

**2013 No. 1886**

**ROAD TRAFFIC**

**The M40 Motorway (Junctions 7 to 9) (Temporary Restriction  
and Prohibition of Traffic) Order 2013**

*Made* - - - - - 22nd July 2013

*Coming into force* - - - 29th July 2013

WHEREAS the Secretary of State for Transport, being the traffic authority for the M40 Motorway (“the M40”) and connecting roads, is satisfied that traffic on lengths of that motorway and on some of those connecting roads, in the District of South Oxfordshire in the County of Oxfordshire, should be restricted and prohibited because works are proposed to be executed thereon; and whereas the Secretary of State for Transport in accordance with section 14(3) of the Road Traffic Regulation Act 1984(a) has had regard to the existence of alternative routes suitable for the traffic which will be affected by this Order:

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) and regulation 16(2) of the Motorway Traffic (England and Wales) Regulations 1982(b), hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway (Junctions 7 to 9) (Temporary Restriction and Prohibition of Traffic) Order 2013 and shall come into force on 29th July 2013 and remain in force until 31st October 2013.

2. In this Order:

“Three Pigeons overbridge” means the A329 Three Pigeons overbridge at Junction 7 of the M40;

“a first length of motorway” means the M40 –

(a) northbound carriageway between points 1900 metres south and 550 metres north of Three Pigeons overbridge, and

(b) southbound carriageway between points 1150 metres north and 1200 metres south of Three Pigeons overbridge;

“a second length of motorway” means the M40 -

(a) northbound carriageway between points 500 metres south and 300 metres north of Three Pigeons overbridge, and

(b) southbound carriageway from a point 300 metres north of the A418 London Road overbridge at Junction 8A to a point 400 metres south of Three Pigeons overbridge;

“a third length of motorway” means the M40 –

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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.

(b) 1982/1163, as amended by S. I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258 and 2006/594.

(a) northbound carriageway between points 1250 metres south and 450 metres north of Three Pigeons overbridge, and

(b) southbound carriageway between points 450 metres north and 1100 metres south of Three Pigeons overbridge;

“a fourth length of motorway” means the M40 –

(a) northbound carriageway between points 1800 metres south and 550 metres north of Three Pigeons overbridge, and

(b) southbound carriageway between points 1150 metres north and 750 metres south of Three Pigeons overbridge;

“the southbound Oxford Spur” means the southbound Oxford Spur Motorway, at Junction 8 of the M40, from its diverge point with the exit slip road from the A418 to the eastbound carriageway of the A40 Trunk Road, to its merge point with the southbound carriageway of the M40, including the entry slip road from the A418;

“a slip Road” means the \_

(a) exit slip road from the northbound carriageway of the M40 at Junction 7, and

(b) entry slip road to the southbound carriageway of the M40 at Junction 8A;

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

“works” mean bridge strengthening works to Three Pigeons overbridge;

“the works period” means the period starting at 21.00 hours on Monday 5th August 2013 and ending on Thursday 31st October 2013 when the works have been completed;

“a works period” means a period of up to 10 hours between 21.00 hours and 07:00 hours, or 7 hours between 09.00 hours and 16.00 hours, during a period starting on Monday 5th August 2013 and ending on Thursday 31 October 2013 when the works have been completed;

and –

(a) a reference to a bridge is a reference to the centre point of that bridge,

(b) the lanes of a carriageway are numbered from the nearside lane (lane 1) to the offside lane (lane 3), and

(c) 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, 7 and 8 no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour on a first length of motorway.

**4.** Subject as mentioned in articles 6 and 7 no person shall, during a works period, cause or permit any motor vehicle to enter or proceed in a second length of motorway, the southbound Oxford Spur or a slip road.

**5.** Subject as mentioned in articles 6 and 7 no person shall, during the works period, cause or permit any vehicle with an overall width exceeding 1.981 metres (6’6”) to enter or proceed in lanes 2 or 3 of a third length of motorway.

**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.

**7.** The provisions of articles 4 and 5 shall not apply to a vehicle –

(a) being used for, or in connection with, the works or for winter service maintenance or traffic officer purposes,

(b) being used for police, fire and rescue authority or ambulance purposes, or

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(a) S.1 1986/1078, to which there are amendments not relevant to this Order.

(c) proceeding at the direction, or with the permission, of a constable, or a traffic officer in uniform;

and nothing in article 3 shall apply to a vehicle being used for a purpose specified in paragraph (b) of this article or to a vehicle falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(a) when used in accordance with regulation 3(5) of those Regulations.

**8.** During a works period, the provisions of Regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Motorways Traffic (England and Wales) Regulation 1982(b) are hereby suspended in relation to the hard shoulder adjacent to a fourth length of motorway at such times and to such extent as may be indicated by traffic signs; and in this article “hard shoulder” has the meaning given in regulation 3(1)(e) of those Regulations.

Signed by authority of the Secretary of State for Transport

Woodlands, Manton Lane, Bedford, MK41 7LW  
22nd July 2013

*A Nugent*  
A Team Leader in the Highways Agency

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(a) S.I. 2011/935.

(b) S.I. 1982/1163, amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158 and 2004/3258.