STATUTORY INSTRUMENTS

2010 No. 756

ROAD TRAFFIC

The M40 Motorway (Junction 4 Buckinghamshire and Junction 7 to Junction 6 and Junction 8a Oxfordshire) (Temporary Restriction and Prohibition of Traffic) Order 2010

Made - - - -	*22 February 2010*
Coming into force - -	*1 March 2010*

WHEREAS, the Secretary of State for Transport, being the traffic authority for the M40 Motorway ("the M40") and connecting roads, is satisfied that traffic on that motorway and on one of those other roads in the Counties of Buckinghamshire and Oxfordshire 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) and (7) of the Road Traffic Regulation Act 1984(**a**) hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway (Junction 4 Buckinghamshire and Junction 7 to Junction 6 and Junction 8a Oxfordshire) (Temporary Restriction and Prohibition of Traffic) Order 2010 and shall come into force on 1 March 2010.

2. In this Order –

"the first length of motorway" means the southbound carriageway of the M40 between points 1000 metres north of the centre point of the A329 overbridge at Junction 7 and 4250 metres north of the tip of the nosing of the exit slip road at Junction 6;

"the second length of motorway" means the northbound and southbound carriageways of the M40 between the tips of the nosings of the exit and entry slip roads at Junction 4;

"the third length of motorway" means the southbound carriageway of the M40 between points 1050 metres south of the centre point of the A329 overbridge at Junction 7 and 4350 metres north of the tip of the nosing of the exit slip road at Junction 6;

"tip of the nosing" means, as indicated by the markings on the carriageway, the last point where a slip road leaves the carriageway of the motorway;

"the slip road" means the northbound entry slip road at Junction 8a of the M40;

"the works" means localised resurfacing to the first length of motorway, the second length of motorway and the slip road, and routine inspection works to the carriageway, central reservation and verge and lighting maintenance to the third length of motorway;

"a works period" means a period of 8 ½ hours starting at 21.00 hours on Wednesday 3 March 2010 or on any subsequent day until the said works have been completed;

(**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.

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 5 and 6 no person shall, during a works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour on the first length of motorway.

4. Subject as mentioned in articles 5 and 6 no person shall, during the works period, cause or permit any vehicle to enter or proceed in the second length of motorway, the third length of motorway or the slip road.

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

6. Nothing in article 4 shall apply to –

(a) a vehicle being used in connection with the said works, for winter service maintenance or traffic officer purposes;

(b) a vehicle being used for police, fire and rescue authority or ambulance purposes, or

(c) anything being done at the direction, or with the permission, of a police constable or traffic officer in uniform;

and nothing in article 3 shall apply to a vehicle being used for a purpose specified in paragraph (b) of this article.

7. The provisions of Regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Motorways Traffic (England and Wales) Regulations 1982(**a**) are suspended in relation to the hard shoulder adjacent to the third length of motorway at such times and to such extent as may be indicated by traffic signs; and in this article "hard Shoulder" has the meaning given in regulation 3 (1)(e) of those Regulations.

Signed by authority of the Secretary of State

Iain S Semple
An Area Performance Manager
in the Highways Agency

Woodlands, Manton Lane, Bedford
22 February 2010

(**a**) S.I. 1982/1163, amended by S.I. 1983/374, 1984/1479, 1992/1364.