

Review of The Highway Code
to improve safety on motorways
and other high-speed roads:
Response to the Consultation



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Executive summary

- 1 In October 2019, the Secretary of State asked the Department for Transport to carry out an evidence stocktake to gather the facts on the safety of smart motorways and make recommendations. In March 2020, the *Smart Motorway Safety Evidence Stocktake and Action Plan*¹ was published. One of the actions was to provide more guidance for motorists on smart motorway driving by updating *The Highway Code*.
- 2 The *Smart motorways stocktake - First year progress report 2021*² highlighted the progress being made to discharge this action and made a commitment to publish *The Highway Code* update in Autumn 2021, well ahead of the original commitment of March 2022.
- 3 The consultation on the *Review of The Highway Code to improve safety on motorways and high-speed roads*³ was held between 1 March 2021 and 29 March 2021. The consultation offered stakeholder organisations, businesses and the public the opportunity to comment on proposed amendments to 33 existing rules, two new rules and six proposed changes to the additional information and annexes within *The Highway Code*.
- 4 A total of 3,210 responses, including 19,849 written comments, were received during the consultation period. The majority of respondents to the consultation were in favour of the proposed changes to *The Highway Code* and welcomed the timing of the changes, agreeing that they would improve safety for users of motorways and other high-speed roads.
- 5 A proportion of the written responses to each of the consultation questions related to road policy and operational concerns and were beyond the scope of the proposed amendments to *The Highway Code*. While only feedback on those topics within the scope of the consultation can be used to adapt the proposals, we have reviewed and considered every response. Details of the responses to all the consultation questions and how we intend to adapt the rule wording are summarised in Annex A of this report. Extra comments have been categorised into themes and each theme has been addressed in Annex B.
- 6 Overall, the percentages of respondents agreeing with each of the proposed changes to *The Highway Code* ranged from 70% to 99%. If the responses beyond the scope of the consultation (see paragraph 4 above) are removed from the calculation, this range is 85% to 99%. This strongly suggests that the proposed changes to *The Highway Code* are supported. The proposals attracting the most comments are summarised below.

¹ <https://www.gov.uk/government/publications/smart-motorway-evidence-stocktake-and-action-plan>

² <https://highwaysengland.co.uk/media/bb41pkcp/smart-motorways-stocktake-first-year-progress-report-2021.pdf>

³ <https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-safety-on-motorways-and-high-speed-roads>

- 7 92% of respondents agreed with the introduction of the new rule about emergency areas and 89% agreed with the introduction of the new rule about places of relative safety. These rules, together with rule 269 – hard shoulder, also attracted additional comments about motorways where the hard shoulder has been converted to a traffic lane. These additional comments have been addressed in Annex B.
- 8 In the feedback to our proposed changes to rule 97 - before setting off, respondents suggested condensing the proposed additional wording describing relevant annexes to *The Highway Code*. Respondents also sought clarification that carrying a mobile phone and having high-visibility clothing for use in an emergency are recommendations not requirements.
- 9 The proposed changes to the rules for breakdowns and incidents were widely supported. 90% of respondents agreed with changing rules 275 and 277 to introduce new safety information for road users who break down and to inform them of what action they should take in such a situation. These rules cover all high-speed roads, both with and without a hard shoulder, and the safety advice mirrors that promoted in our recent £5M ‘Go left’ safety campaign⁴. Respondents also expressed concern about the removal of the hard shoulder, to provide an extra traffic lane, on some motorways. These additional comments are beyond the scope of the consultation although have been addressed in Annex B.
- 10 We are taking forward all of our proposed changes (two new rules, amendments to 33 existing rules and six proposed changes to the additional information and annexes within *The Highway Code*) thanks to the strong public support. We are also using the insights gained from the public consultation (see Annex A) to improve the content and wording of the revised version of *The Highway Code*.
- 11 In accordance with section 38 of the Road Traffic Act 1988, the revised version of *The Highway Code* will be laid before both Houses of Parliament for a period of 40 days. If Parliament agrees to the proposed changes, we will then work with the Driver and Vehicle Standards Agency (DVSA) and The Stationery Office (TSO) to update *The Highway Code* online⁵ during Autumn 2021 and to produce a new printed edition in early 2022. Publication of the updated *Highway Code* will be publicised by the DVSA and Highways England.
- 12 We would like to thank all those who took the time to respond to the consultation and to provide comments.

⁴ <https://highwaysengland.co.uk/road-safety/breakdowns/>

⁵ <https://www.gov.uk/guidance/the-highway-code>

Background and purpose of report

Background to the consultation

In October 2019, the Secretary of State asked the Department for Transport to carry out an evidence stocktake to gather the facts on the safety of smart motorways and make recommendations. In March 2020, the *Smart Motorway Safety Evidence Stocktake and Action Plan*⁶ was published. One of the actions was to improve safety for users of smart motorways and other high-speed roads through the provision of improved guidance in an updated *Highway Code*.

The action plan states:

“The Highway Code already includes information about smart motorways, such as red ‘X’ and variable speed limits, but we recognise it could provide more guidance. We are committing to an update of the Highway Code to provide more guidance for motorists on smart motorway driving. For example, this will include emergency area signage for the first time.”

Progress in the delivery of the action to update *The Highway Code* and other stocktake actions is described in the *Smart motorways stocktake - First year progress report 2021*⁷. As part of this publication a new commitment was given to achieve online publication of the updated *Highway Code* in Autumn 2021, well ahead of the original commitment to publish by March 2022. We are on track to achieve this, subject to successfully completing the Parliamentary approvals process.

Purpose of this report

A public consultation on the *Review of The Highway Code to improve safety on motorways and high-speed roads*⁸ was held between 1 March 2021 and 29 March 2021. This report:

- explains the purpose and principles of the consultation
- summarises the public consultation process
- explains how consultation responses have been analysed
- outlines the actions to be taken as a result of the consultation process
- is intended to act as a record of the public consultation and how it has informed the final drafting of the proposed changes to *The Highway Code*.

The consultation received 3,210 responses from stakeholder organisations, businesses and members of the public.

⁶ <https://www.gov.uk/government/publications/smart-motorway-evidence-stocktake-and-action-plan>

⁷ <https://highwaysengland.co.uk/media/bb4lpkcp/smart-motorways-stocktake-first-year-progress-report-2021.pdf>

⁸ <https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-safety-on-motorways-and-high-speed-roads>

Conducting the consultation

What the consultation was about

The consultation concerned proposed updates to rules within *The Highway Code*. These updates are intended to improve safety for users of smart motorways and other high-speed roads through the provision of improved guidance.

The proposed amendments to *The Highway Code* included new and additional guidance on:

- the availability, appearance and safe use of emergency areas
- the use of variable speed limits to manage congestion
- the use of the red 'X' sign to close lanes in order to provide a safer area for those involved in traffic incidents and in which road works can be undertaken
- the use of hard shoulders that become extra lanes during periods of congestion
- how road users can help keep themselves safe in the event of a breakdown
- how safety cameras are employed to promote compliance with speed limits and lane closures

The amendments also proposed improved guidance to strengthen *The Highway Code* in relation to other factors that are contributing to incidents on motorways and other high-speed roads including:

- driver fatigue
- unroadworthy vehicles
- unsafe towing
- tailgating

In total, the consultation proposed the addition of two new rules, amendments to 33 existing rules and six proposed changes to the additional information and annexes within *The Highway Code*.

The consultation concerned the suitability of the amended rules and was not a wider consultation on the policy or principles of smart motorways. Annex B explains this in more detail.

How the consultation was carried out

The proposed updates to *The Highway Code* are being delivered in accordance with section 38 of the Road Traffic Act 1988 which includes a requirement for the Secretary of State for Transport to consult with representative organisations. A four-week public consultation was adopted for this purpose and the consultation ran between 1 March 2021 and 29 March 2021.

The consultation was principally conducted online. The questions were hosted on the consultation pages of gov.uk using the Citizen Space platform alongside a downloadable copy of the consultation document. Responders were invited to complete an online response form, wherever possible, to limit the processing of

paper copies during the coronavirus pandemic. Paper copies of the consultation document were provided to those who requested them and the consultation document was made available in machine-readable format. A copy of the proposed updates to the rules was also available in the Welsh language.

How the consultation was publicised

The consultation was announced in a national news release on 1 March 2021. The news release was supported by social media posts on Twitter and Facebook. Key stakeholders and subscribers to DVSA's *Highway Code* update alerts system received an email when the public consultation went live. Further communications were issued a week after opening as part of wider related activities and again around ten days before the consultation closed.

Consultation integrity

Prior to public consultation, proposed updates to rules within *The Highway Code* were developed with guidance and input from technical and subject-matter experts within the Department for Transport and Highways England. Once an initial draft of the proposed updates was completed, a group of 37 key stakeholder organisations such as the emergency services, recovery organisations and road-user groups, were invited to provide feedback to highlight any concerns and opportunities for improvement. These initial rounds of consultation strengthened the development of the rules. They provided a robust set of proposed rule changes to take forward and submit for the public consultation which was conducted in line with the Gunning Principles:

Government consultation principles

As the public consultation on the proposed updates to *The Highway Code* forms part of a statutory governmental consultation process, it is governed by the Gunning Principles which are the founding legal principles applicable to public consultation in the UK.

The four principles, which were followed throughout, are outlined below and ensured that the consultation was lawful and fair:

Gunning 1 – Consultation must be at a time when proposals are still at a formative stage.

The public consultation was conducted when the proposed rule changes had been developed with inputs from key and informed stakeholders to ensure the validity and safety of the advice. They were then offered for public consultation, with sufficient time allowed in the overall programme for the analysis and consideration of the responses received to further refine and improve the rules.

Gunning 2 – Sufficient reasons must be put forward for any proposal to permit “intelligent consideration” and response.

Each of the proposed changes to a rule within *The Highway Code* was accompanied by preceding information which outlined what we were seeking to achieve from the suggested amendments. The proposed changes were also highlighted in the consultation documentation to draw readers’ attention to new and revised wording. This information was provided to enable “intelligent consideration”.

Gunning 3 – Adequate time is given for consideration and response.

Four weeks were allowed for the public consultation. This was considered adequate given the narrow focus and limited extent of the proposed rule changes. The public consultation timescale was also influenced by the government’s wish to realise the road user safety benefits of an updated *Highway Code* at the earliest opportunity. Highways England widely publicised the four-week public consultation period to encourage early responses and to maximise the number of responses.

Gunning 4 – The product of consultation is conscientiously taken into account by the decision maker(s)

Each and every response to the consultation has been reviewed and considered. When the public consultation process was concluded we consolidated and analysed all of the responses. We formed a view on consistent feedback themes for every rule. This analysis is summarised within this consultation report along with the actions we are taking to enhance the proposed rule changes prior to commencing the Parliamentary approval process which will enable formal publication of the changes.

Feedback from the consultation

Summary of responses

A total of 3,210 responses, including 19,849 written comments, were received from individual stakeholder organisations, businesses and members of the public during the consultation period.

Analysis

For each proposed change to a rule in *The Highway Code* respondents were invited to:

- agree or disagree with the proposed change
- provide additional written comments about the proposed change

The proportion of respondents agreeing with each proposed change has been used to determine whether there is sufficient public support for amending the rule. Agreement of 51% or greater was considered to represent approval-in-principle for a rule change.

Each of the 19,849 written comments received were read and coded so that they could be grouped into themes relevant to the rule being commented upon. These themes were then assessed and used to determine if any amendments to the content or wording of the proposed rule changes were required to clarify or strengthen readers' understanding of the rules.

A proportion of the comments and observations to some of the consultation questions related to road policy and operational concerns and were beyond the scope of the proposed changes to *The Highway Code*. Annex B explains this in more detail.

Results

The analysed results of the public consultation have been summarised in Annex A of this report.

The majority of respondents to the consultation were in favour of the proposed changes to *The Highway Code* and welcomed the timing of the changes, agreeing that they would improve safety for users of motorways and other high-speed roads. Feedback also emphasised that this information was much needed.

The percentages of respondents agreeing with each of the proposed changes to *The Highway Code* ranged from 70% to 99%. If responses beyond the scope of the consultation are removed from the calculation, this range is 85% to 99%.

Following review of the written comments, several opportunities to improve the content and wording of the proposed rule changes have been identified and will now be implemented as part of work to finalise the proposed changes to *The Highway Code*.

Comments beyond the scope of the consultation

A proportion of the written responses to the consultation questions were beyond the scope of the proposed amendments to *The Highway Code*. For example, some respondents took the opportunity to query the government's policies for roads or established rules of the road, especially in relation to motorways where the hard shoulder has been converted to a traffic lane.

While only feedback on those topics within the scope of the consultation can be used to adapt the proposals for an updated *Highway Code*, we have reviewed and considered every response. Details of the responses to all the consultation questions and how we intend to adapt the rule wording are summarised in Annex A of this report. Extra comments have been categorised into themes and each theme has been addressed in Annex B. Many of the additional issues raised are already being considered as part of the government's motorway safety evidence stocktake and action plan.

Conclusion and next steps

Conclusion

At the start of the public consultation, we proposed two new rules, amendments to 33 existing rules and six proposed changes to the additional information and annexes within *The Highway Code*. Based on strong public support for these changes, we will take forward each of these changes and use the insights gained from the public consultation (see Annex A) to improve the content and wording of the proposals.

Next steps

We have carried out a comprehensive analysis of all consultation responses received and have reviewed all the feedback. We are now finalising the proposed changes to *The Highway Code*.

In accordance with section 38 of the Road Traffic Act 1988, the revised version of *The Highway Code* will be laid before both Houses of Parliament for a period of 40 days. If Parliament agrees to the proposed changes being made, we will then work with the Driver and Vehicle Standards Agency (DVSA) and The Stationery Office (TSO) to update *The Highway Code* online and to produce a new printed edition.

This particular update of *The Highway Code* is currently intended to form part of the commemorative 90th anniversary print edition of *The Highway Code* for which DVSA are planning enhanced publicity. Highways England will also publicise the updated *Highway Code* when it is published.

Annex A: Responses by question

Rules for drivers and motorcyclists

Rule 91 – Fitness to drive

Rule 91 describes how tiredness can increase the risk of a collision and how drivers should minimise this risk. We are proposing changes to ensure readers understand:

- drivers need to get sufficient sleep before a long journey
- emergency areas and hard shoulders on motorways are not to be used for rest breaks in the event of driver sleepiness
- information exists in Rule 262 on appropriate places to take a break when travelling on motorways
- there are caffeinated drinks, in addition to caffeinated coffee, that can counter sleepiness

Responses showed:

Agree	1978	94%
Disagree	134	6%
Total (in scope)	2112	
Disagree (beyond the scope of this consultation)	6	
Total	2118	

In the comments received you said that the proposed rule could be improved by:

- removing reference to caffeinated drinks and short naps for countering sleepiness because these measures only provide temporary respite
- advising not to eat and drink when driving
- defining what constitutes “sufficient sleep”
- advising not to drive under the influence of drugs, alcohol or medication

We are changing the proposed rule in response to your comments by:

- removing the recommendation to consume caffeinated drinks and take a short nap to counter sleepiness

We do not intend to:

- provide advice not to eat and drink when driving as this is unrelated to driving when tired
- define what constitutes “sufficient sleep” because this depends on the individual and circumstances
- give guidance on driving under the influence of drugs, alcohol or medication because this is addressed in Rule 95 and Rule 96

Rule 97 – Before setting off

Rule 97 describes the planning and preparation that is needed before a driver begins a journey. We are proposing changes to ensure that readers understand:

- drivers **MUST** have a valid licence and insurance
- vehicles **MUST** be in a legal and roadworthy condition
- basic vehicle maintenance and safety checks should be carried out before drivers set off
- sufficient vehicle fuel or charge is required for each planned journey
- for emergency use, drivers should take a charged mobile telephone, containing emergency numbers, and high-visibility clothing

Responses showed:

Agree	2650	85%
Disagree	475	15%
Total (in scope)	3125	
Disagree (beyond the scope of this consultation)	35	
Total	3160	

In the comments received you said that the proposed rule could be improved by:

- removing or condensing the descriptive text relating to annexes 3 and 6
- clarifying that having a mobile phone for emergency use is recommended but not a requirement
- clarifying that having high-visibility clothing is recommended for emergency use but not a requirement

We are changing the proposed rule in response to your comments by:

- condensing the descriptive text relating to the annexes to ensure that the key messages are more readily understood
- clarifying that having a mobile phone for emergency use, containing emergency contacts (e.g. breakdown assistance), is recommended but not a requirement
- clarifying that having high-visibility clothing is recommended for emergency use but not a requirement

Rule 98 – Vehicle towing and loading

Rule 98 provides requirements and advice for towing and the loading of towing vehicles and trailers. We are proposing changes to ensure that readers understand:

- reduced speed limits may apply when towing
- it may take longer to build up speed when towing
- drivers may need to use towing mirrors when towing
- further information is available about safe towing practices

Responses showed:

Agree	2952	96%
Disagree	124	4%
Total (in scope)	3076	
Disagree (beyond the scope of this consultation)	69	
Total	3145	

In the comments received you said that the proposed rule could be improved by:

- stating that trailers must be in a roadworthy condition, including tyres, lights and brakes
- adding that there is a legal requirement to use towing mirrors
- adding that trailers are required by law to be fitted with a secondary coupling
- rephrasing the wording around reduced speed limits
- adding a reference to increased stopping distances when towing
- referencing the danger around harsh braking when towing
- adding that vehicles which are towing should not be using the outside lanes on motorways
- adding that a solid tow bar is a safer alternative to using a tow rope
- clarifying what is deemed to be a dangerous load

We are changing the proposed rule in response to your comments by:

- adding instruction and guidance around roadworthiness of trailers, including tyres, lights and brakes
- adding that there is a legal requirement to use towing mirrors in some circumstances
- adding that trailers are required by law to be fitted with a secondary coupling such as a safety chain
- clarifying that, when you are towing, reduced speed limits apply on higher speed roads
- adding a reference to increased stopping distances
- adding advice to avoid harsh braking if you lose control by easing of the accelerator

- adding guidance that when towing you **MUST** not use the right lane on roads with three or more lanes
- adding that a solid tow bar is a safer alternative to using a tow rope

We do not intend to:

- clarify what is deemed to be a dangerous load as the referenced law provides more information

General rules, techniques and advice for all drivers and riders

Rule 124 – Speed limits

Rule 124 describes the speed limits that apply to different road and vehicle types. We are proposing changes to ensure that readers understand:

- speed limits can be changed by signs
- speed limits are enforced by the police

Responses showed:

Agree	2707	86%
Disagree	434	14%
Total (in scope)	3141	
Disagree (beyond the scope of this consultation)	23	
Total	3164	

In the comments received you said that the proposed rule could be improved by:

- adding speed limits for motorhomes and motor caravans
- adding speed limits for buses or coaches over 12 metres long
- adding speed limits for special types of vehicles that are overweight or oversized
- removing the reference to “sharp bends”
- changing “red ring” to “red circle” for consistency throughout *The Code*

We are changing the proposed rule in response to your comments by:

- adding speed limits for motorhomes and motor caravans above and below the 3.05 tonne threshold
- adding a footnote to the table to account for the reduced speed limit for buses and coaches over 12 metres long on motorways
- adding reference to the further reading section which now contains a link to Gov.UK for special types of vehicles that are overweight or oversized
- replacing the reference to “sharp bends” to “hazards” to account for other reasons that a road may have its speed limit reduced
- changing “red ring” to “red circle” for consistency throughout *The Code*

Rule 126 – Stopping distances

Rule 126 describes typical vehicle stopping distances and the need to leave enough space between you and the vehicle in front. We are proposing changes to ensure that readers understand:

- what tailgating is, how it occurs, why it is dangerous and how to avoid it
- dangerous and careless driving offences, such as tailgating, are enforced by the police

Responses showed:

Agree	2931	95%
Disagree	158	5%
Total (in scope)	3089	
Disagree (beyond the scope of this consultation)	70	
Total	3159	

In the comments received you said that the proposed rule could be improved by:

- clarifying what is meant by “roads carrying faster-moving traffic” in relation to the time-gap between vehicles
- clarifying what is meant by “increased still further” in relation to the safe distance between vehicles on icy roads
- reviewing the stopping distances contained within the ‘typical stopping distances’ image
- reviewing the recommended time gap between vehicles especially on motorways or other similar high-speed roads

We are changing the proposed rule in response to your comments by:

- clarifying that on “high-speed roads” you should allow at least a two-second gap between you and the vehicle in front
- clarifying a typical safe distance between vehicles on icy roads is ten times greater than shown in the ‘typical stopping distances’ image

We do not intend to:

- alter the typical stopping distances image or change the recommended time gap between vehicles. Although there was strong agreement to our proposals relating to the addition of tailgating to Rule 126 – Stopping Distances, a number of respondents suggested the main content of this rule, concerning thinking and braking distances, should be modernised and improved. For example, respondents suggested that updated research on driver reaction times should be considered as well as consideration of braking characteristics for current vehicles. We will pass on this feedback, which goes beyond the scope of this update to *The Highway Code*, to the Department for Transport.

This will not delay publication of our proposed changes to this rule which were well supported.

Rule 138 – Overtaking

Rule 138 describes how drivers should use the middle lane and right-hand lane of a three-lane dual carriageway when overtaking. We are proposing changes to ensure that readers understand:

- the rule for overtaking also applies to dual carriageways with more than three lanes

Responses showed:

Agree	1947	93%
Disagree	138	7%
Total (in scope)	2085	
Disagree (beyond the scope of this consultation)	51	
Total	2136	

In the comments received you said that the proposed rule could be improved by:

- adding that overtaking on the left (undertaking) is not permitted
- adding that certain vehicles, such as speed-restricted vehicles, are not permitted in the right lane
- changing “should” to “MUST” when returning to middle and left lanes after overtaking

We do not intend to:

- add that overtaking on the left (undertaking) is not permitted on a dual carriageway of three or more lanes as this already covered in Rule 268
- add that certain vehicles, such as speed-restricted vehicles, are not permitted in the right lane as this is already covered in Rule 265
- change “should” to “MUST” in the guidance about returning to the left lane after overtaking. There is no specific legal requirement to return to the left lane after overtaking although drivers can be prosecuted by the police for careless or inconsiderate driving in the event of prolonged or slow driving in middle or outside lanes

Driving in adverse weather conditions

Rule 234 – Fog

Rule 234 describes what to do when drivers are approaching or are warned about fog. Our proposed changes are to improve the layout and wording of the rule.

Responses showed:

Agree	2043	97%
Disagree	70	3%
Total (in scope)	2113	
Disagree (beyond the scope of this consultation)	1	
Total	2114	

In the comments received you said that the proposed rule could be improved by:

- including guidance on the use of lights in fog, including when to activate and deactivate fog lights and their misuse
- including guidance on safe driving in foggy conditions, leaving additional space between you and other vehicles and being aware of your stopping distance in relation to visibility

We do not intend to:

- include guidance on the use of lights in fog because this is already addressed in Rule 226 and Rule 236
- included further guidance on safe driving in foggy conditions because this is already addressed in Rule 235

Waiting and parking

Rule 240 – Stopping

Rule 240 describes places where drivers **MUST NOT** stop or park. We are proposing changes to ensure that readers understand:

- emergency areas on motorways are not to be used for stopping or parking, except in an emergency

Responses showed:

Agree	2040	98%
Disagree	38	2%
Total (in scope)	2078	
Disagree (beyond the scope of this consultation)	35	
Total	2113	

In the comments received you said that the proposed rule could be improved by:

- adding that cycle lanes can be used for loading or unloading if not prohibited
- highlighting that you should not stop near a junction

We do not intend to:

- add that cycle lanes can be used for loading or unloading if not prohibited because loading and unloading is addressed in Rule 247
- highlight that you should not stop near a junction because this is captured in Rule 243

Motorways

Rule 253 – Prohibited vehicles

Rule 253 describes the types of vehicles that are prohibited from motorways and the conditions applicable to provisional car licence holders' use of motorways. We are proposing changes to ensure that readers understand:

- provisional car licence holders can only drive on the motorway when they are accompanied by an approved driving instructor and are driving a car displaying red L plates

Responses showed:

Agree	2015	95%
Disagree	98	5%
Total (in scope)	2113	
Disagree (beyond the scope of this consultation)	6	
Total	2119	

In the comments received you said that the proposed rule could be improved by:

- adding the electric equivalent for a 50cc moped
- clarifying that provisional car licence holders should be accompanied by a "DVSA Approved Driving Instructor"
- clarifying that both "D" and "L" plates are permitted in Wales

We are changing the proposed rule in response to your comments by:

- adding the electric equivalent for a 50cc moped which is 4kW
- clarifying that provisional car licence holders should be accompanied by a "DVSA Approved Driving Instructor"
- clarifying that both "D" and "L" plates are permitted in Wales

Rule 255 – Motorway signs and signals

Rule 255 describes how motorway signs and signals are used to warn of a hazard ahead.

Our proposed changes are to improve the layout and wording of the rule.

Responses showed:

Agree	2051	97%
Disagree	58	3%
Total (in scope)	2109	
Disagree (beyond the scope of this consultation)	2	
Total	2111	

In the comments received you said that the proposed rule could be improved by:

- highlighting that motorway signing and signalling equipment can also be used on other high-speed roads to warn of hazards
- making “hazard” plural to account for multiple hazards
- using the word “danger” instead of “hazard”
- defining signs and signals

We are changing the proposed rule in response to your comments by:

- removing the reference to motorways to account for other similar high-speed roads
- changing “hazard” to “hazards” to account for multiple hazards

We do not intend to:

- replace the word “hazard” with “danger” because, when warning about something that has the potential to cause harm, “hazard” is more commonly used in this section of *The Highway Code*
- define signs and signals because further descriptions are given elsewhere in *The Code* - for example, Rule 257 and Rule 258

Rule 256 – Motorway signs and signals

Rule 256 describes the signs and signals that are used on motorways and some other high-speed roads. We are proposing changes to ensure that readers understand:

- motorway signs and signals can apply to all lanes or individual lanes
- how to recognise motorway signs and signals

Responses showed:

Agree	2959	96%
Disagree	138	4%
Total (in scope)	3097	
Disagree (beyond the scope of this consultation)	69	
Total	3166	

In the comments received you said that the proposed rule could be improved by:

- adding an enforcement camera sign to the second image (a view looking down a motorway showing an overhead gantry equipped with signs and signals) to clarify that restrictions are enforced
- explaining which instructions are mandatory and which are advisory when presented on signs and signals
- reinserting advice that signs situated on the central reservation apply to all lanes
- providing more examples of signs that you may see

We are changing the proposed rule in response to your comments by:

- adding an enforcement camera sign to the second image to warn that restrictions are subject to enforcement

We do not intend to:

- give guidance on specific mandatory and advisory instructions on signs and how they are enforced as this is covered elsewhere in *The Code* such as Rule 126 – Speed Limits, Rule 269 – Hard Shoulders, Rule 257 – Amber flashing lights and Rule 258 – Red flashing lights
- reinsert advice that signs situated on the central reservation apply to all lanes because signs situated in the verge also apply to all lanes
- add images to provide further examples of other signs because an additional example is already present in the “light signals controlling traffic – motorway signal” section and *The Highway Code* is not intended to provide an exhaustive list of signs

Rule 257 – Amber flashing lights

Rule 257 describes how the display of amber flashing light signals on a sign warn of a hazard ahead. We are proposing changes to ensure that readers understand:

- how drivers should adjust their driving behaviour on approaching amber flashing lights
- how to recognise a sign displaying amber flashing lights

Responses showed:

Agree	2941	94%
Disagree	199	6%
Total (in scope)	3140	
Disagree (beyond the scope of this consultation)	28	
Total	3168	

In the comments received you said that the proposed rule could be improved by:

- changing “should” to “MUST” for following the guidance related to amber flashing lights

We do not intend to:

- change “should” to “MUST” as amber flashing lights only provide a warning. Traffic signs used in conjunction with amber lights can provide mandatory instructions

Rule 258 – Red flashing lights

Rule 258 describes how the display of red flashing light signals on a sign identify a lane or road closure. We are proposing changes to ensure that readers understand:

- the display of red flashing light signals and a red 'X' on a sign identify a closed lane in which people, stopped vehicles and other hazards may be present
- drivers should follow the instructions on signs in advance of a closed lane to move safely to an open lane
- there can be several hazards in a closed lane
- blocking closed lanes may prevent people from getting the help they need and delay reopening of the lanes
- where a closed left lane crosses an exit slip road, the exit cannot be used
- the road is closed when red flashing light signals and closures of all lanes are shown on a sign
- how to recognise signs displaying red flashing light signals and lane or road closures
- lane and road closures indicated by red flashing lights are enforced by the police

Responses showed:

Agree	2890	93%
Disagree	206	7%
Total (in scope)	3096	
Disagree (beyond the scope of this consultation)	65	
Total	3161	

In the comments received you said that the proposed rule could be improved by:

- re-ordering the bullet points to move the “MUST NOT” mandatory clause above the advisory “should” clause
- changing the advice for following the instructions on signs in advance of a closed lane from “should” to “MUST”
- simplifying the information about why you must not drive in closed lanes
- clarifying the wording related to scenarios where closed lanes also mean an exit slip cannot be used, for example where the left lane is closed at an exit slip road this means that the exit cannot be used

We are changing the proposed rule in response to your comments by:

- changing the advice for following the instructions on signs in advance of a closed lane from “should” to “MUST” because compliance with these signs is mandatory
- simplifying the information about why you must not drive in closed lanes

- revising the wording related to scenarios where closed lanes also mean an exit slip cannot be used in order to provide clarity. For example: “where the left lane is closed at an exit slip road this means that the exit cannot be used”

We do not intend to:

- re-order the bullet points to move the “MUST NOT” mandatory clause above its predecessor in light of amendments now proposed to the predecessor clause

Rule 261 – Speed limits

Rule 261 describes the application of speed limits to motorways. We are proposing changes to ensure that readers understand:

- drivers must not exceed the speed limit displayed on a sign
- drivers must not exceed the maximum speed limit of their vehicle
- speed limits are enforced by the police

Responses showed:

Agree	2869	91%
Disagree	280	9%
Total (in scope)	3149	
Disagree (beyond the scope of this consultation)	8	
Total	3157	

In the comments received you said that the proposed rule could be improved by:

- replacing red “ring” with “circle” for describing mandatory speed limit signs
- providing additional clarification around speed limits for different vehicle types on different road types
- adding a reference to national speed limit signs in addition to speed limits displayed in a red circle

We are changing the proposed rule in response to your comments by:

- replacing red “ring” with “circle” for describing mandatory speed limit signs
- clarifying that the speed limits cross referenced in Rule 124 apply to both your vehicle and the road type.

We do not intend to:

- add a reference to national speed limit signs or include additional information on the different speed limits that apply. Rule 124 already covers the national speed limits that apply to your vehicle and the road type

Rule 262 – Fatigue

Rule 262 describes how the monotony of driving on a motorway can make drivers feel sleepy. We are proposing changes to ensure that readers understand:

- information is available in rule 91 about ensuring fitness to drive and taking breaks
- service areas and other rest and refreshment facilities are available when travelling along motorways

Responses showed:

Agree	2055	97%
Disagree	60	3%
Total (in scope)	2215	
Disagree (beyond the scope of this consultation)	1	
Total	2116	

In the comments received you said that the proposed rule could be improved by:

- adding a reference to other high-speed roads where similar issues with fatigue exist

We are changing the proposed rule in response to your comments by:

- adding a reference to other similar high-speed roads to reflect that the rule does not just apply to motorways. The overarching section introduction (motorways) in *The Highway Code* will also reference that some rules within this section also apply to other high-speed roads

Rule 263 – On the motorway

Rule 263 states that drivers MUST NOT reverse, cross the central reservation or drive against the traffic flow on motorways. We are proposing changes to ensure that readers understand:

- it is illegal to reverse along any part of a motorway, including slip roads

Responses showed:

Agree	2055	97%
Disagree	61	3%
Total (in scope)	2216	
Disagree (beyond the scope of this consultation)	4	
Total	2120	

In the comments received you said that the proposed rule could be improved by:

- clarifying that a police or a traffic officer can direct drivers to reverse, cross the central reservation or drive against the traffic flow on motorways
- clarifying that drivers MUST NOT reverse along hard shoulders or in emergency areas

We are changing the proposed rule in response to your comments by:

- adding that drivers can reverse, cross the central reservation or drive against the traffic flow on motorways if directed to do so by a police or traffic officer
- identifying hard shoulders and emergency areas as parts of a motorway where reversing is prohibited

Rule 264 – Lane discipline

Rule 264 describes how drivers should use the left lane of a multi-lane carriageway unless overtaking and **MUST NOT** drive on a hard shoulder except in an emergency. We are proposing changes to ensure that readers understand:

- drivers should move over, if safe to do so, when approaching people and vehicles stopped on the hard shoulder or in an emergency area to create more space for the people and stopped vehicles

Responses showed:

Agree	2836	94%
Disagree	186	6%
Total (in scope)	3022	
Disagree (beyond the scope of this consultation)	138	
Total	3160	

In the comments received you said that the proposed rule could be improved by:

- changing “should” to “MUST” in the guidance about returning to the left lane after overtaking
- removing advice about slow-moving and speed-restricted vehicles returning to the left because this is inherent in the ‘keep in the left lane unless overtaking’ guidance
- highlighting that overtaking on the left (or undertaking) is not permitted
- highlighting that it is not always safe to return to the left lane after overtaking
- adding advice to slow down if people or vehicles are stopped on the hard shoulder

We are changing the proposed rule in response to your comments by:

- adding references to the other rules that describe safe overtaking (Rules 267 and 268) and which include instructions not to overtake on the left
- removing advice about slow moving and speed-restricted vehicles as this is already captured by ‘keep in the left lane unless overtaking’ guidance
- clarifying that you should only return to the left lane when it is safe to do

We do not intend to:

- change “should” to “MUST” in the guidance around returning to the left lane after overtaking. There is no specific legal requirement to return to the left lane after overtaking although drivers can be prosecuted by the police for careless or inconsiderate driving in the event of prolonged or slow driving in middle or outside lanes
- add advice to slow down if people or vehicles are stopped on the hard shoulder because instructions to slow on the approach to incidents is already provided in Rule 281

Rule 266 – Approaching a junction

Rule 266 describes how direction signs identify a motorway junction ahead and what drivers should do to prepare for leaving the motorway. We are proposing changes to ensure that readers understand:

- road markings may also be used to indicate directions on the approach to some junctions

Responses showed:

Agree	2061	98%
Disagree	36	2%
Total (in scope)	2097	
Disagree (beyond the scope of this consultation)	13	
Total	2110	

In the comments received you said that the proposed rule could be improved by:

- clarifying or replacing the phrase “in good time” because it is not in common use
- removing the reference to motorways to account for other high-speed roads
- adding a further reference to road markings for ensuring that you find the correct lane

We are changing the proposed rule in response to your comments by:

- replacing the phrase “in good time” with “well ahead of the junction”
- removing the reference to motorways to account for other high-speed roads
- adding a further reference to road markings for ensuring that you find the correct lane

Rule 269 – Hard shoulder

Rule 269 describes limitations on the use of hard shoulders on motorways. We are proposing changes to ensure that readers understand:

- the hard shoulder is for emergency use only
- on some motorways, the hard shoulder becomes an extra lane during periods of congestion; signs identify when the extra lane can be used
- on motorways where the hard shoulder becomes an extra lane during periods of congestion, emergency areas exist for use in the event of an emergency or breakdown

Responses showed:

Agree	2210	92%
Disagree	201	8%
Total (in scope)	2411	
Disagree (beyond the scope of this consultation)	757	
Total	3168	

In the comments received you said that the proposed rule could be improved by:

- replacing the term “drive on” with “use” for accessing a hard shoulder to capture stopping in the event of an emergency
- adding an image to show the scenario where a hard shoulder is not used as an extra lane and has no overhead signs
- amending current images to reflect the “MUST NOT” use advice reflected in the rule text
- clarifying that a red ‘X’ or blank sign means that the hard shoulder can still be used in an emergency
- clarifying that the hard shoulder can only be used as an extra lane when a speed limit is shown
- referencing where to find more information about emergency areas
- adding more information on motorways without hard shoulders

We are changing the proposed rule in response to your comments by:

- replacing the term “drive on” with “use” for accessing a hard shoulder to capture stopping in the event of an emergency
- adding an image to show the scenario where there are no overhead signs above the hard shoulder so it MUST NOT be used as an extra lane
- amending current images to reflect the “MUST NOT” use advice reflected in the rule text
- clarifying that a red ‘X’ or blank sign means the hard shoulder can be used in an emergency

- clarifying that the hard shoulder can only be used as an extra lane when a speed limit is shown
- cross referencing to the new rule for emergency areas, which also includes information about how to safely use motorways

New rule – Emergency areas

We proposed a new rule about emergency areas to ensure that readers understand:

- emergency areas are located along motorways without hard shoulders or where the hard shoulder is used some of the time as an extra lane
- how to recognise an emergency area
- emergency areas are for emergency use only

Responses showed:

Agree	2449	92%
Disagree	210	8%
Total (in scope)	2659	
Disagree (beyond the scope of this consultation)	496	
Total	3155	

In the comments received you said that the proposed rule could be improved by:

- clarifying that emergency areas can only be used in an emergency
- identifying additional ways to recognise an emergency area
- highlighting what to do if an emergency area cannot be reached
- identifying how to safely rejoin the carriageway from an emergency area

We are changing the proposed rule in response to your comments by:

- adding a reference to “emergency use only” and the relevant legislation
- adding a reference to the orange surfacing which is present in emergency areas (in England) and which can be used to identify them
- clearly referring to Rule 275 which contains breakdown advice (including what to do if an emergency area cannot be reached)
- clearly referring to Rule 276 which contains advice about how to rejoin the carriageway from an emergency area

Rule 270 – Stopping

Rule 270 states that drivers MUST NOT stop on the carriageway, hard shoulder, slip road, central reservation or verge of a motorway except in an emergency. We are proposing changes to ensure that readers understand:

- drivers must not stop in an emergency area on a motorway, except in an emergency

Responses showed:

Agree	1968	93%
Disagree	138	7%
Total (in scope)	2106	
Disagree (beyond the scope of this consultation)	11	
Total	2117	

In the comments received you said that the proposed rule could be improved by:

- reinserting advice to not stop on the hard shoulder to use your mobile phone
- reinserting a reference that you should only stop for traffic officers in uniform
- defining what an emergency is in relation to stopping on a motorway

We are changing the proposed rule in response to your comments by:

- reinserting and adapting advice to not stop on any part of a motorway to make or receive mobile telephone calls except in an emergency

We do not intend to:

- reinsert a reference to traffic officers being in uniform because traffic officers are primarily identifiable by their vehicles which are easy to identify and distinguishable from other vehicles
- define what an emergency is within this rule, as the primary focus of the rule is to explain restrictions to stopping on a high-speed road. In addition, the legislation underpinning emergency stopping on motorways does not clarify all emergency reasons so adding detail to the rule would be complex and not exhaustive

Breakdowns and incidents

New rule – Place of relative safety

We are proposing a new rule describing safer places to stop in the event of a breakdown or other incident to ensure that readers understand:

- a place of relative safety is where the people and vehicles involved in a breakdown or other incident are less likely to be at risk from moving traffic
- the safest place to stop in the event of a breakdown or incident is a location which is designed for parking
- on motorways and other high-speed roads, the safest place to stop is a service area
- other places of relative safety on motorways and other high-speed roads include lay-bys, emergency areas and hard shoulders
- hard shoulders provide less protection than other places of relative safety

Responses showed:

Agree	2665	89%
Disagree	331	11%
Total (in scope)	2996	
Disagree (beyond the scope of this consultation)	157	
Total	3153	

In the comments received you said that the proposed rule could be improved by:

- explaining why hard shoulders provide less protection than other places of relative safety
- warning why you should “keep well away from your vehicle”
- adding that you should wear high-visibility clothing if you have it
- adding advice for what you should do if you need to stop in a live lane on a high-speed road
- adding where to stand when you exit your vehicle

We are changing the proposed rule in response to your comments by:

- adding that hard shoulders provide less protection than other places of relative safety due to their proximity to fast-moving traffic
- warning that you should keep well away from your vehicle because moving traffic could collide with it, propelling it into you and your passengers

We do not intend to:

- add that “you should wear high-visibility clothing if you have it” as this is already captured in other parts of *The Highway Code* (Rule 275 - breakdowns and Rule 283 - incidents)
- add advice for what you should do if you need stop in a live lane on a high-speed road as this is already captured in Rule 275
- explicitly state where to stand when you exit your vehicle. The advice remains, for all road types, that you should “keep well away from your vehicle because moving traffic could collide with it, forcing it into you and your passengers”

Rule 275 and 277 – Breakdowns

Rule 275 describes what to do in the event of a breakdown on a motorway. We are proposing changes to ensure that readers understand:

- the steps to follow if their vehicle develops a problem (get left, get safe and get help)
- the importance of staying away from their vehicle and remaining aware of other traffic
- what to do if they break down in a live traffic lane
- how to identify and communicate their location to emergency services

Rule 277 describes what to do if you cannot get your vehicle onto the motorway hard shoulder in the event of a breakdown. The contents of Rule 277 have been moved into the proposed update to Rule 275.

Responses showed:

Agree	2752	90%
Disagree	292	10%
Total (in scope)	3044	
Disagree (beyond the scope of this consultation)	99	
Total	3143	

In the comments received you said that the proposed rule could be improved by:

- cross referencing to the new rule – place of relative safety - when describing where you should stop in an emergency
- removing the advice to use fog lights when dark as this is not possible without a key in the ignition
- clarifying that it is not mandatory to carry high visibility clothing
- warning that sudden drops may be present behind safety barriers
- adding where to stand in relation to your vehicle to be safer
- adding examples of mapping applications for aid in communicating your location to emergency services

We are changing the proposed rule in response to your comments by:

- cross referencing the new rule – place of relative safety - when describing where you should stop in an emergency
- removing the advice to use fog lights when dark as this is not possible without a key in the ignition
- clarifying that it is not mandatory to carry high-visibility clothing
- warning that sudden drops may be present behind safety barriers and providing a new image to demonstrate a safer place to stand

- adding where to stand in relation to your vehicle to be safer: “DO NOT stand in a place where your vehicle could be forced into you if moving traffic collides with it”

We do not intend to:

- add examples of mapping applications because specific commercial entities should not be endorsed in *The Highway Code*

Rule 276 – Rejoining after a breakdown

Rule 276 describes how to rejoin the motorway after a breakdown. We are proposing changes to ensure that readers understand:

- how to rejoin the motorway from an emergency area
- the importance of using the SOS phone in emergency areas

Responses showed:

Agree	2790	92%
Disagree	246	8%
Total (in scope)	3036	
Disagree (beyond the scope of this consultation)	100	
Total	3136	

In the comments received you said that the proposed rule could be improved by:

- highlighting that other hazards may exist on the hard shoulder such as obstructions and debris
- adding that indicators should be used when rejoining the motorway from the hard shoulder
- removing the reference to “motorway” as emergency areas are also present on other similar high-speed roads
- adding what to do if you are unable to use the telephone due to hearing or physical impairments

We are changing the proposed rule in response to your comments by:

- highlighting that obstructions and debris may be present as other hazards on the hard shoulder
- removing the reference to “motorway” as emergency areas are also present on other similar high-speed roads
- adding that indicators should be used when rejoining the motorway from the hard shoulder

We do not intend to:

- clarify what to do if you are unable to use the telephone due to hearing or physical impairments as this is captured in Rule 278

Rule 278 – Breakdowns (disabled drivers)

Rule 278 describes what to do if you have a disability which prevents you from following the breakdown advice in rules 275 and 276. We are proposing changes to ensure that readers understand:

- the importance of switching on hazard warning lights to warn other motorists of a stopped vehicle
- the need to keep seatbelts on when staying in a broken-down vehicle
- as an alternative to calling 999, there is the availability of an SOS button in some vehicles for contacting the emergency services

Responses showed:

Agree	2894	96%
Disagree	120	4%
Total (in scope)	3014	
Disagree (beyond the scope of this consultation)	74	
Total	3088	

In the comments received you said that the proposed rule could be improved by:

- including advice for how drivers who are deaf, hard of hearing or speech impaired can communicate with the emergency service
- retaining advice about the use of 'Help' pennants
- including advice for drivers who do not have a phone

We are changing the proposed rule in response to your comments by:

- including advice for how drivers who are deaf, hard of hearing or speech impaired can communicate with the emergency service using the emergency SMS service

We do not intend to:

- reinsert 'help' pennants because they are no longer in common use and cannot be readily purchased
- include specific advice for drivers that do not have a phone as drivers should prepare for their journeys including the possibility of breakdowns (see Rule 97)

Rule 279 and 280 – Obstructions

Rule 279 describes what to do if anything falls from your vehicle, or any other vehicle, on to the road. We are proposing changes to ensure that readers understand:

- on motorways, drivers and passengers must not retrieve items that fall from a vehicle or attempt to move an obstruction
- in the event of a fallen item or other obstruction on a motorway, drivers should stop in a place of relative safety and contact the emergency services to report the incident and request help

Rule 280 describes what to do if you come across an obstruction on a motorway. The contents of Rule 280 have been moved into the proposed update to Rule 279.

Responses showed:

Agree	2048	98%
Disagree	43	2%
Total (in scope)	2091	
Disagree (beyond the scope of this consultation)	21	
Total	2112	

In the comments received you said that the proposed rule could be improved by:

- reordering the paragraphs to address motorways and high-speed roads first

We are changing the proposed rule in response to your comments by:

- reordering the paragraphs to address motorways and high-speed roads first

Rule 281 – Incidents

Rule 281 describes what to do if you see warning signs or flashing lights ahead. We are proposing changes to ensure that readers understand:

- warning signs or flashing lights indicate that people, including the emergency services, traffic officers, and recovery workers, may be working in the road

Responses showed:

Agree	2046	93%
Disagree	59	7%
Total (in scope)	2015	
Disagree (beyond the scope of this consultation)	3	
Total	2108	

In the comments received you said that the proposed rule could be improved by:

- clarifying that it is emergency or incident support vehicles that will be displaying flashing lights
- reinserting advice about the nature (colour and position) of the flashing lights used by police and traffic officers' vehicles
- introducing the concept of an 'emergency corridor' to help the emergency services access incidents

We are changing the proposed rule in response to your comments by:

- identifying that emergency or incident support vehicles display flashing lights

We do not intend to:

- reinsert the advice about the colour and position of the flashing lights used by police and traffic officers' vehicles because these details detract from the key message that flashing lights ahead indicate an incident on the road ahead
- introduce the concept of an 'emergency corridor' to help the emergency services access incidents as part of these changes to *The Highway Code*. On motorways where the hard shoulder has been converted to a traffic lane, creating this kind of emergency corridor is already possible using Red X signals to close an entire lane leaving it available for use only by emergency responders. On high-speed roads without a hard shoulder the suggestion could be a possible way to help responders make their way more quickly through stationary traffic following incidents. We note that this practice is already adopted in other countries and may be worthy of further consideration and consultation with stakeholders. As this is a road policy issue and beyond the scope for this update of *The Highway Code* we will work with the Department for Transport and other stakeholders to assess the implications of this concept and whether it should be included in a future update of *The Highway Code*.

Rule 282 – Passing an incident

Rule 282 describes what drivers should do when passing the scene of an incident or collision. We are proposing changes to ensure that readers understand:

- drivers should remain alert for hazards and not slow down unnecessarily when passing an incident

Responses showed:

Agree	2060	99%
Disagree	28	1%
Total (in scope)	2088	
Disagree (beyond the scope of this consultation)	30	
Total	2118	

In the comments received you said that the proposed rule could be improved by:

- altering the wording about not allowing yourself to be distracted

We are changing the proposed rule in response to your comments by:

- changing the wording to “you should focus on the road ahead when passing an incident because a lack of attention may cause a further incident, collision or congestion”

Rule 283 – Incidents

Rule 283 describes what to do if you are involved in an incident or collision or stop to give assistance. We are proposing changes to ensure that readers understand:

- if drivers stop to give assistance, they should stop in a place of relative safety and not put themselves or their passengers in danger
- how the emergency services can be contacted using an emergency telephone, a mobile telephone, or, if a vehicle has one, its SOS button
- further information is available about giving first aid
- there may be a need to exchange details in accordance with rule 286

Responses showed:

Agree	2941	95%
Disagree	139	5%
Total (in scope)	3080	
Disagree (beyond the scope of this consultation)	39	
Total	3119	

In the comments received you said that the proposed rule could be improved by:

- adding that you should wear high-visibility clothing if you have it
- clarifying that nobody should smoke at an incident
- reinserting marker post information to aid in communicating your location to emergency services
- clarifying that you should not remove a motorcyclist's helmet unless trained to do so
- clarifying that you should contact the emergency services in the same way on any road type not just motorways
- adding the steps you should take if an uninjured person cannot reach a place of relative safety

We are changing the proposed rule in response to your comments by:

- adding that you should put on high-visibility clothing if you have it
- adding that the restriction on smoking applies to passengers as well as drivers
- adding a reference to Rule 275 which contains information about how to communicate your location to the emergency services
- clarifying that you should not remove a motorcyclist's helmet unless it is essential and you are trained to do so
- clarifying that you should contact the emergency services in the same way on any road type not just motorways

We do not intend to:

- add the steps you should take if an uninjured person cannot reach a place of relative safety as this is captured within the new 'place of relative of safety rule' and Rule 275 (Breakdowns) also contains clear instructions about where to stand to be safer

Rule 286 – Documentation

Rule 286 describes what drivers MUST do if they are involved in a collision which causes damage or injury to any other person, vehicle, animal or property. We are proposing changes to ensure that readers understand that:

- drivers should stop in a place of relative safety if they are involved in a collision

Responses showed:

Agree	2032	98%
Disagree	38	2%
Total (in scope)	2070	
Disagree (beyond the scope of this consultation)	40	
Total	2110	

In the comments received you said that the proposed rule could be improved by:

- identifying which animals you are legally required to stop for
- adding that you should exchange insurance details
- adding that you should take photographs of the vehicle and the scene

We do not intend to:

- identify animals within the rule as the referenced law, Road Traffic Act 1988 section 170, already gives details of the types of animals (horse, cattle, ass, mule, sheep, pig, goat or dog)
- add that you should exchange insurance details as this is captured in Rule 287
- add that you should take photographs of the vehicle and the scene because this should only be done if safe to do so

Road works, level crossings and tramways

Rule 288 – Road works

Rule 288 describes what to do when driving through road works. We are proposing changes to ensure that readers understand

- works vehicles displaying amber flashing lights are likely to slow down and turn into a works area
- drivers should leave extra space between themselves and a works vehicle that is displaying amber flashing lights

Responses showed:

Agree	3008	97%
Disagree	82	3%
Total (in scope)	3090	
Disagree (beyond the scope of this consultation)	40	
Total	3130	

In the comments received you said that the proposed rule could be improved by:

- in the first sentence, replacing the word “watchful” because it is not in common use
- ensuring drivers watch for all vehicles leaving a coned-off area not just those that can be readily identified as “works vehicles”
- removing or improving the phrasing of the instruction not to “be distracted” in road works
- defining what a “safe distance” to the vehicle in front is when driving in road works

We are changing the proposed rule in response to your comments by:

- in the first sentence, advising drivers to “take extra care” instead of being “watchful”
- replacing “works vehicles” with “vehicles” to account for all vehicles that may enter or leave coned off areas
- removing advice to “not be distracted” by road works because advice to concentrate on the road ahead is already included in the proposed rule
- cross referencing to Rule 126 which defines safe distances between vehicles and the dangers of tailgating

Rule 289 – Road works on high-speed roads

Rule 289 describes additional rules for driving through road works on motorways and other high-speed dual carriageways. We are proposing changes to ensure that readers understand:

- where large ‘Keep Left’ or ‘Keep Right’ signs are displayed on a works vehicle, drivers must move over to the next lane and pass the works vehicle on the side indicated and must not return to the closed lane until it is safe to do so
- works vehicles displaying the sign, ‘convoy vehicle no overtaking’, must not be overtaken

Responses showed:

Agree	3048	98%
Disagree	76	2%
Total (in scope)	3124	
Disagree (beyond the scope of this consultation)	10	
Total	3134	

In the comments received you said that the proposed rule could be improved by:

- splitting the paragraph describing the use of ‘keep left,’ ‘keep right’ and ‘convoy vehicles no overtaking’ signs to improve readability of the rule
- making clear the side you should use to pass a vehicle displaying a ‘keep left’ or ‘keep right’ sign
- removing content that is already in Rule 288 to reduce overall length of rule and avoid duplication

We are changing the proposed rule in response to your comments by:

- splitting the advice concerning ‘convoy vehicles no overtaking’ from the advice about ‘keep left’ and ‘keep right’ signs to aid readability of the rule
- making it clear you should pass a vehicle displaying a ‘keep left’ or ‘keep right’ sign on the side indicated by the sign
- removal of two pieces of advice that are repeated in the previous road works rule (Rule 288) and therefore are not needed within this additional rule for high-speed roads

Rule 290 – Contraflow systems on high-speed roads

Rule 290 describes additional rules for driving through contraflow systems on motorways and other high-speed dual carriageways. We are proposing changes to ensure that readers understand:

- lanes in road works may be narrower than normal and will be marked by studs or temporary road markings
- in narrow lanes, drivers need to keep a good distance from the vehicle in front to be able to clearly see the edges of the lane ahead
- at the start and finish of contraflow systems in road works, there may be areas of adverse camber; drivers need to slow down and leave extra space when these areas are signed
- in the event of a breakdown in road works, people and vehicles should not enter coned areas, where significant hazards are present, unless directed to do so by those undertaking the works or providing a dedicated recovery service

Responses showed:

Agree	2930	95%
Disagree	159	5%
Total (in scope)	3089	
Disagree (beyond the scope of this consultation)	30	
Total	3119	

In the comments received you said that the proposed rule could be improved by:

- defining what a “good distance” is when using a narrow lane
- explaining the meaning of adverse camber and why this is relevant to the rule
- removing advice to not enter coned off areas because in the event of a breakdown it may be safer to enter a coned off area than remain in a live lane
- replacing “should” with “MUST” when slowing down for cambered sections
- adding that temporary speed limits may apply

We are changing the proposed rule in response to your comments by:

- adding a cross-reference (for narrow lanes) to Rule 126 which defines safe distances between vehicles and the dangers of tailgating
- explaining that changes to road camber may affect the stability of your vehicle at the start and finish of contraflow sections
- removing advice to not enter coned off areas but highlighting that significant hazards exist in such areas
- adding that, where available, you should move your vehicle into a signed refuge location

We do not intend to:

- replace “should” with “MUST” in the adverse camber section as there is no legal requirement to slow down at adverse cambered sections unless a speed limit sign is displayed
- add that temporary speed limits may apply as this is already captured in Rule 288 (general road work advice)

Light signals controlling traffic – Motorway signals

Light signals controlling traffic – Motorway signals

This part of *The Highway Code* gives examples of motorway signals and signs. We are proposing changes to ensure that readers understand:

- what a motorway sign that displays multiple pieces of information looks like

The image of the ‘leave motorway at next exit’ sign, which is rarely used, will no longer be shown in *The Highway Code*.

Responses showed:

Agree	1829	91%
Disagree	179	9%
Total (in scope)	2007	
Disagree (beyond the scope of this consultation)	12	
Total	2019	

In the comments received you said that the proposed rule could be improved by:

- including descriptions of the particular symbols used on the sign
- reinserting the image of the leave motorway at next exit sign
- including more examples of signs used on motorways (including advisory signals)

We are changing the proposed rule in response to your comments by:

- including descriptions of the three pieces of information used on the sign to aid in reader understanding and for consistency across the ‘Light Signals Controlling Traffic – Motorway Signals’ section

We do not intend to:

- reinsert the image of the leave motorway at next exit sign as it is not commonly used and because *The Highway Code* does not include images of all permissible traffic signs
- include more examples of signs used on motorways (including advisory signals) as the section ‘Light Signals Controlling Traffic – Motorway Signals’ already includes examples of other motorway signals

Signals to other road users – Hazard lights

Signals to other road users – Hazard lights

This part of *The Highway Code* describes the vehicle-mounted signals that can be given to other road users including direction indicator signals, brake light signals and reversing light signals. We are proposing a new sub-section to ensure that readers understand:

- what hazard light signals are and when they should be used

Responses showed:

Agree	1744	88%
Disagree	237	12%
Total (in scope)	1981	
Disagree (beyond the scope of this consultation)	31	
Total	2012	

In the comments received you said that the proposed rule could be improved by ensuring readers understand:

- adding information about when they should be used
- making the hazard lights brighter in the photographs (especially on the motorbike)

We are changing the proposed rule in response to your comments by:

- adding a cross reference to Rule 116 which refers readers to the correct use of the hazard lights
- adding a reference to a hazard or obstruction ahead (as an additional acceptable use of hazard lights)
- updating the photograph of the motorbike to show hazard lights more clearly

Traffic Signs – Information signs

Traffic Signs – Information signs

This part of *The Highway Code* gives examples of information signs. We are proposing changes to ensure that readers understand:

- what a variable speed limit information sign looks like

Responses showed:

Agree	1952	97%
Disagree	56	3%
Total (in scope)	2008	
Disagree (beyond the scope of this consultation)	7	
Total	2015	

In the comments received you said that the proposed rule could be improved by:

- including an image of a ‘variable speed limit ends’ traffic sign

We do not intend to:

- include an image of a ‘variable speed limit ends’ traffic sign because the variable speed limit sign being provided illustrates the nature of these signs sufficiently. *The Highway Code* does not include images of all permissible traffic signs

Other Information – Useful Websites

Other Information – Useful Websites

This part of *The Highway Code* gives details of websites that provide useful information and guidance for road users. We are proposing additional website links to ensure that readers understand where to find information about:

- the Strategic Road Network and its operators in England, Scotland and Wales
- the current status of traffic conditions on Highways England’s network (supplementing existing website listings for [Transport Wales](#) and [Transport Scotland](#))

Responses showed:

Agree	1918	96%
Disagree	73	4%
Total (in scope)	1991	
Disagree (beyond the scope of this consultation)	1	
Total	1992	

In the comments received you said that the proposed rule could be improved by:

- correcting the spelling of St John Ambulance
- removing links to commercial organisations
- adding links to commercial organisations, including location-based apps

We are changing the proposed rule in response to your comments by:

- correcting the spelling of St John Ambulance
- removing links to five commercial organisations because *The Highway Code* cannot endorse commercial entities

We do not intend to:

- add links to any commercial organisations because *The Highway Code* should not endorse commercial entities

Other Information – Further Reading

Other Information – Further Reading

This part of *The Highway Code* gives details of other publications that provide useful information and guidance for road users. We are proposing to include additional references to ensure that readers understand where to find information about:

- safe towing practices
- special types vehicles

Responses showed:

Agree	1945	98%
Disagree	40	2%
Total (in scope)	1985	
Disagree (beyond the scope of this consultation)	5	
Total	1990	

In the comments received you said that the proposed rule could be improved by:

- simplifying the wording of additional text for clarity
- providing details of advanced driver training organisations

We are changing the proposed rule in response to your comments by:

- simplifying the introduction to further reading about towing
- adding details of further reading about special types vehicles. This change is being made in response to comments received on our proposed amendments to Rule 124

We do not intend to:

- provide details of advanced driver training organisations because this is beyond the scope of *The Highway Code* which cannot be seen to endorse commercial organisations

Annex 4. The road user and the law

Annex 4. The road user and the law

Annex 4 summarises the legislation applicable to road users. We are proposing changes to ensure that readers understand:

- “emergency areas” (as used in the proposed amendments to *The Highway Code*) are defined in law as “emergency refuge areas”

Responses showed:

Agree	1900	98%
Disagree	32	2%
Total (in scope)	1932	
Disagree (beyond the scope of this consultation)	47	
Total	1979	

In the comments received you said that the proposed rule could be improved by:

- using the term from the legislation (“emergency refuge areas”) throughout *The Highway Code*

We do not intend to:

- use the term “emergency refuge areas” throughout *The Highway Code* because “emergency area” is the term in common use

Any further comments?

Any further comments?

This section offered responders the opportunity to raise any additional points relating to the proposed updates to *The Highway Code*. Comments were received about a wide range of issues, although the majority of the feedback related to general road policy and operational concerns and is addressed in Annex B.

Other comments fell outside the scope of our proposed changes, so no further action was taken. This included, for example, comments on increasing and decreasing speed limits, cycling and motorcyclists.

One subject which attracted a high proportion of comments was about *The Highway Code* itself. Concerns and suggestions were raised on how to publicise changes and raise awareness of updates to *The Highway Code*. As stated in previous sections of this report, Highways England will work with the DVSA to publicise these updates to *The Highway Code*.

Annex B: Comments beyond the scope of the consultation

This Annex summarises comments received to the consultation that relate to general road policy and operational concerns outside the scope of the consultation.

Comment category	Response
<p>The hard shoulder should never be used as a live lane</p>	<p>When a motorway is converted to a smart motorway, the hard shoulder is permanently removed. We recognise that concerns have continued to be raised about smart motorways and, in particular, the impact that removing the hard shoulder has on driver safety.</p> <p>The hard shoulder is not an entirely safe place; one in 12 motorway fatalities occur on a hard shoulder. Our update to <i>The Highway Code</i> proposes a new rule covering ‘place of relative safety’, which makes clear that hard shoulders provide less protection than other places of relative safety (especially those designed for parking) because of their proximity to high-speed traffic.</p> <p>Smart motorways feature a system of additional safety measures.</p> <p>These include technology, signs and signals which close lanes to other traffic when a stopped vehicle is identified, emergency areas that are set back from the road for drivers to pull into, and signs and signals which can alert drivers to hazards and change the speed limit if necessary. And to further enhance safety we are continuing to roll out technology to detect stopped vehicles.</p> <p>In March 2020 the Government’s <i>Smart motorway evidence stocktake and action plan</i> (the 2020 Stocktake and Action Plan) sought to gather the facts on smart motorway safety and set out an action plan to ensure smart motorways are as safe as possible.</p> <p>The 2020 Stocktake found that for the first nine all lane running smart motorway schemes, the overall casualty rate improved significantly, following the conversion to all lane running, by 18% compared to what might have been expected without the conversion.</p> <p>It also found that the risk of collisions between a moving vehicle and a stopped vehicle are more likely on non-hard shoulder motorways. But the risk of collisions between two or more moving vehicles – which is how more people die – are less likely. Other risks caused by speeding, tailgating and rapid changes of speed, have been reduced. And others, like the dangers of stopping on the hard shoulder unnecessarily, have been eliminated altogether.</p>

Comment category	Response
	<p>The 2020 Stocktake confirmed that, in most ways, smart motorways are as safe as, or safer than, the conventional ones. But not in every way. It set out 18 steps to make them safer still and to improve public confidence in smart motorways.</p> <p>We have made good progress delivering the actions, and in April 2021 we published our <i>Smart motorway stocktake first year progress report</i>.</p> <p>As well as setting out our progress in delivering the 2020 Action Plan, it included the latest evidence on the safety of smart motorways, and commitments we are making to accelerate measures to further help drivers feel safe and be safer on smart motorways.</p> <p>It showed that in terms of fatality rates, smart motorways are the safest roads in the country.</p> <p>Per mile travelled, fatal casualty rates are a third higher on conventional motorways (0.16 per hundred million vehicle miles, hmvm) than on all lane running (ALR) motorways (0.12 per hmvm). Per mile travelled, fatal casualty rates on strategic road network A-roads (0.44 per hmvm) are more than three and a half times the rate on ALR motorways. This is in line with the findings of the 2020 Stocktake.</p> <p>As part of our Progress Report we committed to further raise the bar on safety, to address public concern around and improve public confidence in smart motorways.</p> <p>For further information, please see our:</p> <ul style="list-style-type: none"> • 2021 Transport Select Committee evidence - https://committees.parliament.uk/writtenevidence/26033/pdf/ • Smart motorways stocktake first year progress report 2021 - https://highwaysengland.co.uk/media/bb4lpkcp/smart-motorways-stocktake-first-year-progress-report-2021.pdf
Emergency Areas are too small	<p>Emergency areas are wider than hard shoulders, set further away from traffic – and so a vehicle in one is less likely to be struck by traffic.</p> <p>They are approximately 100 metres long (the average length of a football pitch) by 4.6 metres wide and set back from the left-hand edge of the motorway. An emergency telephone from which to alert Highways England of an issue and call for help is provided in each emergency area and they all have orange surfacing to make them more visible.</p> <p>We have completed an independent review of the widths of 249 emergency areas. The review found 13 are less than 4.4 metres</p>

Comment category	Response
	<p>wide, but that all 13 are considerably wider than the standard 3.3 metre width of a conventional hard shoulder. We are now working on completing safety risk assessments to help guide our next steps for widening any narrow emergency areas.</p> <p>For further information, please see our Smart motorways stocktake first year progress report 2021:</p> <p>https://highwaysengland.co.uk/media/bb4lpkcp/smart-motorways-stocktake-first-year-progress-report-2021.pdf</p> <p>Our proposed update to <i>The Highway Code</i> introduces a new rule 'Emergency Areas' rule including an image of layout and a diagram of the signing. The rule makes clear that they must only be used in an emergency.</p>
Emergency areas are too far apart	<p>We know that drivers are concerned about not being able to find a safe place to stop in an emergency. The hard shoulder is perceived to be a place of relative safety but, in reality, it does not provide a completely safe place to stop; one in 12 motorway fatalities happen there. Our proposed update to <i>The Highway Code</i> introduces a new Rule – Place of relative safety which describes safer places to stop in the event of a breakdown or other incident.</p> <p>On smart motorways, the hard shoulder is replaced by emergency areas which are wider than a hard shoulder and set back from live traffic lanes.</p> <p>On existing motorways where the hard shoulder has been permanently converted to a running lane, there is a safe place to stop or exit the motorway every 60-75 seconds of driving on average. This is a maximum of 1.5 miles apart, although the average is 1.12 miles across all lane running schemes.</p> <p>In October 2020 we published a new design standard, which means there will be more places to stop in an emergency. This standard requires places to stop in an emergency to be three-quarter miles apart where feasible, with a maximum of one mile (with some exceptions where not feasible such as where junctions intersect). The new standard will be adopted to schemes entering the design phase.</p> <p>We have listened to the concerns raised by the public about spacing of places to stop in an emergency. The 2020 Stocktake Action Plan committed to consider a national programme to install more places to stop in an emergency on existing smart motorways, where places to stop in an emergency are more than one mile apart so. This review is to be completed by April 2022.</p>

Comment category	Response
	<p>For further information, please see our Smart motorways stocktake first year progress report 2021:</p> <p>https://highwaysengland.co.uk/media/bb4lpkcp/smart-motorways-stocktake-first-year-progress-report-2021.pdf</p>
<p>Technology and signs are not reliable enough</p>	<p>Our signs and signals are part of a wider system of safety features, and one or two signs being out of use does not undermine the integrity of the system.</p> <p>We use standardised, modular designs for signs and signals so that broken equipment can be swapped out quickly and easily during routine maintenance.</p> <p>Signs and signals are left blank when they are not in use.</p> <p>If you spot any faulty signs, please report them to Highways England on 0300 123 5000 – it really helps.</p>
<p>Disagree with advice to remain in vehicle in certain circumstances</p>	<p>Needing to stop, or being forced to stop, in an emergency on a live traffic lane is very rare. It can of course happen on any road but on high-speed roads it is more frightening.</p> <p>Remembering what to do in a breakdown situation will help you, and others, stay and feel safer and we are committed to helping people know what to do. In March 2021 we launched a public information campaign, 'Go Left', to give drivers clear information about what to do in the event of a breakdown.</p> <p>If your vehicle has a problem, stay calm and try and exit at the next junction or service area. If that's not possible, go left, get safe and get help:</p> <ul style="list-style-type: none"> • Go left – into an emergency area, onto a hard shoulder or verge. Switch your hazard warning lights on, even during the day. On a motorway without a hard shoulder, most vehicles can be driven to an emergency area. These are spaced regularly, all have orange surfacing and are marked with blue signs featuring an orange SOS telephone symbol, to indicate the distance to the next one. • Get safe – it may be safer to stay in your vehicle and wait for help than to get out. If you decide it's safer to leave, and you can get out with any passengers, exit your vehicle on the side furthest from traffic. Keep well away from moving traffic and your own vehicle, even if it's raining, cold or dark. Get behind a safety barrier where there is one, and where it is safe to do so – they offer extra protection. If you're on a verge, be aware of any unseen hazards such as uneven ground or debris.

Comment category	Response
	<ul style="list-style-type: none"> • Get help – contact Highways England using an emergency telephone or 0300 123 5000, then contact your breakdown recovery provider. <p>If you are unable to exit your vehicle and get to a safe place, have stopped in a live traffic lane or feel your life is in danger, stay in your vehicle with your seatbelts and hazard lights on and call 999 immediately.</p> <p>More information on what to do in a breakdown is available here: https://highwaysengland.co.uk/breakdowns/</p> <p>Our proposed update to Rules 275 / 277 of <i>The Highway Code</i> strengthens the above advice.</p>
Unclear about use of handheld mobile phones whilst driving for emergency calls to 999 or 112 or what to do if don't have a mobile phone	The law allows the use of handheld mobile phones whilst driving for emergency calls to 999 or 112. In addition, the motorway network and emergency areas are covered by roadside emergency telephones that will connect you to Highways England in an emergency.
Feels unsafe exiting an emergency area	After informing Highways England of your intention to leave an emergency area, either via the emergency telephone or your mobile phone, the operator will assist you to rejoin the carriageway. The operator will do this by setting signs to close the left lane to approaching vehicles.
How does a vulnerable user (driver or passenger) exit their vehicle	<p>If you are unable to exit your vehicle and get to a safe place, have stopped in a live traffic lane or feel your life is in danger:</p> <ul style="list-style-type: none"> • stay in your vehicle with your seatbelts and hazard lights on • call 999 immediately and ask for the police. Alternatively, press your SOS button if your vehicle has one and ask for the police <p>You can also text 999 but must pre-register for the emergencySMS.net service before travel.</p> <p>Tell the operator if you are a vulnerable motorist such as disabled, older or travelling alone. The emergency services can alert us so we can close motorway lanes and send other help as required, such as a traffic officer.</p> <p>Always carry any medication you need with you and prepare for your journey in advance. Keep details of a breakdown provider with</p>

Comment category	Response
	<p>you at all times. They may give you additional instructions in the event of a breakdown.</p> <p>People who are unable to use the emergency roadside telephones due to a hearing, speech or physical impairment can contact Highways England via text on 0738 028 3600 for roadside assistance. Highways England also offer British Sign Language users the SignLive service for getting in touch with our customer contact centre. Both of these services are available 24 hours a day, every day of the year.</p>
<p>Use of a permanent red 'X' on the hard shoulder when not used as an extra lane</p>	<p>We have considered displaying a red 'X' over the dynamic hard shoulder when it isn't in use, but there is a risk that this could cause confusion; for example, drivers moving from a smart motorway onto a section of standard motorway in poor visibility could interpret the lack of a red 'X' to mean that they can now drive in the hard shoulder.</p> <p>In addition, the red 'X' is currently used to show that a lane has been closed for safety reasons (usually due to an obstruction in the road), and more widespread use of it could affect the level of driver compliance, especially if no hazard is visible.</p> <p>Dynamic hard shoulder motorways have been designed to be consistent with other motorways. Apart from specific locations such as some bridges and tunnels, electronic signs and signals on motorways and high-speed roads are blank in normal operation and display information when needed. Additional signs, such as 'move right' arrows and "Hard shoulder for emergency use only", are used when the hard shoulder is closed to traffic.</p> <p>Highways England is committed to upgrading all dynamic hard shoulder motorways to all lane running by March 2025, providing a simpler and more consistent driving environment for road users.</p> <p>Our proposed update to <i>The Highway Code</i> strengthens advice on red 'X' signs and includes new images showing their use.</p>
<p>Signs showing too much information</p>	<p>The information displayed on road signs is carefully designed so it can be recognised and understood by passing road users. Both electronic and traditional road signs conform to rigorous standards to ensure they are suitable for their intended purposes.</p> <p>Specifically, the large electronic message signs used on motorways, known as MS4s, are designed to:</p> <ul style="list-style-type: none"> • Make the speed limit visible from at least 350 metres away • Allow drivers repeated glances on approach to take in other information

Comment category	Response
	<ul style="list-style-type: none"> • Contain up to 4 pieces of information, which research shows drivers travelling at motorway speeds are able to recall <p>When smart motorways were being developed Highways England did some simulation testing of various signalling options. This found that combining all of the information on one sign did not reduce driver comprehension and in some cases made it fractionally quicker to understand, compared with information spread across several lane-specific signs.</p>

You can find out more about smart motorway safety in the [Government's evidence stocktake](#) and Highways England's [Smart motorways stocktake first year progress report progress report](#).

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