

2012 No. 1780

ROAD TRAFFIC

**The A38 Trunk Road (Ashburton to Lower Dean, Devon)
(Temporary Restriction and Prohibition of Traffic) Order 2012**

Made - - - - 27th June 2012
Coming into force - - 4th July 2012

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 in the District of South Hams in the County of Devon should be restricted and prohibited 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 (Ashburton to Lower Dean, Devon) (Temporary Restriction and Prohibition of Traffic) Order 2012 and shall come into force on 4th July 2012.

2. In this Order –

“the first length of the A38” means (i) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Lower Dean Junction to a point 500 metres east of the centre of the eastbound entry slip road splitter island at the Whistley Hill Junction; and (ii) the westbound carriageway of the A38 from a point 1000 metres east of the tip of the nosing of the westbound exit slip road at the Ashburton Junction to a point 1000 metres west of the tip of the nosing of the westbound entry slip road at the Dartbridge Junction;

“the second length of the A38” means (i) the eastbound carriageway of the A38 from a point 1500 metres east of the tip of the nosing of the eastbound exit slip road at the Lower Dean Junction to a point 500 metres east of the centre of the eastbound entry slip road splitter island at the Whistley Hill Junction; and (ii) the westbound carriageway of the A38 from a point 500 metres east of the centre of the westbound splitter island at the Whistley Hill Junction to a point 1000 metres west of the tip of the nosing of the westbound entry slip road at the Dartbridge Junction;

“the third length of the A38” means (i) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Lower Dean Junction to the tip of the nosing of the eastbound entry slip road at the Peartree Junction; and (ii) the westbound carriageway of the A38 from the tip of the nosing of the westbound exit slip road at the Peartree Junction to the tip of the nosing of the westbound entry slip road at the Lower Dean Junction;

(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.

“the slip roads” mean (i) the eastbound exit slip road and the westbound entry slip road at the A38 Peartree Junction; and (ii) the westbound exit and entry slip roads and the eastbound entry slip road at the A38 Dartbridge 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(a); 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;

“tip of the nosing” means the first point where an entry slip road joins the carriageway of a trunk road or the last point where an exit slip road leaves the carriageway of a trunk road;

“the works” mean resurfacing and other maintenance works;

“a works period” means a period of 11 hours starting at 19.00 hours on Friday 6th July 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 in 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 or proceed in the third length of the A38 and the slip roads;
- (d) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the westbound carriageway of the A38 situated 200 metres east of the tip of the nosing of the westbound exit slip road at the Dartbridge Junction;
- (e) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the eastbound carriageway of the A38 situated 1000 metres east of the tip of the nosing of the eastbound entry slip road at the Dartbridge 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), (d) and (e) shall not apply to a vehicle being used 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.

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

Signed by authority of the Secretary of State

27th June 2012

Malcolm Roberts
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in the Highways Agency