

2012 No. 2177

ROAD TRAFFIC

The M2 Motorway (Junction 5) (Temporary Restriction and Prohibition of Traffic) Order 2012

Made - - - - 20th August 2012

Coming into force - - 8th September 2012

WHEREAS the Secretary of State for Transport, being the traffic authority for the M2 Motorway and connecting roads, is satisfied that traffic should be restricted and prohibited on lengths of that motorway and on some of those connecting roads 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 M2 Motorway (Junction 5) (Temporary Restriction and Prohibition of Traffic) Order 2012 and shall come into force on 8th September 2012.

2. In this Order:

“the motorway” means the M2 Motorway in the County of Kent;

“the Regulations” means regulation 16(2) of the Motorways Traffic (England and Wales) Regulations 1982(b);

“the first length of motorway” means the motorway between points 700 metres west of Bull Lane overbridge west of Junction 5 (A249) at marker post 62.4 and a point 600 metres west of Stiff Street overbridge east of Junction 5 (A249) at marker post 66.0;

“the second length of motorway” means the motorway between the “off” and “on” slip roads at Junction 5 (A249);

“a first slip road” means any road leading to or from the M2 at Junction 5;

“a second slip road” means –

- (i) the road leading to the coastbound carriageway of the motorway at Junction 5 (A249), or
- (ii) the road leading to the Londonbound carriageway of the motorway at Junction 5 (A249);

“overall width” has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(c);

“recovery vehicle” has the meaning given in paragraph 5 of Schedule 1 to the Vehicle Excise and Registration Act 1994(d);

“abnormal load” means a vehicle having an overall width exceeding 3.2 metres;

(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. 1982/1163; amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258 and 2006/594.
(c) S.I. 1986/1078; to which there are amendments not relevant to this Order.
(d) 1994 c.22.

“a hard shoulder” means the hard shoulder, within the meaning of regulation 3(1)(e) of the Regulations, which is adjacent to the first length of motorway or a first slip road;

“specified signs” means –

- (i) signs of the type, colour and size shown in diagram 7103 in Part II of Schedule 12 to the Traffic Signs Regulations and General Directions 2002(a) which comply with the provisions of regulation 56 of those Regulations, or
- (ii) traffic signs, consisting of temporary vertical safety barriers of a character authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984;

“works” means re-waterproofing, resurfacing, drainage and bridge joint replacement work on the motorway;

“a first works period” means a period of 24 hours starting at 0001 hours on Friday 14th September 2012 or on any subsequent day until 7th March 2014;

“a second works period” means a period of 14 hours starting at 2000 hours on Friday 14th September 2012, 15 hours starting at 1900 hours on Saturday 15th September 2012 or 10 hours starting at 1900 hours on Sunday 16th September 2012 or over the same period on any subsequent Friday, Saturday or Sunday until 3rd March 2014;

“a third works period” means a period of 8 hours starting at 2100 hours on Friday 14th September 2012 or on any subsequent day until 7th March 2014;

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, 6 and 7, no person shall, during –

- (a) a first works period, cause or permit any abnormal load to enter or proceed in the first length of motorway,
- (b) a second works period, cause or permit any vehicle to enter or proceed in the second length of motorway, or
- (c) a third works period, cause or permit any vehicle to enter or proceed in a second slip road.

4. Subject as mentioned in articles 5, 7 and 8(a), no person shall, during a first works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the first length of motorway or a first slip road.

5. The provisions of articles 3, 4 and 6 shall apply only at such times and to such extent as shall from time to time be indicated by traffic signs.

6. (1) During such times as, pursuant to article 5, movement of traffic is prohibited in one or more lanes of the Londonbound carriageway but is not prohibited in any lane of the coastbound carriageway, no person shall cause or permit any vehicle to enter or proceed in the coastbound carriageway other than in such direction that specified signs are at all times on the right hand or offside of the vehicle.

(2) During such times as, pursuant to article 5, movement of traffic is prohibited in one or more lanes of the coastbound carriageway but is not prohibited in any lane of the Londonbound carriageway, no person shall cause or permit any vehicle to enter or proceed in the Londonbound carriageway other than in such direction that specified signs are at all times on the right hand or offside of the vehicle; or

(3) When pursuant to article 5, movement of traffic is prohibited in one or more lanes in a length of one carriageway but is not prohibited in any lane of the corresponding length of the other carriageway, the provisions of this article with respect to the other carriageway shall apply to that length of that carriageway.

7. (1) Nothing in article 3 shall apply to -

- (a) a recovery vehicle or a vehicle being used in connection with the said works;

(a) S.I. 2002/3113.

- (b) a vehicle being used for police, ambulance, fire and rescue authority or traffic officer purposes;
- (c) anything done at the direction of, or with the permission of, a constable or traffic officer in uniform; or
- (d) any vehicle being used for winter maintenance purposes.

(2) Nothing in article 4 shall apply to a vehicle being used for police, ambulance or fire and rescue authority purposes.

8. During a first works period, the undermentioned provisions of the Regulations are hereby suspended:

- (a) regulations 5 and (insofar as it relates to a vehicle being driven) 9, in respect of a hard shoulder, at such times and to such extent as shall from time to time be indicated by traffic signs; and
- (b) regulation 6(3), in respect of a vehicle being driven Londonbound in the coastbound carriageway by virtue of article 6(1)(a), or coastbound in the Londonbound carriageway by virtue of article 6(2)(a).

Signed by authority of the Secretary of State for Transport

20th August 2012

G Berresford
A Service Delivery Team Leader
in the Highways Agency