

2023 No. 417

ROAD TRAFFIC

The M42 Motorway (Junction 7a to Junction 9) and M6 Toll Motorway (M6 Junction 3a to M6 Toll Junction T2) (Temporary Restriction and Prohibition of Traffic) Order 2023

Made - - - -

3rd April 2023

Coming into force

17th April 2023

WHEREAS the Secretary of State for Transport, being the traffic authority for the M42 Motorway (“the M42”) and the M6 Toll Motorway (“the M6 Toll”) is satisfied that traffic on lengths of those motorways, in the County of Warwickshire and the Metropolitan Borough of Solihull, should be restricted and prohibited because works are proposed to be executed thereon.

NOW, THEREFORE, the Secretary of State for Transport, in exercise of the powers conferred by sections 14(1)(a) and 15(2) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order.

1. This Order may be cited as the M42 Motorway (Junction 7a to Junction 9) and M6 Toll Motorway (M6 Junction 3a to M6 Toll Junction T2) (Temporary Restriction and Prohibition of Traffic) Order 2023 and shall come into force on Monday 17th April 2023.

2. In this Order—

“tip of the nosing” means as indicated by the markings on the carriageway, the first point where an entry slip/link road joins, or the last point where an exit slip/link road leaves the carriageway;

“the first length of motorway” means the northbound carriageway of the shared section of the M42/M6 Toll from a point 400 metres north of the centreline of the B4114 Birmingham Road overbridge, to a point 150 metres south of the centreline of the Marsh Lane overbridge;

“the second length of motorway” means the northbound carriageway of the M6 Toll from a point 120 metres southeast of the centreline of the M42 overbridge, at Coleshill (M42 Junction 7a), to its merge with the M42;

“the third length of motorway” means the southbound carriageway of the shared section of the M42/M6 Toll from a point 165 metres south of the centreline of Watton Lane underbridge, to a point 615 metres north of the centreline of the B4114 Birmingham Road overbridge; and

“the fourth length of motorway” means the southbound carriageway of the M6 Toll between points 615 metres north and 245 metres north of the centreline of the B4114 Birmingham Road overbridge;

“the fifth length of motorway” means—

(a) 1984 c. 27; a new section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1

- (a) the northbound carriageway of the shared section of the M42/M6 Toll from a point 400 metres north of the centreline of the B4114 Birmingham Road overbridge, to a point 80 metres north of the centreline of Marsh Lane overbridge;
- (b) the northbound carriageway of the M6 Toll from the diverge with the M6 (M6 Junction 3a) to its junction with the entry slip road leading from the A4097 at Junction T1, at Curdworth;
- (c) the southbound carriageway of the shared section of the M42/M6 Toll from a point 165 metres south of the centreline of Watton Lane underbridge, to a point 615 metres north of the centreline of the B4114 Birmingham Road overbridge;
- (d) the southbound carriageway of the M6 Toll from its junction with the exit slip road leading to the roundabout junction with the A4091 and A446 (Junction T2), at Curdworth, to its junction with the M6 (M6 Junction 3a);

“the regulations” means The Motorways Traffic (England and Wales) Regulations 1982(a)

“a hard shoulder” means the hard shoulder, within the meaning of regulation 3(1)(e) of the regulations, which is adjacent to the first length of motorway, the second length of motorway, the third length of motorway or the fourth length of motorway;

“overall width” has the same meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(b);

“the works period” means the period starting at 00:01 hours on Monday 17th April 2023 and ending when the said works have been completed;

and a reference to an article followed by a number is a reference to the article in this Order which bears that number.

3. Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 40 miles per hour on the first length of motorway, the second length of motorway, the third length of motorway or the fourth length of motorway.

4. Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour on the first length of motorway, the second length of motorway, the third length of motorway or the fourth length of motorway.

5. Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 60 miles per hour on the first length of motorway, the second length of motorway, the third length of motorway or the fourth length of motorway.

6. Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle to enter or proceed on the first length of motorway, the second length of motorway, the third length of motorway, the fourth length of motorway or the fifth length of motorway.

7. Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle with an overall width exceeding 3 metres to enter or proceed on the outside lane of the first length of motorway, the second length of motorway, the third length of motorway or the fourth length of motorway.

8. The provisions of articles 3,4,5,6 and 7 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs.

9. The provisions of—

(a) S.I. 1982/1163, as amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258, 2006/594 and 2015/392.

(b) S.I. 1986/1078, to which there are amendments not relevant to this Order.

- (a) articles 3, 4, 5, 6 and 7 shall not apply to any vehicle—
 - (i) being used for police, fire and rescue authority or ambulance purposes; or
 - (ii) proceeding at the direction of, or with the permission of, a police constable;
- (b) articles 3, 4 and 5 shall not apply to any vehicle falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) Variation and Amendment) Regulations 2011(a) when used in accordance with Regulation 3 (5) of those Regulations; and
- (c) articles 6 and 7 shall not apply to any vehicle being used—
 - (i) for traffic officer purposes;
 - (ii) in connection with the work; or
 - (iii) for winter maintenance purposes.

10. During the works period, regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Regulations are hereby suspended, in respect of a hard shoulder, at such times and to such extent as may be indicated by traffic signs.

11. The Secretary of State for Transport is satisfied that the execution of the said works will take longer than a period of eighteen months starting on the date when this Order comes into force.

Signed by authority of the Secretary of State

3rd April 2023

Kelly Hodge
Senior Civil Servant
in the Department for Transport