STATUTORY INSTRUMENTS

2010 No. 268

ROAD TRAFFIC

The A38 Trunk Road (Lower Dean to Dart Cross Junction, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2010

Made - - - -	*25 January 2010*
Coming into force - -	*27 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 near Buckfastleigh in the Districts of Teignbridge and South Hams 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 (Lower Dean to Dart Cross Junction, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2010 and shall come into force on 27 January 2010.

2. In this Order –

"the first length of the A38" means (a) the eastbound carriageway of the A38 from a point at the centre of the Dean Prior overbridge to a point at the centre of the Dart Cross overbridge; and (b) the westbound carriageway of the A38 from a point at the centre of the Dart Cross overbridge to the tip of the nosing of the westbound entry slip road at the Lower Dean Junction;

"the second length of the A38" means (a) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Lower Dean Junction to the tip of the nosing of the eastbound entry slip road at the Dart Bridge Junction; and (b) the westbound carriageway of the A38 from the tip of the nosing of the westbound exit slip road at the Lower Dean Junction to the tip of the nosing of the westbound entry slip road at the same junction;

"the third length of the A38" means (a) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Lower Dean Junction to the tip of the nosing of the eastbound entry slip road at the Dart Bridge Junction; and (b) the westbound carriageway of the A38 from the tip of the nosing of the westbound exit slip road at the Dart Bridge Junction to the tip of the nosing of the westbound entry slip road at the Lower Dean Junction;

(**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.

"overall width" has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986**(a)**;

"operating weight" shall be calculated as provided in section 138 of the Road Traffic Regulation Act;

"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;

"a bicycle" means a pedal cycle with fewer than four wheels and not being a mechanically propelled vehicle;

"the works" mean parapet, safety fence and expansion joint maintenance works;

"the works period" means the period starting at 20.00 hours on 29 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 29 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 articles 7 and 8, 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.

4. Subject as mentioned in articles 7, 8 and 9, no person shall, during a works period, cause or permit any vehicle to enter or proceed in the second length of the A38.

5.Subject as mentioned in articles 7, 8 and 9, no person shall, during the works period, cause or permit any vehicle with an operating weight in excess of 7.5 tonnes or an overall width in excess of 6 feet 6 inches to enter or proceed in any lane other than the left hand or nearside lane of the first length of the A38.

6. Subject as mentioned in article 7, no person using a bicycle shall, during the works period, enter or proceed in the third length of the A38.

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.

8. The provisions of articles 3, 4 and 5 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.

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

Signed by authority of the Secretary of State

MALCOLM ROBERTS
An Area Performance Manager
25 January 2010 in the Highways Agency

(a) S.I. 1986 / 1078, to which there are amendments not relevant to this Order.