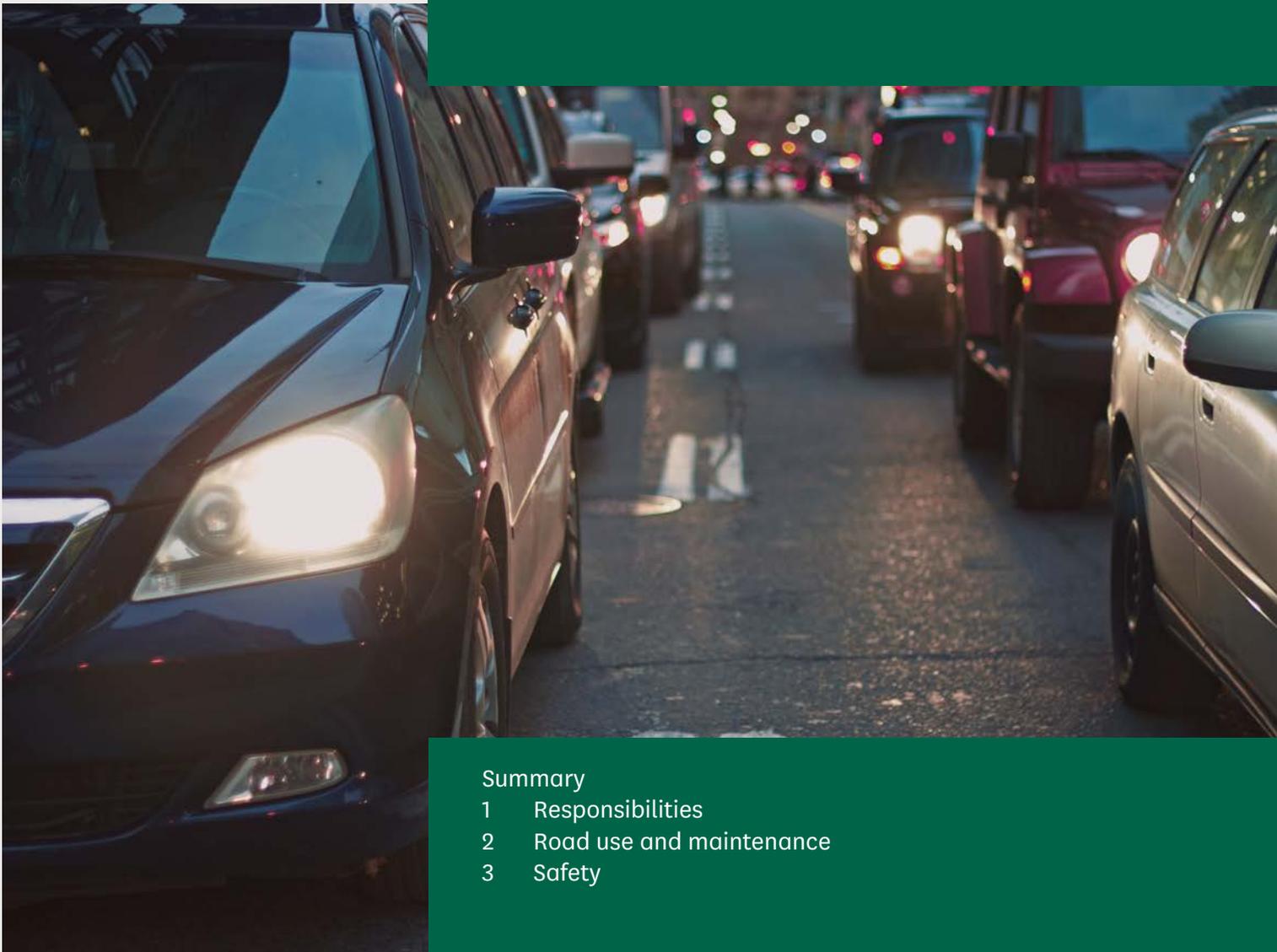


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Roads and traffic regulation FAQs



Summary

- 1 Responsibilities
- 2 Road use and maintenance
- 3 Safety

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Summary

There are various bodies with responsibility for road maintenance and safety in the UK:

- [Highways England](#) (a government-owned company) are responsible for the Strategic Road Network (SRN)
- Local roads are managed by the relevant [local authority](#).
- Major Scottish roads are managed by [Transport Scotland](#).
- Major Welsh roads are managed by the [Welsh Government](#)
- Major London roads (the so-called ‘[Red Route](#)’) are managed by [Transport for London](#).
- Other roads in London are managed by London borough councils.

This briefing paper answers various Frequently Asked Questions constituents often raise with MPs about road and traffic regulations. It provides general information relating to these FAQs and signposts to more detailed sources of information and advice.

- **Responsibilities:** Who is responsible for roads, motorways and traffic signs? What are the powers and responsibilities of local authorities over street lighting, road damage and Clean Air Zones.
- **Road use and maintenance:** Can you get compensation for loss of business due to road works? Can councils force utilities to reinstate roads? Can local authorities ban lorries from roads? Is there a cost for parades?
- **Road and vehicle maintenance and safety:** What are smart motorways? How is vehicle safety around schools ensured? Where does the money made from speeding fines go? How can e-scooters, off-road motorbikes and quad bikes be used safely?

There are some statutory public bodies that can provide further information:

- [Highways England](#)
- [Driver and Vehicle Licensing Agency](#)
- [Driver and Vehicle Standards Agency](#)
- [Vehicle Certification Agency](#)

Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of a

particular individual. A suitably qualified professional should be consulted if specific advice or information is required.

1 Responsibilities

1.1 Who is responsible for roads?

- [Highways England](#) (a government-owned company) are responsible for the Strategic Road Network (SRN)
- Local roads are managed by the relevant [local authority](#).
- Major Scottish roads are managed by [Transport Scotland](#).
- Major Welsh roads are managed by the [Welsh Government](#)
- Major London roads (the so-called ‘[Red Route](#)’) are managed by [Transport for London](#).
- Other roads in London are managed by London borough councils.

1.2 Who is responsible for the motorway network?

Highways England, a government-owned company are responsible for the Strategic Road Network (SRN). Trunk roads in Wales and Scotland are managed by the [Welsh Government](#) and [Traffic Scotland](#) (on behalf of Transport Scotland).

The SRN comprises approximately 4,300 miles of motorways and major ‘trunk’ A-roads in England. While the SRN represents only around two per cent of the total length of England’s road network, the Department for Transport [estimates](#) that it carries roughly one-third of the total motor vehicle traffic.

The SRN expands as new roads and capacity are added and contracts as other roads are ‘de-trunked’ (i.e. devolved to local highways authorities). On coming into office in 1997 the Labour Government thought that approximately [40 per cent of the trunk road network](#) could be devolved in this way and [by 2006](#) a little over 2,100 miles of the SRN had been de-trunked. A [list of de-trunking orders](#) made between 2004 and 2014 is available.

1.3 What are unadopted roads, and who is responsible for them?

Unadopted roads are roads that do not belong to the Public Roads Network.

[Section 36](#) of the Highways Act 1980, as amended, requires every local highway authority (unitary and county councils) to “cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense.” Residents can use this to determine the highway authority for the road.

The question as to what a local highway authority can do with regards to private or ‘unadopted’ roads is a very complex one and depends on the legal status of the road in question (i.e. whether it is a road or a highway, whether there is a public right of way or a private right of way etc.) and depending on which of these apply the answer will be different.

The general principle is that local highway authorities have no *duties* regarding private roads, though they do have some *powers*, which they can use at their discretion. The duty to maintain the road lies with the frontagers (i.e. the people who live on the road).

Local authorities can ‘adopt’ roads under the Highways Act 1980, but as this makes them financially liable for their maintenance there is a general reluctance to do so unless the road is made up to an acceptable condition.

Further information on the complex legal framework surrounding unadopted roads can be found in Commons Library briefing paper, [Private, or ‘unadopted’ roads in England and Wales](#).

1.4

Who is responsible for road signs?

In Great Britain, under [section 64](#) of the Road Traffic Regulation Act 1984 responsibility for erecting and maintaining traffic signs rests with the relevant traffic authority, also known as the highway authority. For roads not part of the Strategic Road Network (see section 1.1) this will be the local unitary or county council.

The 1984 Act permits highway authorities to place traffic signs “on or near” roads under their control so long as they are in conformity with the Traffic Signs Regulations and General Directions 2016 ([SI 2016/362](#)). The Directions set national standards concerning the appearance and meaning of road signs but not where to place them. In practice this means that highway authorities may place any sign contained in the Directions at their own discretion. Permission from the Secretary of State is required before erecting any sign not included in the TSRGD and is only likely to be granted if need can be proven and no alternative exists.

In Northern Ireland, the relevant legislation are the Traffic Signs Regulations (Northern Ireland) 1997 ([NISI 1997/386](#)), made under the Road Traffic (Northern Ireland) Order 1995 ([NISI 1995/2994](#)) and the Road Traffic Regulation (Northern Ireland) Order 1997 ([NISI 1997/276](#)). As the NI legislation is more than 20 years old the NI Department for Infrastructure has granted permission for a large number of [additional signs](#).

The Department for Transport, Scottish Government, Welsh Government and NI Department for Infrastructure have issued guidance to highway authorities in the form of the [Traffic Signs Manual](#). While technically non-binding the Manual does set out how governments expect highway authorities to utilise road signs as part of their legal duties.

As the highway is public property private individuals cannot place signs there without permission. People can in principle put up signs and other street furniture on private land. However, under [section 69](#) of the 1984 Act highway authorities have the power to require the owner or occupier of private land to remove any sign, usually on grounds of road safety (e.g. if it proves distracting to drivers).

1.5 How can you get a local road scheme off the ground?

There are now various bodies – which differ according to where one lives – that would be responsible for developing road schemes and various pots of funding that can be accessed for local transport schemes.

As transport schemes are usually capital projects, the bulk of available funding comes through Local Enterprise Partnerships (LEPs); though local authorities would still be expected to make the case for and contribute funds to any particularly local schemes. Any scheme that one wanted to get off the ground would need a feasibility study and a business case; the likelihood of a local authority or a LEP taking up a particular scheme will probably be founded in their wider strategic and local transport plans, for which they will have done a great deal of survey and assessment work.

In Mayoral Combined Authorities and London, the process would be driven by the Mayor and the transport authority (e.g. Transport for Greater Manchester, Transport for London etc.).

A new pot of funding was made available in for what the Government called the '[Major Road Network](#)' (MRN). This consists of strategic local routes in England, managed by local authorities. Of the £28.8 billion National Road Fund to be allocated between 2020-2025 [£3.5 billion is expected to be spent on local roads](#). The MRN is [sometimes referred to](#) as a 'bypass fund' of sorts. In December 2018 the Government published [guidance](#) for local authorities on how to apply for funding.

Local road projects usually do not involve Highways England, except where a scheme intersects or abuts onto the Strategic Road Network (see [section 1.1](#), above).

1.6

What funding is available to tackle potholes?

Following the [Conservative Party's 2019 manifesto](#) promise to launch the country's "biggest ever pothole-filling programme", the March 2020 Budget included a £2.5bn Pothole Fund, which the Chancellor, Rishi Sunak, said would be "enough to fill, by the end of the Parliament, 50 million potholes." This funding represented a [45% increase to local road maintenance budgets](#) for 2020/21.

In a bid to identify 'pothole hot-spots,' the Department for Transport has since [launched](#) an audit of potholes in England which will utilise data provided by highway mapping company Gaist and on-road businesses including Deliveroo, Uber, Tesco, and Ocado.

On 15 February 2021 the Department for Transport [allocated](#) £500 million to local authorities in England for highways maintenance, which the Government says should "fix the equivalent of 10 million potholes across the country." More about highways maintenance funding allocations for 2021/22 can be found on [gov.uk](#). Local highway authorities are expected to fund repairs largely out of their general cash pot, though there are smaller pots of cash available through various DfT schemes.

In 2021/22, English local authorities have a [core spending power](#) of £51.26 billion through which to provide services including road maintenance. According to [MHCLG statistics](#) local authority net current expenditure on highways and roads maintenance (including structural, environmental, safety and routine maintenance) totalled £1.14 billion in 2020/21.

In the June 2013 spending round the Government committed £10 billion to tackle the roads maintenance backlog by 2020/21, £6 billion of which would go to local authorities. The [Highways Maintenance Block grant](#) is divided into three parts. The majority of the grant is allocated to local authorities on a 'needs' basis, taking into account factors such as road length and the number of bridges. Over £2.5 billion went to local authorities between 2015/16 and 2017/18, with a provisional allocation of £2.175 for 2018/19 to 2020/21. From 2016 a new incentive-based element for highways maintenance funding was introduced by the DfT.

From April 2016 an [incentive-based element](#) for highways maintenance funding, worth around £600 million, was introduced. The annual incentive funding pot has risen from £50 million in 2016/17 to £151 million in 2018/19.

Finally, £575 million was made available in the form of a '[challenge fund](#)' through which local authorities bid for funding to help repair and maintain local highway infrastructure such as junctions, bridges, and street lighting. The first successful bids, sharing £275 million, were [announced](#) in March 2015. The latest funding competition was [launched](#) in July 2019 and is worth £98 million for 2019/20 and £100 million for 2020/21.

Funds aimed specifically at pothole repair have also been made available in recent years.

- In June 2014 the Government [announced](#) plans to help fill more than three million potholes by allocating local councils in England £168 million of funding from a dedicated Pothole Repair Fund. As a condition of receiving the money local authorities would be required to publish quarterly progress updates on how many potholes had been repaired.
- In Budget 2016 the Government published details of a new £250 million Pothole Action Fund to be allocated between 2016 and 2021. Additional funding of £46 million was [announced](#) in December 2017, bring the total to £296 million.
- Severe weather in early 2018 prompted the DfT to [allocate](#) another £100 million to help repair potholes and other storm damage.

In July 2019 the Transport Select Committee published a [report](#) recommending fundamental reform of local road maintenance funding, and the introduction of a long term, front-loaded funding settlement to allow councils to better plan road repairs and get better value for money. The Government [broadly welcomed](#) this proposal and pledged to look into it further.

1.7

Do local authorities have to provide street lighting?

No. The relevant legislation is section 97 of the [Highways Act 1980](#), as amended, which gives highway authorities the *power* to provide lighting for the highways for which they are responsible but does not *require* them to do so. It states:

97 Lighting of highways.

(1) The Minister and every local highway authority may provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority, and may for that purpose—

(a) contract with any persons for the supply of gas, electricity or other means of lighting; and

(b) construct and maintain such lamps, posts and other works as they consider necessary.

(2) A highway authority may alter or remove any works constructed by them under this section or vested in them under Part III of the Local Government Act 1966 or section 270 below.

(3) A highway authority shall pay compensation to any person who sustains damage by reason of the execution of works under this section.

(4) Section 45 of the Public Health Act 1961 (attachment of street lamps to buildings) and section 81 of that Act (summary recovery of damages for negligence) apply to a highway authority who are not a council of a kind therein mentioned as they apply to such a council.

However, problems with streetlights can be reported on the [government website](#).

1.8 Is the local authority liable for accidents or damage on the highway?

Highway authorities have a legal duty to maintain the highway under section 41 of the [Highways Act 1980](#), as amended. The standards of repair that local highway authorities must follow are set out in [Well-managed highway infrastructure: a code of practice](#), published in October 2016 by the UK Roads Liaison Group (UKRLG). It is not a statutory document but is published with the backing of central and local government.

There are two defences available to a highway authority faced with claims under section 41 of the 1980 Act for failure to maintain the highway: a common law defence and a statutory defence as provided for in section 58 of the 1980 Act:

- The **common law** defences available to the highway authority are listed in the Encyclopaedia of Highways Law & Practice and are, briefly: act of God or inevitable accident; act of a third party; contributors negligence; and *volenti non fit injuria* (one who knowingly and voluntarily consents to and takes on a risk cannot ask for compensation for the damage or injury resulting from it).
- **Section 58** provides the highway authority with a complete defence if it can prove that it had taken such care as was reasonably required to ensure that the part of the highway to which the action relates was not dangerous to traffic ('traffic' includes pedestrians and animals). Generally speaking, a highway authority is expected to take reasonable care of the highway and should have procedures laid down for inspection and repair. In essence, a judge must be satisfied that a council did all that was reasonably required to avoid there being any danger to pedestrians and motorists if a council is to succeed in using the special defence provided by section 58.

The Institute of Highway Engineers' [Well Managed Highway Liability Risk](#), published in 2017 and updated in 2019, provides a reference source and

practical guidance on best practice in the management of highway liability risk exposures for local highway authorities.

1.9 Who sets speed limits and how can one be changed?

In built up areas the national speed limit is 30 mph; on single carriageway roads it is 60 mph; and on dual carriageways, 70 mph. However, highway authorities have the power to vary the speed limits on the roads they control. In urban areas, for example, particularly around schools, there has been a growing trend for local highway authorities to reduce the limit to 20 mph. Similarly, single and dual carriageways often have a lower limit than that indicated above, particularly where they approach heavily populated areas.

[Section 84](#) of the Road Traffic Regulation Act 1984 gives local authorities the power to determine speed limits on unrestricted local roads in their area, i.e. all roads apart from motorways, A roads and restricted roads (i.e. roads lit by street lights no more than 200 yards apart with a speed limit no higher than 30 mph). However, local highway authorities can reduce the limit on restricted roads to 20 mph.

Local highway authorities must ‘have regard to’ the guidance issued by the DfT, currently [Setting Local Speed Limits](#) (DfT circular 1/2013). This states that speed limit reviews should be ‘evidence-led’ and sets out the key factors the DfT would expect local authorities to take into account and the speed limits they would expect to see on various types of roads, including urban and rural.

Local authorities also have a general duty under [section 16](#) of the Traffic Management Act 2004 to secure “the expeditious movement of traffic on [their] road network” and decisions about speed limits should be consistent with this.

Speed limit orders must comply with the consultation procedure requirements set out in Part II of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ([SI 1996/2489](#)), as amended.

Speed limits are enforced by the police and (more usually these days) automated detection devices such as speed cameras. Penalties can range from a Fixed Penalty Notice of £100 and three points on the licence to a £1,000 fine and a disqualification. Drivers may be offered the alternative of a speed awareness course.

Some have called for a **more pro-active approach to speed management** and enforcement, with the use of Intelligent Speed Adaptation (ISA) or ‘speed limiters’ for vehicles. [ISA](#) is:

...a system that provides, within the vehicle, information on the speed limit for the road currently being travelled on. That

information can be used to display the current speed limit inside the vehicle and warn the driver when he or she is speeding (i.e. Advisory ISA); it can be linked to the vehicle engine and perhaps brakes to curtail speed to the speed limit for the road while allowing the driver to override the system (i.e. Voluntary ISA); or it can be linked to engine and brakes without the possibility of an override (i.e. Mandatory or Non-Overridable ISA).

The Department for Transport published a [study on ISA in 2008](#). This concluded that any successful implementation of ISA would ultimately rely upon the attitude of the general public.

A blunter instrument would be a speed limiter – speed limiters physically limit the maximum speed of a vehicle (like mandatory or non-overridable ISA), such as already exist in HGVs and buses. Successive governments have [generally opposed](#) this type of technology and voted against its introduction at EU Council.

Since 2010 Conservative-led governments have debated whether the speed limits on motorways should be increased to 80 mph, but there has not been a formal consultation and it is [not now Government policy](#).

You can request a speed limit change [on the government website](#).

1.10

How can local authorities implement road charges, including Clean Air Zones and emission charges?

The Labour Government legislated twenty years ago to allow local authorities to establish local road charging schemes in their areas: these were aimed at combating congestion and tackling poor air quality. However, use of these powers has been limited to a small scheme in Durham and, more recently, limited emissions-targeted schemes in places like Brighton and Nottingham.

The only congestion scheme in the UK is the one in London; plans to introduce such a scheme in Cambridge, Edinburgh and Manchester collapsed in the mid-2000s, in two cases following substantial defeats in local referenda.

However, poor air quality in many urban areas has led to a resurgence of interest in local road charges, specifically by introducing ‘low emission’ or ‘clean air’ zones (CAZs). The Government published its most recent [Clean Air Zone Framework](#) in May 2017 which provides guidance to local authorities on how to set up and administer a CAZ. Cities across the UK have [announced](#) an intention to do so. In 2021 Clean Air Zones were established in [Bath](#) and [Birmingham](#).

London has had a low emission zone since 2008, which has been gradually strengthened. In 2014 Boris Johnson, then Mayor of London, announced plans to introduce an [Ultra Low Emission Zone \(ULEZ\)](#) from September 2020. The date was brought forward by his successor, Sadiq Kahn, and the ULEZ has been in operation in central London since April 2019. From October 2021 the ULEZ will expand to cover the area between the North and South Circular roads.

Local road charges can be introduced in England, Wales and Scotland. There is no legislative authority for such charges in Northern Ireland.

- In **England** under Part III and Schedule 12 of the [Transport Act 2000](#), or the [Greater London Authority Act 1999](#), both as amended, charges can be introduced by county councils; metropolitan district councils; Transport for London; a London borough council or the Common Council of the City of London; and Passenger Transport Executives (PTEs)/Integrated Transport Authorities (ITAs). Devolution arrangements in England mean that in practice the relevant authority in some areas could be the elected mayor and/or relevant authority (e.g. Transport for Greater Manchester).
- In **Wales** charges can be introduced under the same legislation as in England by county councils and metropolitan district councils.
- In **Scotland** charges can be introduced by councils constituted under [section 2](#) of the Local Government etc. (Scotland) Act 1994 under Part 3 and Schedule 1 of the [Transport \(Scotland\) Act 2001](#) and for Low Emission Zones [Part 2](#) of the Transport (Scotland) Act 2019.

For more information the Clean Air Zone helpdesk can be contacted using the [online contact form](#) or by phone on 0300 029 8888.

2 Road use and maintenance

2.1 Can you get compensation for loss of business from road works?

The general rule is that there is no compensation if a business is affected by road works. Successive governments have taken the view that businesses should not have the right in law to any particular given level of passing trade, and that traders must take the risk of loss due to temporary disruption of traffic flows along with all the other various risks of running a business.

However, there is specific provision in the sector-specific legislation to provide for compensation in the cases of gas and water utilities.

Further information is provided in the Commons Library briefing paper [Roads: compensation for loss of business from road works](#).

2.2 Can councils force utilities to reinstate the road properly?

Yes. [Sections 70-73](#) of the New Roads and Street Works Act 1991 are concerned with the reinstatement of the road once street works have been completed. In summary, the undertaker (e.g. the utility or cable company) is responsible for the reinstatement of the road after street works have been completed. Local highway authorities have powers to inspect and carry out remedial works at the utility company's expense if the reinstatement standard is unsatisfactory.

The guidance to which the undertakers must have regard is DfT, [New Roads and Street Works Act 1991: Specification for the Reinstatement of Openings in Highways](#) (4th ed. England), May 2021. This guidance replaced the third edition published in 2010 following a [consultation](#) in 2019 which sought views on plans to extend the reinstatement duties on undertakers, by asking them to guarantee their repairs for five years.

More information about the changes found in the new specification can be found [here](#).

2.3

Is there a legal minimum width for a road?

There are no laws or regulations, as such, for specifying ‘legal’ road widths. However, there are design documents that provide guidance and advice. The width of a road depends on the volume, type and mix of traffic expected as well as other issues so there is not a straightforward answer.

- The design rules for **Highways England roads** are set out in the *Design Manual for Roads and Bridges*. [Volume 6, Section 1, Part 2](#) sets out the dimensional requirements for the highway cross-sections for all-purpose and motorway trunk roads, both at and away from structures. It also gives requirements for headroom at structures.
- The design rules for **local authority roads** are set out in the *Manual for Streets*. [Chapter 7](#) sets out carriageway widths and [Chapter 5](#) sets out urban design principles including at [Figure 5.3](#) typical widths for different types of road.

The Government’s 2012 [Guidance on road classification and the primary route network](#), states:

There are wide disparities in the road networks in different parts of England. It is not helpful to adopt a single standard for selecting different classes of road in every part of the country. Classifications must be set in a way that reflects the road network in their local area.

Any standards must therefore be relative:

- An A road will generally be among the widest, most direct roads in an area, and will be of the greatest significance to through traffic
- A B road will still be of significance to traffic (including through traffic), but less so than an A road
- A Classified Unnumbered road will be of lower significance and be of primarily local importance, but will perform a more important function than an unclassified road
- An Unclassified road will generally have very low significance to traffic, and be of only very local importance.

This may be difficult to understand in the abstract, but when applied to a physical road network it should be reasonably clear how these principles will relate to local traffic movement.

2.4 Can local authorities ban lorries from residential streets?

Yes. Highway authorities can place temporary, experimental or permanent restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO). One of the most popular uses for TROs is restricting the movements of HGVs in residential areas. The relevant legislation is contained in the [Road Traffic Regulation Act 1984](#), as amended.

Section 2(4) of the 1984 Act allows TROs to restrict the use of 'heavy commercial vehicles'. The definition of a heavy commercial vehicle is given in section 138(1) of the Act as any goods vehicle which has an operating weight exceeding 7.5 tonnes.

[TROs can be complex and expensive](#) to draw up and implement, so local authorities are usually keen for there to be a sound case for acting and widespread support for any proposed scheme.

2.5 Are the police and/or the council allowed to charge for parades?

Unless a parade (of whatever nature, a street party, a Remembrance Day event or something else) is planned for an already pedestrianised route, a road or roads will have to be closed for the event in the interests of safety. This requires the local authority to make an Order to that effect. Many local authorities charge for such an Order to cover the costs of enforcing the event.

There are essentially two basic powers that local authorities can use to close roads for the purposes of parades, street parties etc.: temporary [Traffic Regulation Orders \(TROs\)](#) and section 21 of the [Town Police Clauses Act 1847](#).

There have been a number of notable cases (e.g. around the time of the Royal Wedding in April 2011 and during the Olympics and the Diamond Jubilee in summer 2012) where local authorities switched from using the 1847 Act to the 1984 Act. The changes seem often to have been made because local police forces are unable to provide the support that is required under the 1847 Act to enforce the closure.

This has caused some concern due to the fact that there is a specific power for local authorities to charge for a road closure made via a TRO but not one made under the 1847 Act. Schedule 2 to the Local Authorities (Transport Charges) Regulations 1998 ([SI 1998/948](#)), as amended, states that a charge for any kind of TRO may be made to the organisers of the event for which the road is closed. There is no prescribed limit on the amount of charge.

3 Safety

3.1 What are smart motorways and are they safe?

In 2006 Highways England (HE) piloted a new system of ‘Smart Motorways’ where technology is used to monitor traffic levels, change the speed limit to smooth traffic flow, activate warning signs, and close lanes—on the M42.

Since then, a programme of smart motorways has been rolled out across several other motorways, nine of which are All Lane Running (ALR) motorways. In October 2019 HE announced that an additional 300 miles of smart motorway without hard shoulders would be built across England by 2025.

All Lane Running (ALR) is a version of smart motorways, in which lanes can be individually closed and variable speed limits set. The conversion of a motorway into a smart motorway does not necessarily mean that an ALR configuration is being used, as smart motorways are defined by the ability to alter the variable speed limits of the road, and individually close lanes according to circumstances.

Some safety concerns have been raised, particularly in relation to the loss of the hard shoulder in ALR schemes where it is permanently converted into a running lane. The only safe areas available to a vehicle to stop in an emergency are the [Emergency Refuge Areas \(ERAs\)](#), which are [spaced](#) at between 1.6km to 2.5 km.

In 2016 the Transport Select Committee concluded that it [did not support the nationwide roll out of All Lane Running \(ALR\)](#) (para 22) on the basis that the attendant safety risks associated with the scheme had not been fully addressed. Fatalities on stretches of ALR motorway in the last year have resulted in concerns being raised by local police forces, who have increased patrols in some areas, [and the AA](#). The Committee highlighted several safety issues relating to ALR, including non-compliance with Red Xs, Stopped Vehicle Detection (SVD) system coverage, the size and spacing of ERAs and the misuse of ERAs.

The [Government’s response](#) to the Committee’s report largely rejected their recommendations. However, in the years since there has been a series of widely reported deaths involving motorists and passengers on live lanes of smart motorways (e.g. multiple fatalities on the [M1 in South Yorkshire](#), [eight-year-old Dev Naran on the M6](#)) and [public confidence](#) in the safety of these roads is low.

Although [Highways England maintain](#) that smart motorways, including those with ALR are no more dangerous than other motorways, the Secretary of State for Transport, Grant Shapps, [announced](#) an ‘evidence stocktake’ review of smart motorway safety in October 2019. The [report](#), published in March 2020, concluded that “in most ways, smart motorways are as safe as, or safer than, conventional motorways, but not in every way.” (para 5.5). It found, for example, that ERAs were a safer place of refuge than a conventional motorway’s hard shoulder but that the risk of vehicles stopping in live lanes was greater on ALR motorways.

Alongside the evidence review, the Secretary of State announced an 18-point action plan intended to “allow us to retain the benefits of smart motorways while addressing the concerns that have been identified.” Actions include speeding up the deployment of SVD technology and reducing the distance between ERAs to three quarters of a mile “where possible”, with a maximum of one mile [[HC Deb 12 March 2020 c5WS-8WS](#)].

In January 2021 it was [confirmed](#) that “the Secretary of State held a meeting with Highways England to discuss progress on the Smart Motorway Safety Evidence Stocktake and Action Plan. He has asked for a report setting out progress in delivering the 18-point Action Plan and identifying actions that can be delivered early by 12 March 2021, so any accelerated works can be rapidly put in place.”

More information is available in Commons Library briefing paper [Smart motorways and All Lane Running](#).

3.2

What can be done to tackle traffic congestion around schools?

Concerns about safety and unhealthy levels of air pollution have led to [calls](#) for cars to be restricted or banned around schools. At present, the power to implement traffic restrictions such as this lies with the local council in its capacity as highway authority. They can do so by means of a [Traffic Regulation Order \(TRO\)](#), which can be used to apply most types of prohibition, restriction, or regulation of the use of specified roads.

Two options would be to tighten parking restrictions by [prohibiting stopping](#) (which would include picking up or dropping off children) or to prohibit motor vehicle access entirely. In both cases the TRO could limit the restriction so that it only operated at times of day coinciding with the school run.

The Times [reported](#) in September 2019 that 40 schools in England had introduced a so-called ‘school streets’ schemes. Mostly found in London, the schemes involve the council effectively temporarily pedestrianising the streets near selected schools by prohibiting motor vehicle access around opening and closing times (with exemptions for residents and Blue Badge holders).

Hackney Council have produced a [School Streets Toolkit](#) providing a case study on how they did it and guidance for other councils.

The Government's [cycling and walking plan, Gear Change](#), published in summer 2020 includes a commitment to boost the amount of walking and cycling to school including by increasing the number of school streets.

TROs can be complex and expensive to draw up and implement, so local authorities are usually keen for there to be a sound case for acting and widespread support for any proposed scheme.

3.3 Where can speed cameras be put and must they be visible?

The relevant guidance is DfT Circular 01/2007, [Use of speed and red-light cameras for traffic enforcement: guidance on deployment, visibility and signing](#), dated 31 January 2007. Local traffic authorities are encouraged to follow the speed camera site selection criteria contained in the Annex to the Circular, but they are not obliged to do so.

Since 2011 highway authorities have been required to publish data about the impact of their speed cameras in terms of casualties and speed reduction.

On the subject of visibility, the Circular states:

Depending upon the enforcement method used, speed camera housings (including tripod-mounted cameras) or the camera operator or the mobile enforcement vehicle should be clearly visible from the driver's viewpoint at the following minimum visibility distances:

- 60 metres where the speed limit is 40 mph or less;
- 100 metres at all other speed limits.

On every occasion before commencing enforcement at a camera site, the enforcement officer should check that the visibility guidance is met.

The Circular also says speed camera housings should be conspicuous to drivers – that is they should be painted in areas with street lighting and treated with retroreflective sheeting in areas without lighting. However, noncompliance with this guidance does not provide any mitigation of, or defence for, an alleged offence committed under current UK law.

3.4 How are speed cameras funded and where does the money go?

Income from speeding fines caught on camera is paid to the Treasury and goes towards general expenditure. There is no hypothecation (i.e. no link between how much money is raised in an area and the local police or council income).

Initially, fine income generated from cameras went to central government where it was 'netted off' and paid back to local authorities (in partnership with the police) to pay for speed cameras. This changed in 2007 when the Labour Government determined that speed cameras should form part of a wider road safety strategy and as such it broke the link between fine income from cameras and budgetary allocations. After 2007 local authorities were given a road safety capital allocation, out of which they were expected to fund cameras if they wished. After 2010 the government went further and abolished the capital grant, so any spending on cameras must now come out of the general local authority budget.

Consecutive governments have made the same argument for changing the funding basis – that speed cameras should be looked at in the round as a road safety tool – which is why they moved away from directly funding them. There was no discussion of speed cameras in the Government's 2019 [Road Safety Statement](#).

3.5 Can electric scooters be ridden anywhere?

No. Being classed as "motor vehicles" e-scooters are forbidden from use on:

- footpaths, on bridleways and restricted byways ([Section 34 of Road Traffic Act 1988](#))
- cycle tracks, cycle lanes on roads, or other spaces dedicated to pedal cycle use only ([Section 21 of Road Traffic Act 1988](#)).
- on private land without the permission of the landowner ([Section 34 of Road Traffic Act 1988](#))

Additionally, the only e-scooters that can legally be used on public roads are those that have been rented as a part of the government's e-scooter trial. Individuals owning an e-scooter can only use them on private land if they have the landowner's permission.

The government's e-scooter trial was launched in Spring 2020. In May of this year the trial was extended to 31 March 2022. After which specifically designed legislation is expected to be developed and implemented.

The [Future of Transport programme](#) highlights the purpose of such trials to:

- act as a testbed for research to help establish emerging industries
- improve speed to market of new products and services that could deliver significant benefits
- improve UK competitiveness in development of new products
- improve the speed and agility of regulatory and legislative development
- assess the safety benefits of new transport mode

Further information about the government's e-scooter trial can be found in the House of Commons Library Briefing paper [Regulating electric scooters \(e-scooters\)](#) and on [gov.uk](#).

3.6 What regulations are electric scooters subject to?

There is no specially designed legal regime for e-scooters or other 'powered transporters' however, electric scooters fall within the definition of "motor vehicle" as set out by the [Road Traffic Act 1988](#). Thus, e-scooters are covered by the same laws and regulations that apply to other motor vehicles.

To be used on public roads e-scooters and their users must meet a number of different requirements including insurance, conformity with technical standards and standards of use, payment of vehicle tax, licensing, and registration, driver testing and licensing and the use of relevant safety equipment.

No e-scooters fulfil all of these regulations and is therefore illegal to ride an e-scooter anywhere other than private land (with the landowner's permission). Unless the e-scooter is part of the Government's trial (see section 3.5)

3.7 Where can I ride a quad bike or off-road bike?

Most quad bikes cannot be used on the road because they do not meet road safety standards. Both quad bikes and motorbikes must conform to the [Road Vehicles \(Construction & Use\) Regulations 1986](#) and riders must fulfil various regulations under the [Road Traffic Act 1988](#). This means such bikes must be approved, registered, taxed and have an MOT (if needed) to be used on the road.

Riders do not need a driving licence to ride a quad bike or motorbike off-road, but they can only ride bikes on private land and with the landowner's permission. It should be noted that unsurfaced unclassified roads (often know as green roads or green lanes) and byways open to all traffic (BOATs) are roads, so riders would need to have a driving licence and insurance, and the

quad bike must be taxed and registered (as per the [Road Traffic Act](#)). To ride on public land (e.g. parks) riders would need the local authority's permission.

There are various legal provisions that could apply when motorised bikes are being ridden off-road:

- Under [section 34](#) of the Road Traffic Act 1988 the driving of motor vehicles off road and on public land is prohibited.
- Persons riding a quad bike could on a footpath, bridleway or restricted bridleway would be guilty of an offence under the Countryside and Rights of Way Act 2000.
- Even if someone has permission to ride a quad bike on land, if they are found to be riding “dangerously” or “carelessly” (as defined by the Road Traffic Act 1991) they would be guilty of an offence even when they are driving off-road.
- Under [Section 59](#) of the Police Reform Act 2002, officers can seize vehicles which are being used illegally, including prohibited off-road use.
- Noise issues can be dealt with by the local council under statutory nuisance noise legislation as provided by the Environmental Protection Act 1990. This Act places a duty on the local authority to investigate complaints of noise nuisance and serve a noise abatement notice against people who cause a “statutory nuisance.” You can read about nuisance noise complaints in the [Commons Library briefing](#).
- If riders are caught causing criminal damage they can be arrested under the Criminal Damage Act 1971.

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