STATUTORY INSTRUMENTS

1982 No. 1655

HIGHWAYS, ENGLAND AND WALES

The A41 East of Birmingham–Birkenhead Trunk Road (Diversion at Bell o' th' Hill) Order 1982

Made - - - -	17*th November* 1982
Coming into Operation	17*th December* 1982

The Secretary of State for Transport makes this order in exercise of powers conferred by sections 10, 12, 41 and paragraph 4 of Schedule 23 to the Highways Act 1980(**a**), and now vested in him(**b**), and of all other enabling powers:—

1. The East of Birmingham–Birkenhead Trunk Road (Bell o' th' Hill Diversion) Order, 1937(**c**) is hereby revoked.

2. The new highway which the Secretary of State proposes to construct along the route described in Schedule 1 to this Order shall become a trunk road as from the date when this Order comes into operation.

3. The centre line of the new trunk road is indicated by a heavy black line on the deposited plan.

4. The Secretary of State directs as respects any part of a highway which crosses the route of the new trunk road that:—

(a) where the highway is a highway maintainable at the public expense by a local highway authority, the part in question shall be maintained by that authority; and

(b) where the highway is not a highway so maintainable and is not maintainable under a special enactment or by reason of tenure, enclosure or prescription, the Secretary of State shall be under no duty to maintain the part in question,

until, in either case, a date to be specified in a notice given by the Secretary of State to the highway authority for that highway. The date specified will not be later than the date on which the relevant route is open for the purpose of through traffic.

5. The length of trunk road described in Schedule 2 to this order and shown by broad striped hatching on the deposited plan shall cease to be a trunk road as from the date on which the Secretary of State notifies the County Council of Cheshire that the new trunk road is open for through traffic.

6. In this order:—

(i) all measurements of distance are measured along the route of the relevant highway;

(**a**) 1980 c.66. (**b**) S.I. 1981/238. (**c**) S.I. 1937/1209.

(ii)	"the deposited plan"	means the plan numbered NWRT 5046/80/10 marked "The A41 East of Birmingham–Birkenhead Trunk Road (Diversion at Bell o' th' Hill) Order 1982" signed by authority of the Secretary of State and deposited at the Department of Transport, Romney House, 43 Marsham Street, London SW1P 3PY;
(iii)	"the new trunk road"	means the highway mentioned in Article 2 of this order;
(iv)	"the trunk road"	means the East of Birmingham to Birkenhead Trunk Road (A41).

7. This order shall come into operation on 17th December 1982 and may be cited as the A41 East of Birmingham–Birkenhead Trunk Road (Diversion at Bell o' th' Hill) Order 1982.

D. C. Renshaw,
Regional Director,
North West Region
Department of Transport.

Signed by authority of the
Secretary of State
17th November 1982.

SCHEDULE 1

ROUTE OF THE NEW TRUNK ROAD

The route of the new trunk road is at Tushingham in the County of Cheshire and is 0.91 miles in length starting 93 yards south of the existing junction of the Trunk Road and Bell o' th' Hill Road and extending in a northerly direction to a point on the Trunk Road 200 yards south of the southern boundary of St Chad's Church.

SCHEDULE 2

LENGTH OF TRUNK ROAD CEASING TO BE A TRUNK ROAD

That length of the Trunk Road which is situated between the starting and termination points of the route of the new trunk road described in Schedule 1 above.

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