

**2011 No. 2625**

**ROAD TRAFFIC**

**The A38 Trunk Road (Ashburton, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2011**

*Made* - - - - *24th October 2011*

*Coming into force* - - *29th October 2011*

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 at Ashburton 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 (Ashburton, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2011 and shall come into force on 29th October 2011.

2. In this Order –

“the first length of the A38” means the westbound carriageway of the A38 at Ashburton from a point at the centre of the Goodstone Junction Overbridge to a point at the centre of the Peartree Junction Overbridge;

“the second length of the A38” means the westbound carriageway of the A38 at Ashburton from a point 1300 metres east of the centre of the Linhay Junction Overbridge to a point at the centre of the Peartree Junction Overbridge;

“the third length of the A38” means the westbound carriageway of the A38 at Ashburton from a point at the centre of the Linhay Junction Overbridge to a point at the centre of the Peartree Junction Overbridge;

“the fourth length of the A38” means the westbound carriageway of the A38 at Ashburton from the tip of the nosing of the westbound exit slip road at the Linhay Junction to the tip of the nosing of the westbound entry slip road at the Peartree Junction;

“operating weight” shall be calculated as provided in section 138 of the Road Traffic Regulation Act 1984;

“the works” mean drainage improvement and other maintenance works;

“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;

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(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);

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

“the works period” means the period starting at 20:00 hours on Monday 31st October 2011 or on 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 6 and 8, no person shall, during the works period:

- (a) drive any motor vehicle at a speed exceeding 50 miles per hour on the first length of the A38;
- (b) drive any motor vehicle at a speed exceeding 10 miles per hour on the second 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;

**4.** Subject as mentioned in articles 6 and 7, no person shall, during the works period:

- (a) cause or permit any vehicle with an operating weight in excess of 7.5 tonnes to enter or proceed in any lane other than the left-hand or nearside lane in the third length of the A38;
- (b) cause or permit any vehicle with a width exceeding 6 feet 6 inches to enter or proceed in any lane other than the left-hand or nearside lane in the third length of the A38.

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

**6.** The provisions of article 3, 4 and 5 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 constable.

**7.** The provisions of article 4 shall not apply to a vehicle being used for or in connection with the said works or for traffic officer purposes.

**8.** 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

24th October 2011

*Malcolm Roberts*  
A Service Delivery Team Leader  
in the Highways Agency

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