

2011 No. 1123

ROAD TRAFFIC

The A38 Trunk Road (Kennford, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2011

Made - - - - *13th April 2011*

Coming into force - - *16th April 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 Kennford in the District of Teignbridge 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 (Kennford, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2011 and shall come into force on 16th April 2011.

2. In this Order –

“the first length of the A38” means the westbound carriageway of the A38 near Kennford from a point at the centre of Pottles Lane Overbridge (west of M5 Junction 31) to a point at the centre of the Belvedere Junction (at the top of Haldon Hill);

“the second length of the A38” means the westbound carriageway of the A38 from its junction with the A380 at Splatford to a point at the centre of the Belvedere Junction (at the top of Haldon Hill);

“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 maintenance and improvement works including drainage works and gantry repainting;

“a works period” means a period of 10 hours starting at 20.00 hours on Monday 18th April 2011 or any subsequent day and ending when the said works have been completed;

“the works period” means the period starting at 00.01 hours on Monday 18th April 2011 and ending when the said works have been completed;

(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

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 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) cause or permit any vehicle to enter or proceed on the second length of the A38;
- (c) cause or permit any vehicle to leave the A38 at its junction with the A380 at Splatford.

4. Subject as mentioned in articles 5 and 6, no person shall, during the works period, cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the westbound carriageway of the A38 situated 1015 metres east of the centre of the Belvedere Junction (at the top of Haldon Hill).

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 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.

6. The provisions of articles 3(b), 3(c) and 4 shall not apply to a vehicle being used for traffic officer purposes or in connection with the works.

Signed by authority of the Secretary of State

13th April 2011

Malcolm Roberts
An Area Performance Manager
in the Highways Agency