

SL(6)228 – The Restricted Roads (20 mph Speed Limit) (Wales) Order 2022

Background and Purpose

The Restricted Roads (20 mph Speed Limit) (Wales) Order 2022 (“the Order”) lowers the speed limit from 30 miles per hour to 20 miles per hour on restricted roads in Wales.

Section 81(1) of the Road Traffic Regulation Act 1984 (“the Act”) provides that it is not lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour. Under section 81(2), the national authority may by order increase or reduce the rate of speed fixed by subsection (1). The Welsh Ministers are making the Order as the national authority in relation to Wales (section 142(1)).

A restricted road is defined by section 82(1) of the Act as a road with “a system of street lighting furnished by means of lamps placed not more than 200 yards apart”. This definition is subject to other provisions of the Act, including those allowing the traffic authority for a road to make changes to the speed limit on that road. The Welsh Ministers are the traffic authority in relation to trunk roads and special roads, while the relevant county or county borough council is the traffic authority in relation to other roads.

In particular:

- Under section 82(2) the traffic authority may direct that a road which is a restricted road shall cease to be a restricted road, or that a road which is not a restricted road shall become a restricted road.
- Under section 84(1)(a) the traffic authority may by order impose a speed limit on any road for which it is responsible. While such an order is in force, the relevant road is not a restricted road (section 84(3)).

The Order decreases the default speed limit on restricted roads in Wales, but it does not alter the power of a traffic authority to change the speed limit on a particular road in accordance with sections 82(2) and 84(1)(a) of the Act.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The Order is made in exercise of the power in section 81(2) of the Act which provides that:

The national authority may by order increase or reduce the rate of speed fixed by subsection (1) above, either as originally enacted or as varied under this subsection.

Article 2(2) of the Order provides that the reference in section 81(1) of the Act to “30 miles per hour” is to be interpreted as a reference to “20 miles per hour”. When the Order comes into force it will be necessary for a person to locate both the Act and the Order, in order to understand the default speed limit on restricted roads in Wales. There will be nothing on the face of the Act to indicate that such an Order has been made.

The Welsh Government is asked whether it considered using the power in section 81(2) to instead make a textual amendment to the speed limit in section 81(1), which would assist in making Welsh law in this area as accessible as possible to road users.

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 Senedd.

It is noted that the Order will not come into force until 17 September 2023. The Explanatory Memorandum provides the following explanation:

This is because a lengthy period of preparation is required to enable traffic authorities to review their road networks with a view to ascertaining whether they need to make orders under sections 82(2) and/or 84(1)(a) of the Road Traffic Regulation Act 1984 in relation to restricted roads where they consider that the default speed limit of 20 miles per hour would not be appropriate. The process of making such orders generally takes several months and the process can be longer where objections are made. In addition, amendments will be required to the Traffic Signs Regulations and General Directions 2016 to coincide with the coming into force of the proposed Order, to ensure that the new speed limits can be legally enforced.

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 Senedd.

Section 3.3 of the Regulatory Impact Assessment notes that amendments will be required to the Highway Code in light of the new default speed limit.

Section 38(2) of the Road Traffic Act 1988 provides that the Secretary of State may revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code. This



function of the Secretary of State has not been transferred to the Welsh Ministers, and so any changes to the Code will need to be made by the UK Government.

The Welsh Government is asked to explain how it will ensure that any changes to the Highway Code are put into place by the UK Government before the Order comes into force, so that road users' obligations in Wales remain clear and accessible to the public.

3. 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 Senedd.

It is noted that no formal Justice Impact Assessment has been undertaken.

The justification for this is set out in section 5.0 of the Regulatory Impact Assessment which concludes that there will be only a "slight" impact on the criminal justice system, by way of an increase in the number of applications to the courts related to speeding tickets. This conclusion is based on the following factors:

- The threshold for recommending prosecution is a recorded speed of 35 miles per hour on a road with a limit of 20 miles per hour.
- Where the recorded speed is less than 32 miles per hour on a road with a 20 miles per hour speed limit, then the driver may be offered a speed awareness course as an alternative to a fine and penalty points.
- During the enforcement pilot in Llanelli North, 2% of speeding offences recorded were at or exceeded 35 miles per hour, while 92% were in the speed range appropriate for speed awareness courses.
- The police are expected to adopt an approach of education rather than prosecution in the early stages of implementation.
- National and local awareness campaigns will accompany the reduction in the speed limit.

We note that there are differences between a lowered speed limit put in place in a defined pilot area, and a national default speed limit (for example differing signage requirements), which might have an impact on the number and type of speeding offences committed. We would also note that there are further eligibility requirements for speed awareness courses other than recorded speed. In particular, there is a limit of one speed awareness course per driver per three year period.

The Welsh Government is asked to confirm whether or not it took the two points above into account when reaching its conclusion that the impact on the justice system would be slight.



Welsh Government response

A Welsh Government response is required in relation to the technical point and in relation to the second and third merits points.

Committee Consideration

The Committee considered the instrument at its meeting on 4 July 2022 and reports to the Senedd in line with the reporting points above.

