

2013 No. 2478

ROAD TRAFFIC

**The A38 Trunk Road (Haldon Hill, Kennford, Devon)
(Temporary Prohibition of Traffic) Order 2013**

Made - - - - *19th September 2013*

Coming into force - - *28th September 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 a length of that road near Kennford in the District of Teignbridge 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 (Haldon Hill, Kennford, Devon) (Temporary Prohibition of Traffic) Order 2013 and shall come into force on 28th September 2013.

2. In this Order –

“the A38” means the westbound carriageways of the A38 from the tip of the nosing of the A38 and A380 to the tip of the nosing of the entry slip road at the Belvedere Cross junction, adjacent to Haldon Racecourse;

“lay-by” 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;

“the works” mean geotechnical remediation of cut slopes including tree felling, soil nailing, drainage repairs and re-planting;

“the works period” means the period starting at 00.01 hours on Monday 30th September 2013 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.

(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

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 A38.

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 the A38.

5. Subject as mentioned in articles 6 and 7, no person shall, during the works period, cause or permit any vehicle to enter, proceed or remain in the lay-by adjacent to the westbound carriageway of the A38 situated 150 metres west of the centre of the A380 overbridge.

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 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.

7. The provisions of articles 4 and 5 shall not apply to a vehicle being used for or in connection with the said works, for traffic officer purposes or for winter maintenance purposes.

8. No speed limit imposed by this order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.

Signed by authority of the Secretary of State

19th September 2013

Alexis Field
A Service Delivery Team Leader
in the Highways Agency