Dear Convener,

**Restricted Roads (20 mph Speed Limit) (Scotland) Bill – Stage 1**

Having listened carefully to your committee’s evidence-taking on the Bill so far, I thought it might be helpful to clarify a number of contextual issues that have arisen during those sessions.

**Repeater signage**

A number of members have suggested in their questioning that the Bill will require all existing 20-repeater signage to be taken down (e.g. in Edinburgh). The reality is slightly more complicated.

The 1984 Act, which sets 30 mph as the default limit on a restricted road, makes no provision about the signage requirements; those requirements are instead included in regulations made under the Act – specifically, the Traffic Signs Regulations and General Directions 2016. The Bill does not itself amend the TSRGD; but it doesn’t need to because Ministers already have the power to do so. As a matter of policy, I recognised early on that amending the TSRGD in consequence of a change to the general speed limit is a matter more properly left to secondary legislation.

As explained in paragraph 36 of the Financial Memorandum, the TSRGD includes the rule that prohibits repeater signage on roads subject to the default speed-limit (of 30 mph). Should the Bill be passed, the TSRGD would need to be updated in some way to reflect the new 20 mph default. For the purposes of the costings in the FM, it has been assumed that the TSRGD is likely to be amended so that the prohibition on repeater signage continues to apply, but in relation to a default 20-limit rather than a default 30-limit. However, as already noted, this would be a decision for the Scottish Ministers, and there are doubtless other approaches that could be taken.

As some witnesses have pointed out, there are various factors to be considered here – the cost for councils such as Edinburgh of removing existing 20-repeaters; the savings for councils implementing widespread 20-limits post-enactment of not
having to erect 20-repeaters in the first place; and the benefits of consistency across Scotland.

While the TSRGD currently imposes a hard-and-fast rule that repeater signage is not permitted where the default speed-limit applies, there is more discretion (under the accompanying Department for Transport guidance) on how much repeater signage to erect where a non-default limit applies. Should this position also be maintained post-enactment (i.e. once the default limit has changed from 30 mph to 20 mph), then traffic authorities would have some discretion about how much repeater signage to erect on any non-restricted roads in built-up areas. For the purposes of the Financial Memorandum the assumption has been that 30 mph repeater signage will be required. Here too, however, it would be open to Scottish Ministers to make changes to the existing position, again taking into account such factors as cost and consistency.

**Extension of the Bill beyond the category of restricted roads**

Questions have also been asked about the possible merits of a more comprehensive approach, that would have applied a default-20 limit to all roads in built-up areas, not just to restricted roads.

I did consider this option in developing the Bill, and my reasons for not adopting it are set out in paragraph 63 of the Policy Memorandum.

As I have emphasised, the Bill is not about imposing a "blanket" speed-limit of 20 mph in all built-up areas. Rather, it is about flipping the existing "default" limit to 20, while still retaining local authorities' existing powers to make exceptions, by order, where local circumstances make that appropriate.

Experts, and the Scottish Government, recognise that 20 mph is normally the appropriate limit in residential areas or on shopping streets. On that basis, we should be aiming for a situation where 20 mph limits apply on the large majority of roads in built-up areas, while leaving a minority (perhaps 10 or 20 per cent) as higher-speed through-routes.

The question then becomes how we are to transition to that optimal situation in the most cost-effective way, given that only a small number of local authorities have so far taken significant steps in that direction. Making 20 mph the default limit on restricted roads facilitates that transition – in particular by greatly reducing the additional signage that would otherwise be required (as the evidence from Edinburgh Council indicated).

Seen in that context, a national law that imposed 20-limits across all built-up areas, and not just on restricted roads, would be disproportionate – as it would mean that national law would "overshoot the target", putting the onus on local authorities to provide for exceptions to achieve the optimum balance that we should be aiming for.

I recognise that there is not a perfect correlation between the category of "restricted roads" and the set of roads that would – in that optimal situation – have a limit of 20 mph. But the two are nevertheless likely to overlap to a very significant extent, and the powers to fine-tune any discrepancies already exist. In addition, limiting the change to the speed-limit on restricted roads "goes with the grain" of existing road-
traffic law, which all our traffic authorities are familiar with. That is why I believe it is the most effective and appropriate means to drive progress towards the safer streets we all want to see.

Simplification of procedure for making speed-limit orders

There have been a number of questions to witnesses about whether a simplification of the procedure for imposing speed limits on roads would be a valid alternative to the Bill. That procedure is set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and the power to amend those Regulations lies with Scottish Ministers. The Bill only amends the Regulations in one very specific respect (see section 3 – as explained in paragraph 15 of the Explanatory Notes).

My reasons for rejecting such a simplification of the 1999 Regulations as an alternative to the Bill are set out in paragraphs 57 to 61 of the Policy Memorandum. As some witnesses have noted, the procedure is as much about democracy as bureaucracy.

Both the Confederation of Passenger Transport and the Road Haulage Association have expressed a desire to see consultation on the retention of key arterial roads at 30 mph should the bill become law. That is why I have allowed a period of 18 months between Royal Assent and the core provisions of the Bill coming into force, to allow such consultation to be completed, and orders made to retain 30 mph limits on a minority of roads, ahead of a default 20 mph limit being applied. Offering a procedure for local residents as well as key stakeholders to input into decisions over the retention of 30 mph limits on a minority of roads will be important to ensure roll-out is relatively seamless and that the need for any further changes to speed limits is avoided.

Compliance and enforcement

Members may be aware of the approach detailed in the Policy Memorandum on education, compliance and enforcement of 20 mph limits. Further to discussions with CoSLA, SCOTS, Transport Scotland, Police Scotland and the Cabinet Secretary I have decided to build upon this work by commissioning further research on what approaches the police could take to enforcing a national default 20 mph, drawing on best practice around the UK. I will make sure to forward this to members when it is received, hopefully ahead of my own evidence session with the committee.

I hope that these points are of assistance to your committee in its continuing Stage 1 scrutiny of the Bill.

Yours sincerely,

Mark Ruskell MSP