

Net Zero, Energy and Transport Committee 6th Meeting, 2022 (session 6), Tuesday, 22 February 2022

Subordinate legislation - M8/M73/M74 Motorways (30mph, 40mph and 50mph Speed Limit) Regulations 2022 (SSI2022/26)

Note by the clerk

Overview of instrument

1. The following Scottish Statutory Instrument (SSI), subject to negative procedure, is being considered at today's meeting:
 - [M8/M73/M74 Motorways \(30mph, 40mph and 50mph Speed Limit\) Regulations 2022 \(SSI2022/26\)](#)
2. The instrument was laid before the Parliament on 28 January 2022 and would come into force on 24 March 2022.

Purpose of the instrument

3. Scottish Roads Partnership identified locations where its final design and construction of the traffic speed signs did not align with the M8/M73/M74 Motorways (30mph, 40mph and 50mph Speed Limit) Regulations 2017. Scottish Roads Partnership recommended that Transport Scotland promote amendments to the 2017 Regulations.
4. In addition to this, Scottish Roads Partnership recommended extending the 50mph speed limit of the main carriageway of the M73 northbound to provide a safer point for road users to accelerate. Upon consideration of these recommendation, Transport Scotland determined that these amendments were necessary.
5. The purpose of this instrument is thus to implement speed limits of 30mph, 40mph and 50mph on sections of the M8/A8/A89 Edinburgh – Greenock Trunk Road on both the eastbound and westbound carriageways between Junction 9 Easterhouse/ Springhill and Junction 6 Newhouse, the M73 Maryville – Mollinsburn Trunk Road on both the northbound and southbound carriageways between Junction 1 Maryville and Junction 2 Baillieston and the M74/A74(M) Glasgow – Carlisle Trunk Road on both the northbound and southbound carriageways between junction 3A Daldowie and Junction 5 Raith, with effect from 24 March 2022.

6. The Policy Note provides further detail on the instrument. It is available in Annexe A.
7. **Delegated Powers and Law Reform Committee Consideration**
8. The Delegated Powers and Law Reform Committee considered this instrument at [its meeting on 08 February 2022](#). [Read the official report for the meeting on 08 February 2022](#).
9. Committee Members raised a point at the meeting and agreed to notify the Net Zero, Energy and Transport Committee of the following.
10. Paul Sweeney MSP raised a point about public consultation:

‘Although this particular instrument relates to slip roads, there is a wider practice whereby speed limit changes to the trunk road network are not generally consulted on publicly. Such changes would benefit from wider public consultation, particularly given recent reports of the significant effects of noise pollution in the centre of Glasgow because of the motorway network. For example, it has been reported that the noise pollution at Charing Cross is equivalent to the noise pollution experienced when standing on the runway at Glasgow airport. There are significant environmental effects on the general public. The practice should be to have a public consultation on any adjustments to speed limits, rather than there simply being a closed shop involving councils and the emergency services. Perhaps the lead committee could take that into consideration.’

Graham Simpson MSP added:

‘Too often, such changes are decided between public bodies such as Transport Scotland, councils and the police, and the public do not get to hear about any of it. It is worth highlighting that point to the lead committee.’

Committee Consideration

11. The Committee is not required to report on negative instruments, but should it wish to do so, the deadline for reporting is 14 March 2022.

Procedure

12. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. This means they become law unless they are annulled by the Parliament. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).

13. Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.
14. If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.
15. If the Parliament resolves to annul an SSI then what has been done under authority of the instrument remains valid but it can have no further legal effect. Following a resolution to annul an SSI the Scottish Ministers (or other responsible authority) must revoke the SSI (make another SSI which removes the original SSI from the statute book.) Ministers are not prevented from making another instrument in the same terms and seeking to persuade the Parliament that the second instrument should not be annulled.
16. Each negative instrument appears on the Net Zero, Energy and Transport Committee's agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow the Committee to gather more information or to invite a Minister to give evidence on the instrument. Members should however note that, for scheduling reasons, it is not always possible to continue an instrument to the following week. For this reason, if any Member has significant concerns about a negative instrument, they are encouraged to make this known to the clerks in advance of the meeting.
17. In many cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

ANNEXE A

POLICY NOTE

THE M8/M73/M74 MOTORWAYS (30MPH, 40MPH AND 50MPH SPEED LIMIT) REGULATIONS 2022

SSI 2022/26

The above instrument was made in exercise of powers conferred by section 17(2), (3) and (3ZA) of the Road Traffic Regulation Act 1984. The instrument is subject to the negative procedure.

Policy Objectives

To implement speed limits of 30mph, 40mph and 50mph on sections of the M8/A8/A89 Edinburgh – Greenock Trunk Road on both the eastbound and westbound carriageways between Junction 9 Easterhouse/ Springhill and Junction 6 Newhouse, the M73 Maryville – Mollinsburn Trunk Road on both the northbound and southbound carriageways between Junction 1 Maryville and Junction 2 Baillieston and the M74/A74(M) Glasgow – Carlisle Trunk Road on both the northbound and southbound carriageways between junction 3A Daldowie and Junction 5 Raith, with effect from 24 March 2022.

Background

Scottish Roads Partnership (SRP) is responsible for the operation and maintenance of the trunk roads associated with the M8/M73/M74 Motorway Improvements Project, on behalf of Transport Scotland.

SRP identified locations where its final design and construction of the traffic speed signs did not align with the M8/M73/M74 Motorways (30mph, 40mph and 50mph Speed Limit) Regulations 2017 ('the 2017 Regulations'). SRP recommended that Transport Scotland promote amendments to the 2017 Regulations. Upon consideration of this recommendation, Transport Scotland determined that these amendments were necessary.

In addition to this, SRP recommended extending the 50mph speed limit of the main carriageway of the M73 northbound. By relocating the 70mph entry point sign to a position closer to the M8 carriageway merge, this provides a safer point for road users to accelerate. Transport Scotland considered this recommendation and determined that it was both reasonable and necessary.

Consultation

In accordance with section 134(8) of the Road Traffic Regulation Act 1984, the Scottish Government have consulted the following statutory bodies:

- Police Scotland
- Glasgow City Council
- North Lanarkshire Council
- South Lanarkshire Council
- Scottish Fire and Rescue Service

A consultation exercise has successfully been undertaken with the relevant local authorities, Police Scotland and the Scottish Fire and Rescue Service. The consultation period ended on 16 December 2021.

Financial Effects

There are no costs incurred by the Scottish Government associated with this instrument.

Impact

The Regulations align with the overall operation of the M8, M73 and M74 Motorways and there will be no impact on businesses or road users. Therefore, no Business and Regulatory Impact Assessment (BRIA) was necessary.

Scottish Government
Transport Scotland

26 January 2022