

2012 No. 3169

ROAD TRAFFIC

**The A38 Trunk Road (Allestree, Derby) (Temporary Restriction
and Prohibition of Traffic) (No.2) Order 2012**

Made - - - - *26th November 2012*

Coming into force - - *3rd December 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 two of those connecting roads, near Allestree in the City of Derby and the County of Derbyshire, 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 (Allestree, Derby) (Temporary Restriction and Prohibition of Traffic) (No.2) Order 2012 and shall come into force on 3rd December 2012.

2. In this Order:

- | | |
|-----------------------------------|--|
| “the first length of trunk road” | means – |
| | i) the northbound carriageway of the A38 from a point 435 metres north of the centre line of Kedleston Road overbridge to the centre line of the northern A38/A6 overbridge; and |
| | ii) the southbound carriageway of the A38 from a point 1510 metres north of the centre line of the northern A38/A6 overbridge to the centre line of the southern A38/A6 overbridge; |
| “the second length of trunk road” | means the northbound and southbound carriageways of the A38 from its roundabout junction with the A6 and Kings Croft (Palm Court Roundabout) to its roundabout junction with the A61, B6179 and Ford Lane (Little Eaton Roundabout); |

(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.

“a slip road” means –

- (i) the slip road leading from the northbound carriageway of the A38 to its roundabout junction with the A6 at Allestree; and
- (ii) the slip road leading from the southbound carriageway of the A38 to its roundabout junction with the A6 at Allestree;

“layby” means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002^(a) and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed; and in this definition “carriageway” means any way (other than a cycle track) comprised in a length of the trunk road over which the public have a right of way for the passage of vehicles and which has a suitable surface for the exercise of that right;

“the works period” means the period starting at 20:00 hours on Monday 10th December 2012 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 6 and 7, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour on the first length of trunk road or the second length of trunk road.

4. Subject as mentioned in articles 6 and 7, no person shall, during the works period, cause or permit any vehicle to enter or proceed in a slip road.

5. Subject as mentioned in articles 6 and 7, no person shall, during the works period, cause or permit any vehicle to enter or proceed in –

- (a) the layby situated adjacent to the southbound carriageway of the A38 approximately 955 metres north of the northern A38/A6 overbridge; and
- (b) any layby situated adjacent to the second length of trunk road.

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

7. The provisions of:

- (a) article 3 shall not apply to any vehicle being used for special forces purposes;
- (b) articles 3, 4 and 5 shall not apply to any vehicle –

^(a) S.I. 2002 No. 3113.

- (i) being used for police, fire brigade or ambulance purposes; or
- (ii) proceeding at the direction of, or with the permission of, a police constable; and
- (c) articles 4 and 5 shall not apply to any vehicle being used in connection with the said works.

Signed by authority of the Secretary of State

26th November 2012

V Bennett
A Team Leader
in the Highways Agency