

**2012 No. 110**

**ROAD TRAFFIC**

**The A38 Trunk Road (Smithaleigh Junction, Plympton Bypass)  
(Temporary Prohibition of Traffic) Order 2012**

*Made* - - - - - *11th 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 a length of that road near Plympton in the District of South Hams in the County of Devon should be 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) of, and paragraph 27(1) of Schedule 9 to, the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Smithaleigh Junction, Plympton Bypass) (Temporary Prohibition of Traffic) Order 2012 and shall come into force on 14th January 2012.

2. In this Order –

“the A38” means the westbound carriageway of the A38 at the Smithaleigh Junction (near Plympton) from the tip of the nosing of the westbound exit slip road to the tip of the nosing of the westbound entry slip road;

“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;

“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;

“the works” mean maintenance works;

“the works period” means the period starting at 00.01 hours on Monday 16th January 2012 and ending when the said works have been completed;

“a works period” means a period of 11 hours starting at 19.00 hours on Monday 16th January 2012 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.

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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; and paragraph 27(1) of Schedule 9 was amended by Section 1(4) of that Act.  
(b) S.I. 2002/3113; Part I

**3.** Subject as mentioned in article 5, no person shall, during the works period, cause or permit any vehicle to enter, proceed or remain in the layby adjacent to the westbound carriageway of the A38 situated 200 metres west of the centre of the Smithaleigh Overbridge.

**4.** Subject as mentioned in article 5, no person shall, during a works period, cause or permit any vehicle to enter or proceed in the A38.

**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 and shall not apply to:

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

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

(c) a vehicle being used for or in connection with the said works or for winter maintenance purposes.

**6.** The A38 Trunk Road (Smithaleigh Junction, Plympton Bypass) (Temporary Prohibition of Traffic) Order 2011(a) is hereby revoked.

Signed by authority of the Secretary of State

11th January 2012

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

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(a) S.I. 2011 / 1916