STATUTORY INSTRUMENTS

2009 No. 3432

ROAD TRAFFIC

The A38 Trunk Road (Belvedere Cross to the Wobbly Wheel Junction, Near Exeter) (Temporary Prohibition and Restriction of Traffic) Order 2009

Made - - - -	*29 December 2009*
Coming into force - -	*2 January 2010*

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 between the Belvedere Cross Junction and the Wobbly Wheel Junction 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 (Belvedere Cross to the Wobbly Wheel Juction, Near Exeter) (Temporary Prohibition and Restriction of Traffic) Order 2009 and shall come into force on 2 January 2010.

2. In this Order –

"the first length of the A38" means the eastbound carriageway of the A38 between a point 200 metres west of the centre point of the Belvedere Cross underbridge and a point 4605 metres east of the centre point of that underbridge;

"the second length of the A38" means the westbound carriageway of the A38 between a point 400 metres east of the centre point of the Pottles Lane overbridge and a point 3530 metres west of the centre point of that overbridge;

"the third length of the A38" means the eastbound carriageway of the A38 between a point 1400 metres east of the centre point of the Belvedere Cross underbridge and a point 4605 metres east of the centre point of that underbridge;

"the fourth length of the A38" means the westbound carriageway of the A38 between a point 1200 metres west of the centre point of the Pottles Lane overbridge and a point 3530 metres west of the centre point of that overbridge;

"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(**b**) 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

(**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

(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 slip road" means the westbound entry slip road at the A379 Wobbly Wheel Junction;

"the slip roads" mean (i) the eastbound entry slip road at the A38 Splatford Junction; and (ii) the eastbound exit slip road at the A379 Wobbly Wheel Junction;

"the works" mean resurfacing and drainage improvement works;

"the works period" means the period starting at 00.01 hours on 18 January 2010 and ending when the said works have been completed;

"a works period" means a period of 10 hours starting at 20.00 hours on 4 January 2010 or any subsequent day 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 article 7, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour in the first length of the A38, the second length of the A38 and the slip road.

4. Subject as mentioned in article 7, no person shall, during a works period, drive any motor vehicle at a speed exceeding 10 miles per hour in the third length of the A38 and the fourth length of the A38 whilst traffic signs of a character authorised under section 64 of the Road Traffic Regulation Act 1984 indicating "convoy working" on that road are displayed.

5. Subject as mentioned in articles 7 and 8, no person shall, during a works period, cause or permit any vehicle to enter or proceed in the slip roads.

6. Subject as mentioned in articles 7 and 8, no person shall, during a works period, cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the eastbound carriageway of the A38 situated 235 metres east of the eastbound entry slip road at the Splatford Junction.

7. The provisions of articles 3, 4, 5 and 6 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 police officer in uniform.

8. The provisions of articles 5 and 6 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.

Signed by authority of the Secretary of State

NIGEL DYSON
An Area Performance Manager
in the Highways Agency

29 December 2009