

2013 No. 843

ROAD TRAFFIC

The M40 Motorway and M42 Motorway (M40 Junction 15 to North of M42 Junction 3a) (Temporary Restriction and Prohibition of Traffic) Order 2013

Made - - - - *25th February 2013*
Coming into force - - *4th March 2013*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M40 Motorway (“the M40”), the M42 Motorway (“the M42”) and connecting roads, is satisfied that traffic on lengths of those motorways and three of those connecting roads, in the County of Warwickshire, 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), and regulation 16(2) of the Motorways Traffic (England and Wales) Regulations 1982(b), hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway and M42 Motorway (M40 Junction 15 to North of M42 Junction 3a) (Temporary Restriction and Prohibition of Traffic) Order 2013 and shall come into force on 4th March 2013.

2. In this Order:

“the first length of motorway” means the northbound carriageway of the M40 from a point 200 metres south of the centrepoint of Tapster Lane overbridge to a point 170 metres east of the centreline of the overbridge carrying the link road leading from the northbound carriageway of the M40 to the northbound carriageway of the M42;

“the second length of motorway” means the northbound carriageway of the M42 from a point 415 metres east of the centreline of Poolhead Lane overbridge to a point 145 metres south of Cut Throat Lane overbridge;

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

“the third length of motorway”	means the southbound carriageway of the M40 from its junction with the northbound carriageway of the M42 to a point 150 metres east of the centreline of the M42 southbound carriageway overbridge;
“the fourth length of motorway”	means the northbound carriageway of the M40 from its junction with the exit slip road at Junction 15 to its junction with the southbound carriageway of the M42;
“the fifth length of motorway”	means the northbound carriageway of the M42 from its diverge point from the M40 southbound carriageway to its junction with the link road;
“the link road”	means the link road leading from the northbound carriageway of the M40 to the northbound carriageway of the M42 at Junction 3a;
“the first slip road”	means the slip road leading to the northbound carriageway of the M40 at Junction 15;
“the second slip road”	means the slip road leading to the northbound carriageway of the M40 at Junction 16;
“the Regulations”	means the Motorways Traffic (England and Wales) Regulations 1982(a);
“a hard shoulder”	means the hard shoulder, within the meaning of regulation 3(1)(e) of the Regulations, which is adjacent to the first length of motorway and the second length of motorway;
“the works period”	means the period starting at 00.01 hours on Monday 11th March 2013 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 5 and 6, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour on the first length of motorway, the second length of motorway or the third length of motorway.

4. Subject as mentioned in articles 5 and 6, no person shall, during the works period, cause or permit any vehicle to enter or proceed in the fourth length of motorway, the fifth length of motorway, the link road, the first slip road or the second slip road.

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.

6. The provisions of –

(a) articles 3 and 4 shall not apply to any vehicle –

(i) being used for police, fire brigade or ambulance purposes; or

(a) S.I. 1982/1163, amended by S.I. 1983/374, 1984/1479, 1992/1364.

- (ii) proceeding at the direction of, or with the permission of, a police constable;
 - (b) article 3 shall not apply to any vehicle being used for special forces purposes; and
 - (c) article 4 shall not apply to any vehicle being used in connection with the said works or by, or at the direction of, a traffic officer in uniform.
7. During the works period, regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Regulations, in respect of a hard shoulder, are hereby suspended at such times and to such extent as may from time to time be indicated by traffic signs.

Signed by authority of the Secretary of State

25th February 2013

V Bennett
A Team Leader
in the Highways Agency