2012 No. 1236

ROAD TRAFFIC

The A38 Trunk Road (Marsh Mills to Forder Valley, Plymouth) (Temporary Restriction and Prohibition of Traffic) Order 2012

 Made
 2nd May 2012

 Coming into force
 5th May 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 at Plymouth in the County of Devon 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) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Marsh Mills to Forder Valley, Plymouth) (Temporary Restriction and Prohibition of Traffic) Order 2012 and shall come into force on 5th May 2012.

2. In this Order –

"the first length of the A38" means (i) the westbound carriageway of the A38 at Plymouth from a point 300 metres east of the centre of the Merafield Road Overbridge to the tip of the nosing of the westbound entry slip road at the Forder Valley Junction; and (ii) the eastbound carriageway of the A38 at Plymouth from the centre of Manadon Junction to the tip of the nosing of the eastbound entry slip road at the Marsh Mills Junction;

"the second length of the A38" means (i) the westbound carriageway of the A38 at Plymouth from the tip of the nosing of the westbound exit slip road at the Marsh Mills Junction to the tip of the nosing of the westbound entry slip road at the Forder Valley Junction; and (ii) the eastbound carriageway of the A38 at Plymouth from the tip of the nosing of the eastbound exit slip road at the Marsh Mills Junction to the tip of the nosing of the eastbound entry slip road at the same junction;

"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 to the Marsh Mills viaduct;

"a works period" means a period of 10 hours starting at 20.00 hours on Sunday 6th May 2012 or on any subsequent day and ending when the said works have been completed;

"the works period" means the period starting at 00.01 hours on Sunday 6th May 2012 and ending when 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 6 and 8, no person shall, during the works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the first length of the A38.
- **4.** Subject as mentioned in articles 6 and 8, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour on the first length of the A38.
- **5.** Subject as mentioned in articles 6 and 7, no person shall, during a works period, cause or permit any vehicle to enter or proceed in the second length of the A38.
- **6.** The provisions of articles 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 5 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

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency

2nd May 2012