

2012 No. 77

ROAD TRAFFIC

The A38 Trunk Road (South Brent, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2012

Made - - - - *5th January 2012*
Coming into force - - *14th January 2012*

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 South Brent in the District of 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 (South Brent, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2012 and shall come into force on 14th January 2012.

2. In this Order –

“the first length of the A38” means the eastbound carriageway and the westbound carriageway of the A38 near South Brent from a point at the centre of the Wrangaton Junction Overbridge to a point at the centre of the Marley Head Junction Overbridge;

“the second length of the A38” means (a) the eastbound carriageway of the A38 near South Brent from the tip of the nosing of the eastbound exit slip road at the Woodpecker Junction to the tip of the nosing of the eastbound entry slip road at the Marley Head Junction; and (b) the westbound carriageway of the A38 near South Brent from the tip of the nosing of the westbound exit slip road at the Marley Head Junction to the tip of the nosing of the westbound entry slip road at the Woodpecker Junction;

“layby” 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;

“overall width” has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(c);

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

“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 bridge parapet and safety fence works;

“the works period” means the period starting at 20.00 hours on Monday 16th January 2012 and ending when the said works have been completed;

“a works period” means a period of 10 hours starting at 20.00 hours on Monday 16th January 2012 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, 8, 9 and 10, no person shall, during the works period:

- (a) drive any motor vehicle at a speed exceeding 50 miles per hour in the first length of the A38;
- (b) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the eastbound carriageway of the A38 situated 195 metres east of the centre of the A38 River Avon Bridge;
- (c) cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the westbound carriageway of the A38 situated 225 metres east of the centre of the A38 River Avon Bridge.

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 second 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 constable.

9. The provisions of articles 3(b), 3(c), 4 and 5 shall not apply to a vehicle being used in connection with the said works or for traffic officer purposes.

10. 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

5th January 2012

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency