending at the point where the carriageway merges with the carriageway from the southbound carriageway of the M23 to the anti-clockwise carriageway of the M25;

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- (b) at junction 9 the roads connecting the northbound and southbound carriageways of the M23 with the circulatory interchange at that junction;
- (c) at junction 10 the off-slip road from the southbound carriageways of the M23 to Crawley Interchange and the on-slip road from Crawley Interchange to the northbound carriageway of the M23; and
- (d) at junction 7 of the M25—
 - (i) that length of the carriageway from the clockwise carriageway of the M25 to the southbound carriageway of the M23 at junction 8 beginning at the point where the carriageway to the southbound carriageway of the M23 diverges from the carriageway to the northbound carriageway of the M23 and ending at the merge with the southbound carriageway of the M23; and
 - (ii) that length of the carriageway from the anti-clockwise carriageway of the M25 at junction 7 to the northbound and southbound carriageways of the M23 at junction 8 beginning at the diverge from the anti-clockwise carriageway of the M25 to the point where the carriageways to the northbound and southbound carriageways of the M23 diverge and ending at the merge with the southbound carriageway of the M23.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce variable speed limits to the northbound and southbound carriageways of the M23 motorway between junctions 8 and 10 and to roads which connect with the M23 motorway at those junctions.

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.