## 2011 No. 2838

## ROAD TRAFFIC

The A38 Trunk Road (Lower Dean Junction to Marley Head Junction, Near Buckfastleigh) (Temporary Prohibition and Restriction of Traffic) Order 2011

Made - - - - 22nd November 2011

Coming into force - - 26th November 2011

WHEREAS the Secretary of State for Transport, being the traffic authority for the A38 Trunk Road ("the A38"), is satisfied that traffic on lengths of that road near Buckfastleigh in the District of South Hams in the County of Devon should be prohibited and restricted 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) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

**1.** This Order may be cited as the A38 Trunk Road (Lower Dean Junction to Marley Head Junction, Near Buckfastleigh) (Temporary Prohibition and Restriction of Traffic) Order 2011 and shall come into force on 26th November 2011.

## 2. In this Order –

"the first length of the A38" means (i) the eastbound carriageway of the A38 near Buckfastleigh from a point 300 metres west of the centre of the Marley Head Junction Overbridge to a point at the centre of the Dean Prior Junction; and (ii) the westbound carriageway of the A38 near Buckfastleigh from a point 300 metres east of the centre of the Lower Dean Junction Underbridge to a point at the centre of the Drybridge Junction;

"the second length of the A38" means the eastbound and westbound carriageways of the A38 near Buckfastleigh from a point at the centre of the Drybridge Junction Overbridge to a point at the centre of the Dean Prior Junction;

"layby" means an area of carriageway intended for the waiting of vehicles, bounded partly by a road marking on the outer edge of that carriageway complying with diagram 1010 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002(**b**); and in this definition "carriageway" means any way (other than a cycle track) comprised in the trunk road over which the public have a right of way for the passage of vehicles and which has a surface suitable for the exercise of that right;

"the works" mean overhead cabling works;

"a works period" means a period of 9 hours starting at 21.00 hours on Monday 28th November 2011 or any subsequent day and ending when the said works have been completed;

<sup>(</sup>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; and paragraph 27(1) of Schedule 9 was amended by section 1(4) of that Act.

<sup>(</sup>**b**) S.I. 2002/3113; Part I

and a reference to an article followed by a number is a reference to the article in this Order which bears that number.

- **3.** Subject as mentioned in articles 4, 5 and 6, no person shall, during a works period:
  - (a) drive any motor vehicle at a speed exceeding 50 miles per hour on the first length of the A38;
  - (b) drive any motor vehicle at a speed exceeding 10 miles per hour on the second length of the A38 whilst traffic signs of a character authorised under section 64 of the Road Traffic Regulation Act 1984 indicating "convoy working" on that road are displayed;
  - (c) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the eastbound carriageway of the A38 situated 500 metres west of the centre of the Drybridge Junction Overbridge;
  - (d) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the westbound carriageway of the A38 situated 500 metres east of the centre of the Dean Prior Junction.
- **4.** The provisions of article 3 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs and shall not apply to:
  - (a) a vehicle being used for police, fire and rescue authority or ambulance purposes;
  - (b) anything done at the direction of, or with the permission of, a constable.
- **5.** The provisions of articles 3(c) and (d) shall not apply to a vehicle being used for or in connection with the said works or for traffic officer purposes.
- **6.** No speed limit imposed by this order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.

Signed by authority of the Secretary of State

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency

22nd November 2011