

SL(5)453 – The M4 Motorway (Rogiet Toll Plaza, Monmouthshire) (50 mph Speed Limit) Regulations 2010 (Revocation) Regulations 2019

Background and Purpose

These Regulations revoke the 50 mph speed limit on the westbound carriageway of the M4 motorway at Rogiet in the County of Monmouthshire which extends from a point 800 metres east of the centre line of Station Road overbridge to a point 752 metres west of the centre line of Station Road overbridge. In consequence, the national speed limit will apply to that carriageway upon the coming into force of these Regulations.

The M4 Motorway (Rogiet Toll Plaza, Monmouthshire) (50 MPH Speed Limit) Regulations 2010 (S.I. 2010/1512 (W.138)) are revoked by these Regulations.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

- It is unclear why a regulatory impact assessment has not been produced for these Regulations as the reference within the Explanatory Note and Explanatory Memorandum refers to the “impact on the costs of business” but does not refer to any other “likely costs or benefits”. It is usually the case that the Welsh Ministers refer to their decision in light of the Code of Practice on the carrying out of Regulatory Impact Assessments and specifically the exceptions under the Code.

Which exception under the Code applies to the decision not to produce a regulatory impact assessment?

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

- The Explanatory Memorandum contains some inconsistencies and errors, namely:
 - In paragraph 1, reference is included to “the general 70 mph speed limit imposed on motorways by the Motorway Traffic (Speed Limit) Regulations 1974”. Although the position is accurate in so far as it relates to the 1974 Regulations, it is inconsistent with the Explanatory Note, which more accurately refers to the “national speed limit”, thereby recognising the



impact of speed limits applicable to particular classes of vehicles in accordance with the Road Traffic Regulation Act 1984.

- There is no reference to the enabling power under section 17(3) of the Road Traffic Regulation Act 1984 within paragraph 3, although section 17(3) is relied upon and is referred to in the preamble to the Regulations.
- Paragraph 4 refers to “regulation 2 of the Regulations”, but should refer to regulation 3 of the M4 Motorway (Rogiet Toll Plaza, Monmouthshire) (50 mph Speed Limit) Regulations 2010. The reference to the Regulations throughout the Explanatory Memorandum is to the Revocation Regulations 2019 so is not consistent.
- Paragraph 5 refers to road safety being compromised, but does not include a reference to any adverse impact to air quality if these Regulations were to be annulled, which might be expected given the reasons for the revocation given under paragraph 7.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

Regulatory Impact Assessments have not historically been undertaken when the Welsh Ministers have made regulations under section 17 of the Road Traffic Regulation Act 1984 imposing speed limits on lengths of special roads. The reason for this is that such regulations have generally been made for highway safety reasons and have no impact on the costs of business.

The M4 Motorway (Rogiet Toll Plaza, Monmouthshire) (50 mph Speed Limit) Regulations 2010 had the effect of reducing the maximum speed limit on the approaches to the Toll Plaza concessionary area of the Second Severn Crossing (now the Prince of Wales bridge) from the national speed limit for motorways to 50 miles per hour, on safety grounds. The speed limit was imposed due to the need to slow down traffic on the approaches to the Toll Plaza. Following the abolition of tolling and the resultant removal of the toll booth buildings at the Toll Plaza concessionary area, the rationale for the 50 miles per hour limit imposed by the 2010 Regulations has ceased to exist. This is recognised by the M4 Motorway (Rogiet Toll Plaza, Monmouthshire) (50 mph Speed Limit) Regulations 2010 (Revocation) Regulations 2019, which revoke the 2010 Regulations, with the result that the national speed limit will apply to the lengths of road in question.

Specifically in relation to the Welsh Government’s Regulatory Impact Assessment Code for Subordinate Legislation, the relevant exception to the requirement to undertake an assessment is that the regulations in question involve a routine technical or factual amendment to update regulations that have no major policy effect.

Legal Advisers

Constitutional and Legislative Affairs Committee

9 October 2019

