

2013 No. 370

ROAD TRAFFIC

**The M40 Motorway (Junctions 7 to 11) (Temporary Restriction
and Prohibition of Traffic) Order 2013**

Made - - - - - *11th February 2013*

Coming into force - - - *18th February 2013*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M40 Motorway (“the M40”) and connecting roads, is satisfied that traffic on lengths of that motorway and on some of those connecting roads, in the Districts of South Oxfordshire and Cherwell in the County of Oxfordshire, should be restricted and prohibited because works are proposed to be executed thereon; and whereas the Secretary of State for Transport in accordance with section 14(3) of the Road Traffic Regulation Act 1984(a) has had regard to the existence of alternative routes suitable for the traffic which will be affected by this Order:

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) and regulation 16(2) of the Motorway Traffic (England and Wales) Regulations 1982(b), hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway (Junctions 7 to 11) (Temporary Restriction and Prohibition of Traffic) Order 2013 and shall come into force on 18th February 2013.

2. In this Order:

“the tip of the nosing” means, as indicated by the markings on the carriageway, the first point where an entry slip road joins, or the last point where an exit slip road leaves, the carriageway of the motorway;

“a first length of motorway” means the –

- (a) northbound carriageway of the M40 from a point 520 metres north of the centre point of the Newgate Road overbridge to a point 290 metres north of the centre point of the railway underpass situated south of Junction 9,
- (b) southbound carriageway of the M40 from a point 60 metres north of the tip of the nosing of the exit slip road at Junction 9 to a point 690 metres south of the centre point of the railway underpass situated south of Junction 9,
- (c) northbound carriageway of the M40 from a point 370 metres north of the tip of the nosing of the entry slip road at Junction 10 to a point 60 metres south of the centre point of the overbridge, north of Junction 10, connecting Fritwell and Souldern, and
- (d) southbound carriageway of the M40 from a point 10 metres south of the centre point of the southern side of the overbridge that is part of the motorway spur that connects the A40

(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) 1982/1163, as amended by S. I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258 and 2006/594.

from Oxford to the M40 southbound, to a point 290 metres south of the tip of the nosing of the entry slip road at Junction 7;

“a second length of motorway” means the –

- (a) southbound carriageway of the M40 from a point 280 metres south of the tip of the nosing of the entry slip road at Junction 8 to a point 290 metres south of the tip of the nosing of the entry slip road at Junction 7,
- (b) southbound carriageway of the M40 from the centre point of the Oxford Road overbridge at Junction 9, connecting Weston-on-Green and Wendlebury, to a point 690 metres south of the centre point of the railway underpass situated south of Junction 9,
- (c) northbound carriageway of the M40 from a point 100 metres north of the centre point of Merton Road overbridge to a point 290 metres north of the centre point of the railway underpass situated south of Junction 9, and
- (d) northbound carriageway of the M40 from a point 1220 metres north of the tip of the nosing of the entry slip road at Junction 10 to a point 60 metres south of the centre point of the overbridge, north of Junction 10, connecting Fritwell and Souldern;

“a third length of motorway” means the –

- (a) southbound carriageway of the M40 at Junction 7 from a point 100 metres north of the tip of the nosing of the exit slip road to a point 200 metres north of the tip of the nosing of the entry slip road,
- (b) northbound carriageway of the M40 between points 750 metres south and 200 metres south of the centre point of the railway underpass situated south of Junction 9,
- (c) southbound carriageway of the M40 between points 350 metres north and 200 metres south of the centre point of the railway underpass situated south of Junction 9, and
- (d) northbound carriageway of the M40 from a point 1870 metres north of the tip of the nosing of the entry slip road at Junction 10 to a point 50 metres north of the centre point of the bridge connecting Fritwell and Souldern;

“a slip road” means the

- (a) exit slip road from the southbound carriageway of the M40 at Junction 7,
- (b) entry slip road to the southbound carriageway of the M40 at Junction 7,
- (c) entry slip road to the southbound carriageway of the M40 at Junction 8, and
- (d) entry slip road to the southbound carriageway of the M40 at Junction 9;

“a works period” means a period of 7 hours starting at 22:00 hours on Tuesday 19th February 2013 or on any subsequent day until the works have been completed;

“works” mean installation of Motorway Incident Detection (MIDAS) loops on both the main carriageway and connecting roads of the M40;

3. Subject as mentioned in articles 5, 6 and 7 of this Order no person shall, during a works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour in the first length of motorway.

4. Subject as mentioned in articles 5 and 6 of this Order no person shall, during a works period, cause or permit any motor vehicle to enter or proceed in a second length of motorway or a slip road.

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

6. The provisions of article 4 shall not apply to a vehicle –

- (a) being used for, or in connection with, the works or for winter maintenance or traffic officer purposes,
- (b) being used for police, fire and rescue authority or ambulance purposes, or
- (c) proceeding at the direction, or with the permission, of a constable, or a traffic officer in uniform;

and nothing in article 3 shall apply to a vehicle being used for a purpose specified in paragraph (b) of this article or to a vehicle 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 a works period, the provisions of Regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Motorways Traffic (England and Wales) Regulation 1982(b) are hereby suspended in relation to the hard shoulder adjacent to a third length of motorway at such times and to such extent as may be indicated by traffic signs; and in this article “hard shoulder” has the meaning given in regulation 3(1)(e) of those Regulations.

Signed by authority of the Secretary of State for Transport

Woodlands, Manton Lane, Bedford, MK41 7LW
11th February 2013

A Kirkdale
A Team Leader in the Highways Agency

(a) S.I. 2011/935.

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