

**2013 No. 46**

**ROAD TRAFFIC**

**The A38 Trunk Road (Buckfastleigh to Lee Mill, Devon)  
(Temporary Prohibition of Traffic) Order 2013**

*Made* - - - - 8th January 2013

*Coming into force* - - 12th January 2013

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 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 (Buckfastleigh to Lee Mill, Devon) (Temporary Prohibition of Traffic) Order 2013 and shall come into force on 12th January 2013.

2. In this Order –

“the first length of the A38” means the westbound carriageway of the A38 near Buckfastleigh from the tip of the nosing of the westbound exit slip road at the Dartbridge Junction to the tip of the nosing of the westbound entry slip road at the Lower Dean Junction;

“the second length of the A38” means the westbound carriageway of the A38 near South Brent from the tip of the nosing of the westbound exit slip road at the Marley Head Junction to the tip of the nosing of the westbound entry slip road at the Woodpecker Junction;

“the third length of the A38” means the westbound carriageway of the A38 near Lee Mill from the tip of the nosing of the westbound exit slip road at the Smithhaleigh Junction to the tip of the nosing of the westbound entry slip road at the same junction;

“the slip roads” mean (i) the westbound entry slip road at the A38 Dartbridge Junction; (ii) the westbound entry slip road at the A38 Marley Head 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;

“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;

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(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. 2002/3113; Part I

“the works” mean road marking renewals and maintenance works;

“a works period” means a period of 11 hours starting at 19.00 hours on Monday 14th January 2013 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 article 4, no person shall, during a works period:

(a) cause or permit any vehicle to enter or proceed in the first length of the A38, the second length of the A38, the third length of the A38 and the slip roads;

(b) cause or permit any vehicle to enter, proceed or remain in the laybys adjacent to the westbound carriageway of the A38 situated 780 metres west and 2375 metres west of the tip of the nosing of the westbound entry slip road at the Marley Head Junction;

(c) cause or permit any vehicle to enter, proceed or remain in the laybys adjacent to the westbound carriageway of the A38 situated 65 metres west and 515 metres west of the tip of the nosing of the westbound exit slip road at the Smithaleigh 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, traffic officer, fire and rescue authority or ambulance purposes;

(b) anything done at the direction of, or with the permission of, a constable or traffic officer in uniform;

(c) a vehicle being used for or in connection with the said works.

Signed by authority of the Secretary of State

8th January 2013

*Malcolm Roberts*  
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in the Highways Agency