

2011 No. 2128

ROAD TRAFFIC

**The M23 Motorway (Junction 8 – North of Junction 9)
(Temporary Restriction of Traffic) Order 2011**

Made - - - - *30th August 2011*

Coming into force - - *17th September 2011*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M23 Motorway, is satisfied that traffic should be restricted on a length of that motorway because works are proposed to be executed thereon:

NOW, THEREFORE, the Secretary of State, in exercise of the powers conferred by section 14(1)(a) and (7) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the M23 Motorway (Junction 8 – North of Junction 9) (Temporary Restriction of Traffic) Order 2011 and shall come into force on 17th September 2011.

2. In this Order:

“the motorway” means the M23 Motorway in the County of Surrey;

“the length of motorway” means both carriageways of the motorway between points 1915 metres north of Castle Street (A25) overbridge at Junction 8 (M25 Junction 7) and 175 metres north of Weatherhill Road overbridge near Weatherhill Common north of Junction 9 (Gatwick Interchange);

“the Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(b);

“recovery vehicle” has the meaning given in paragraph 5 of Schedule 1 to the Vehicle Excise and Registration Act 1994(c);

“overall width” has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(d);

“a hard shoulder” means the hard shoulder, within the meaning of regulation 3(1)(e) of the Regulations, which is adjacent to the length of motorway;

“works” means barrier replacement work on the motorway; and

“the works period” means the period starting on Monday 19th September 2011 and ending on 16th March 2013.

(a) 1984 c.27; a new section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1.

(b) S.I. 1982/1163; amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158, 2004/3258.

(c) 1994 c.22.

(d) S.I. 1986/1078; to which there are amendments not relevant to this Order.

3. Subject as mentioned in articles 5, 6 and 7 below, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour on the length of motorway or a hard shoulder.

4. Subject as mentioned in articles 5, 6 and 7 below, no person shall, during the works period, cause or permit any vehicle with an overall width exceeding 6 feet 6 inches to enter or proceed in–

- (a) any lane other than the nearside lane in a carriageway or length of carriageway, where one or more lanes in that carriageway or length and the hard shoulder adjacent to that carriageway or length are open for use by traffic; or
- (b) any lane other than the nearside lane or middle lane of two or more lanes in a carriageway or length of carriageway, where only those lanes are open for use by traffic;

and in this article a reference to a carriageway is a reference to a carriageway in the length of motorway.

5. The provisions of articles 3 and 4 above shall apply only at such times and to such extent as shall from time to time be indicated by traffic signs.

6. (1) Nothing in article 4 above shall apply to -

- (a) a recovery vehicle or a vehicle being used in connection with the said works;
- (b) a vehicle being used for police, ambulance, fire and rescue authority or traffic officer purposes;
- (c) anything done at the direction of, or with the permission of, a constable or traffic officer in uniform; or
- (d) any vehicle being used for winter maintenance purposes.

(2) Nothing in article 3 above shall apply to a vehicle being used for police, ambulance or fire and rescue authority purposes and to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(a) when used in accordance with regulation 3(5) of those Regulations.

7. During the works period, the provisions of regulations 5 and (insofar as it relates to a vehicle being driven) 9 of the Regulations are hereby suspended, in respect of a hard shoulder, at such times and to such extent as shall from time to time be indicated by traffic signs.

Signed by authority of the Secretary of State for Transport

30th August 2011

G Threader
A Service Delivery Team Leader
in the Highways Agency

(a) S.I. 2011/935.