

2012 No. 1376

ROAD TRAFFIC

The A38 Trunk Road (Dobwalls Bypass, Cornwall) (24 Hours Clearway) Order 2012

Made - - - - 16 May 2012

Coming into force - - 28 May 2012

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 1(1), 2(1) and 2(2), of the Road Traffic Regulation Act 1984(a):

1. This Order may be cited as A38 Trunk Road (Dobwalls Bypass, Cornwall) (24 Hours Clearway) Order 2012 and comes into force on 28 May 2012.

2. In this Order—

“the trunk road” means the A 38 Trunk Road in the County of Cornwall, from the north-eastern edge of Twelvetrees Roundabout junction with the A390 Trunk Road to point 912 metres east of the centre of Looe Mills Junction overbridge;

“slip roads” means slip roads leading to or from the trunk road;

“carriageway” means a way consisting of, or comprised in, a road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles and a surface suitable for the exercise of that right;

“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);

“verge” means any part of the trunk road which is not carriageway;

“water authority” means a water or sewerage undertaker within the meaning of the Water Industry Act 1991(c).

3. Subject to article 4, no person shall cause or permit any vehicle to wait on any part of the trunk road (except a layby), the slip roads or verge except following the direction of, or with the permission of, a constable, a traffic warden or a traffic officer in uniform.

4. Nothing in article 3 shall apply

(a) so as to prevent a vehicle waiting on any part of the trunk road or slip roads, for so long as may be necessary for it to be used in connection with –

(i) any building operation or demolition,

(ii) the removal of any obstruction to traffic,

(a) 1984 c. 27; sections 1(1) and 2(1) and (2) were amended by the New Roads and Street Works Act (c. 22), section 168 and Schedule 8, paragraphs 17(2) and 18(2) and (3).

(b) 2002 / 3113.

(c) 1991 c. 56.

- (iii) the maintenance, improvement or reconstruction of the trunk road, or
 - (iv) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the trunk road of any sewer, main, pipe conduit, wire, cable or other apparatus for the supply of gas, water, electricity, or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(a);
- (b) in relation to a vehicle being used—
- (i) for fire and rescue authority, ambulance, police or traffic officer purposes,
 - (ii) in the service of a local authority in pursuance of statutory powers or duties,
 - (iii) Safety Camera Partnership, winter maintenance, Highways Agency contractors' observations and Vehicle & Operator Service Agency purposes, or
 - (iv) in the service of a water undertaker or sewerage undertaker within the meaning of the Water Industry Act 1991(b);
- (c) in relation to a vehicle waiting when the person in control of it is –
- (i) required by law to stop,
 - (ii) obliged to stop in order to avoid an accident, or
 - (iii) prevented from proceeding by circumstances outside his or her control.

5. No person shall cause or prevent any vehicle to wait on any part of the trunk road, layby, slip roads or verge for the purpose of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

Signed by authority of the
Secretary of State for Transport

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency

16 May 2012

EXPLANATORY NOTE

(This note is not part of the Order)

The construction of the Dobwalls Bypass re-routed the A38 Trunk Road to the north of Dobwalls from Looe Mills to Twelvewoods Roundabout. The existing clearway Order, The London – Penzance Trunk Road (A38) (Dobwalls to Trerulefoot Roundabout) (Prohibition of Waiting) (Clearways) Order 1978 (Variation) Order 2009, SI 1978 No 1834, does not accurately reflect the Highways Agency's responsibility in this area and will be revoked.

The proposed clearway Order is consistent with transport policy for the A38 Trunk Road and will reflect the changes to the A38 due to the Construction of the Dobwalls Bypass and the slip roads at Petersfield Junction and Looe Mills Junction. It will allow for the free flow of traffic on the A38 in the Dobwalls area.

(a) 1984 c. 12.
(b) 1991 c. 56.