

2011 No. 935

ROAD TRAFFIC

The Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011

<i>Made</i>	- - - -	<i>23rd March 2011</i>
<i>Laid before Parliament</i>		<i>25th March 2011</i>
<i>Coming into force</i>	- -	<i>15th April 2011</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 16(2)(a) and (2A)(b), 16C(2) and (3)(c), 64(1) and (3)(d), 84(1B)(e) and 130(3) of, and paragraph 22(1)(d) of Schedule 9 to, the Road Traffic Regulation Act 1984(f) (“the 1984 Act”) and section 41(1), (2) and (5)(g) of the Road Traffic Act 1988(h) (“the 1988 Act”).

In accordance with section 134(2)(i) of the 1984 Act and section 195(2) of the 1988 Act the Secretary of State for Transport has consulted with such representative organisations as he thinks fit.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 and come into force on 15th April 2011.

(2) In these Regulations—

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- (a) Subsection (2) was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(2) and see footnote (f) in relation to the exercise of functions under this subsection.
 - (b) Subsection (2A) was inserted by the Road Traffic (Temporary Restrictions) Act 1991, section 1(2) and see footnote (f) in relation to the exercise of functions under this subsection.
 - (c) Section 16C was inserted by the Road Traffic Regulation (Special Events) Act 1994 (c.11), section 1(1) and see footnote (f) in relation to the exercise of functions under this subsection.
 - (d) Amendments relating to the exercise of powers under section 64 in relation to Wales and Scotland respectively were made by S.I. 1999/672 and 1750 and, by virtue of S.I. 1999/3143, the functions under section 64 which were exercisable by “the Ministers acting jointly” were transferred to the Secretary of State.
 - (e) Subsection (1B) was inserted by the Road Traffic Act 1991 (c.40), section 45(1) and (2) and see footnote (f) in relation to the exercise of functions under this subsection.
 - (f) 1984 c.27; the functions of the Secretary of State under sections 16(2) and (2A) and 84(1), (1A) and (1B) are, so far as exercisable in relation to Scotland, vested in the Scottish Ministers. Those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999, S.I. 1999/1750, article 2 and Schedule 1. The functions of the Secretary of State under sections 16, 16C and 84 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act.
 - (g) Subsection (2) was amended by the Road Traffic Act 1991, Schedule 4, paragraph 50(1) to (3).
 - (h) 1988 c.52.
 - (i) Section 134(2) was amended by the Roads (Scotland) Act 1984 (c.54), Schedule 7, paragraph 4 and the New Roads and Street Works Act 1991 (c.22), Schedule 8, Part II, paragraph 77.

“the 1984 Act” means the Road Traffic Regulation Act 1984; and

“special forces” means those units of the armed forces of the Crown the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which are for the time being subject to the operational command of that Director.

Variation of provisions imposing a speed limit

2.—(1) The provisions falling within paragraph (2) are varied in accordance with paragraph (3).

(2) A provision falls within this paragraph if it is a provision imposing a speed limit and it is contained in or has effect under—

- (a) section 14 (temporary prohibition or restriction on roads)(a), 16A (prohibition or restriction on roads in connection with certain events)(b), 17 (traffic regulation on special roads)(c), 81(1) (general speed limit for restricted roads), 84(1) (speed limits on roads other than restricted roads)(d) or 88 (temporary speed limits) of the 1984 Act;
- (b) section 3 (orders as to inland waterways etc.)(e) of the Transport and Works Act 1992(f); or
- (c) a local Act.

(3) A provision falling within paragraph (2) is to have effect as if no speed limit were imposed in relation to a vehicle used for naval, military or air force purposes while being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown on an occasion when—

- (a) the person driving the vehicle is a member of the special forces; and
- (b) the vehicle is being driven—
 - (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving vehicles at high speeds; or
 - (ii) for the purpose of training a person in driving vehicles at high speeds.

Regulations in relation to orders and notices under the 1984 Act

3.—(1) An order made, or notice issued, under section 14 of the 1984 Act in relation to a road in England that imposes a speed limit on vehicles must provide for an exemption from the speed limit for vehicles falling within paragraph (4) when used in accordance with paragraph (5).

(2) An order made under section 16A of the 1984 Act in relation to a road in England or Scotland that imposes a speed limit on vehicles must provide for an exemption from the speed limit for vehicles falling within paragraph (4) when used in accordance with paragraph (5).

(3) An order made under section 84(1)(c) of the 1984 Act by a local authority in relation to a road in England must provide for an exemption for vehicles falling within paragraph (4) when used in accordance with paragraph (5).

(4) A vehicle falls within this paragraph if it is a vehicle used for naval, military or air force purposes.

(5) A vehicle is used in accordance with this paragraph if it is being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown on an occasion when—

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- (a) Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1 and amended by the National Parks (Scotland) Act 2000 (asp 10) Schedule 5, paragraph 11(1).
 - (b) Section 16A was inserted by the Road Traffic Regulation (Special Events) Act 1994 (c.11), section 1(1).
 - (c) Section 17 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, Part II, paragraph 28 and Schedule 9; the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 25 and Schedule 8 and the National Parks (Scotland) Act 2000 (asp 10) Schedule 5, paragraph 11(2).
 - (d) Section 84(1) was substituted by the Road Traffic Act 1991 (c.40), section 45(1) and (2).
 - (e) Section 3 was amended by the Planning Act 2008 (c.29), Schedule 2, paragraphs 51 and 53.
 - (f) 1992 c.42; by virtue of section 5 of, and paragraph 13 of Schedule 1 to, the Act orders under section 3 of the Act may provide for the making and enforcement of byelaws.

- (a) the person driving the vehicle is a member of the special forces; and
- (b) the vehicle is being driven—
 - (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving vehicles at high speeds; or
 - (ii) for the purpose of training a person in driving vehicles at high speeds.

Amendment of road traffic regulations

4. In the Road Vehicles Lighting Regulations 1989(a)—

- (a) in regulation 3 (interpretation) in the Table after “Special equipment” in column (1) and the corresponding entry in column (2) insert, respectively—

““Special forces”	Those units of the home forces the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which are for the time being subject to the operational command of that Director.
“Special forces purposes”	The expression means, in relation to the use of a vehicle, the use of a vehicle by the special forces in response, or for training or practice in responding, to a national security emergency.”;

- (b) in regulation 11 (colour of light shown by lamps and reflectors) in paragraph (2)(k) after “emergency vehicle” insert “or to a vehicle used for special forces purposes”;
- (c) in regulation 13 (lamps to show a steady light) at the end of paragraph (2)(b) add “or a vehicle used for special forces purposes”; and
- (d) in regulation 16 (restrictions on fitting blue warning beacons, special warning lamps and similar devices) after “emergency vehicle” insert “or a vehicle used for special forces purposes”.

5. In the Road Vehicles (Construction and Use) Regulations 1986(b) in regulation 37 (audible warning instruments)—

- (a) in paragraph (5) for sub-paragraph (k) substitute—
 - “(k) owned or operated by the Secretary of State for Defence and used—
 - (i) for the purpose of any activity—
 - (aa) which prevents or decreases the exposure of persons to radiation arising from a radiation accident or radiation emergency; or
 - (bb) in connection with an event which could lead to a radiation accident or radiation emergency; or
 - (ii) for special forces purposes;”;
- (b) for paragraph (9A) substitute—
 - “(9A) In this regulation—
 - “radiation accident” and “radiation emergency” have the same meaning as in the Radiation (Emergency Preparedness and Public Information) Regulations 2001(c);
 - “special forces” means those units of the home forces the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which are for the time being subject to the operational command of that Director; and

(a) S.I. 1989/1796, to which there are amendments not relevant to these Regulations.
 (b) S.I. 1986/1078; relevant amending instruments are S.I. 2005/2560, 2009/3221.
 (c) S.I. 2001/2975, to which there are amendments not relevant to these Regulations.

“special forces purposes” means, in relation to the use of a vehicle, the use of a vehicle by the special forces in response, or for training or practice in responding, to a national security emergency.”.

6. In the Zebra, Pelican and Puffin Pedestrian Crossings Regulations 1997(a)—

- (a) in regulation 3 (interpretation) in paragraph (1) after the definition of “secondary signal” insert—
- ““special forces purposes” means, in relation to the use of a vehicle, the use where—
- (a) the person driving the vehicle is a member of a unit of the armed forces of the Crown the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which is for the time being subject to the operational command of that Director; and
- (b) the vehicle is being driven—
- (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving vehicles at high speeds; or
- (ii) for the purpose of training a person in driving vehicles at high speeds;”;
- (b) in regulation 12 (significance of vehicular light signals at pelican crossings) in paragraph (1)—
- (i) in sub-paragraphs (c) and (d) for “sub-paragraph (e) and sub-paragraph (ea) and sub-paragraph (eb)” substitute “sub-paragraphs (e) to (ec)”;
- (ii) at the end of sub-paragraphs (e), (ea) and (eb) omit “and”; and
- (iii) after sub-paragraph (eb) insert—
- “(ec) when a vehicle is being used for special forces purposes, sub-paragraphs (c) and (d) shall not apply to the vehicle, and the steady amber and the red signal shall each convey the information that the vehicle may proceed beyond the stop-line if the driver—
- (i) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on the central reservation which lies between two crossings which do not form part of a system of staggered crossings; and
- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident; and”;
- (c) in regulation 13 (significance of vehicular light signals at puffin crossings) in paragraph (1)—
- (i) in sub-paragraphs (c), (d) and (e) for “sub-paragraph (f) and sub-paragraph (g) and sub-paragraph (h)” substitute “sub-paragraphs (f) to (i)”;
- (ii) at the end of sub-paragraph (h) add—
- “; and
- (i) when a vehicle is being used for special forces purposes sub-paragraphs (c), (d) and (e) shall not apply to the vehicle and the red signal, red-with-amber and amber signals shall each convey the information that the vehicle may proceed beyond the stop line if the driver—
- (aa) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on a central reservation which lies between two crossings which do not form part of a system of staggered crossings; and

(a) S.I. 1997/2400; relevant amending instruments are S.I. 2004/3168, 2005/2929, S.S.I. 2005/344.

- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident”; and
- (d) in regulation 21 (exceptions to regulation 20) in paragraph (c) for “or ambulance” substitute “, ambulance or special forces”.

7. In the Traffic Signs Regulations 2002(a)—

- (a) in regulation 4 (interpretation-general) after the definition of “solo motor cycle” insert—
 - ““special forces purposes”, in relation to the use of a vehicle, means the use where—
 - (a) the person driving the vehicle is a member of a unit of the armed forces of the Crown the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which is for the time being subject to the operational command of that Director; and
 - (b) the vehicle is being driven—
 - (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving vehicles at high speeds; or
 - (ii) for the purpose of training a person in driving vehicles at high speeds.”;
- (b) in regulation 15 (sign shown in diagram 610 and its significance)—
 - (i) in paragraph (1) after “(2B)” insert “, (2C)”;
 - (ii) after paragraph (2B) insert—
 - “(2C) On an occasion where a vehicle is being used for special forces purposes the requirement conveyed by the sign in question shall be that the vehicle shall not proceed beyond that sign in such a manner or at such a time as to be likely to endanger any person.”;
- (c) in regulation 26 (road markings shown in diagrams 1013.1, 1013.3 and 1013.4: double white lines) in paragraph (5)(b) after “ambulance” insert “, special forces”;
- (d) in regulation 27 (road marking shown in diagram 1001.3: zig-zag lines-no stopping) in paragraph (3)(c) for “or ambulance” substitute “, ambulance or special forces”;
- (e) in regulation 36 (significance of light signals prescribed by regulations 33 to 35) in paragraph (1)—
 - (i) in sub-paragraph (a) for “sub-paragraph (b) and sub-paragraph (ba) and sub-paragraph (bb)” substitute “sub-paragraphs (b) to (bc)”;
 - (ii) after sub-paragraph (bb) insert—
 - “(bc) when a vehicle is being used for special forces purposes sub-paragraph (a) shall not apply to the vehicle and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident.”;

(a) S.I. 2002/3113; relevant amending instruments are S.I. 2004/3168, 2005/2929, S.S.I. 2005/344.

- (f) in regulation 38 (significance of the light signals prescribed by regulation 37(1)) in paragraphs (2), (3) and (4) after “36(1)(b)” insert “or (bc)”; and
- (g) in Schedule 19 (bus stop and bus stand clearways and box junctions) in Part 1 in paragraph 4 (other exceptions) in sub-paragraph (1)(a) after “ambulance” insert “, special forces”.

Signed by authority of the Secretary of State for Transport

23rd March 2011

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations vary statutory provisions which impose speed limits and make amendments to other road traffic requirements to provide exemptions for drivers who are members of the special forces (defined in *regulation 1(2)*) using vehicles in response to a national security emergency or whilst being trained or practising to do so.

It is a condition of the exemptions, when responding to an actual emergency or practising to do so, that drivers have been trained in the driving of vehicles at high speeds.

The regulations—

- (a) provide that speed limits imposed by or under—
 - (i) section 81(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”),
 - (ii) existing orders or notices under section 14 of the 1984 Act,
 - (iii) existing orders under section 16A, 84(1) or 88 of the 1984 Act,
 - (iv) regulations under section 17 of the 1984 Act,
 - (v) section 3 of the Transport and Works Act 1992, and
 - (vi) any local Act,

are varied so as to exempt special forces drivers using vehicles in response to a national security emergency or whilst being trained or practising to do so (*regulation 2*);

- (b) provide that—
 - (i) orders or notices to be made under section 14 of the 1984 Act in relation to roads in England which impose a speed limit,
 - (ii) orders to be made under section 16A of that Act in relation to roads in England or Scotland which impose a speed limit, and
 - (iii) orders to be made under section 84(1) of that Act in relation to roads in England,

must exempt special forces drivers using vehicles in response to a national security emergency or whilst being trained or practising to do so (*regulation 3*); and

- (c) amend other legislation to allow the use of flashing headlamps, rear-showing blue lights and two-tone sirens; stop lights at pedestrian crossings to be ignored, where it is safe to do so, and specified traffic signs not to be heeded by special forces drivers using vehicles in response to a national security emergency or whilst being trained or practising to do so (*regulations 4 to 7*).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

The Explanatory Memorandum is available alongside the instrument at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

2011 No. 935

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The Road Traffic Exemptions (Special Forces) (Variation and
Amendment) Regulations 2011

£5.75