

2011 No. 3087

ROAD TRAFFIC

The A38 Trunk Road (Drybridge Junction to Marley Head Junction, Near South Brent) (Temporary Prohibition and Restriction of Traffic) (Number 2) Order 2011

Made - - - - *21st December 2011*

Coming into force - - *31st December 2011*

WHEREAS the Secretary of State for Transport, being the traffic authority for the A38 Trunk Road (“the A38”) and connecting roads, is satisfied that traffic on lengths of that road and some of those connecting roads between Buckfastleigh and South Brent 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, and paragraph 27(1) of Schedule 9 to, the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Drybridge Junction to Marley Head Junction, Near South Brent) (Temporary Prohibition and Restriction of Traffic) (Number 2) Order 2011 and shall come into force on 31st December 2011.

2. In this Order –

“the first length of the A38” means the westbound carriageway of the A38 from a point 2510 metres east of the centre of the Drybridge Junction Overbridge to a point 3300 metres west of the centre of that overbridge;

“the second length of the A38” means the westbound carriageway of the A38 from a point 760 metres east of the centre of the Drybridge Junction Overbridge to a point 3300 metres west of the centre of that overbridge;

“the slip roads” mean (i) the westbound exit and entry slip roads at the A38 Marley Head Junction; and (ii) the westbound exit and entry slip roads at the Drybridge 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 resurfacing and associated works;

(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.
(b) S.I. 2002/3113; Part I

“a works period” means a period of 11 hours starting at 19.00 hours on Tuesday 3rd January 2012 or on any subsequent day and ending when the said works have been completed;

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 A30;
- (b) drive any motor vehicle at a speed exceeding 10 miles per hour on the second length of the A30 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 or proceed in the slip roads;
- (d) cause or permit any vehicle to enter, proceed or remain in the laybys adjacent to the westbound carriageway of the A30 situated:
 - (i) 2740 metres west of the centre of the Drybridge Junction Overbridge;
 - (ii) 540 metres west of the centre of the Drybridge Junction Overbridge.

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.

7. The A38 Trunk Road (Drybridge Junction to Marley Head Junction, Near South Brent) (Temporary Prohibition and Restriction of Traffic) Order 2011(a) is hereby revoked.

Signed by authority of the Secretary of State

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency

21st December 2011

(a) S.I. 2011 / 2158