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STATUTORY INSTRUMENTS

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**2014 No. 2657**

**HIGHWAYS, ENGLAND**

**The A138 (Replacement Chelmer Viaduct) (Trunking) Order 2014**

*Made* - - - - - *26th September 2014*

*Coming into force* - - - - - *3rd October 2014*

The Secretary of State for Transport, in exercise of powers conferred by sections 10, 41 and 106 of the Highways Act 1980(1) and vested in the Secretary of State(2), makes the following Order.

1. This Order may be cited as the A138 Trunk Road (Replacement Chelmer Viaduct) (Trunking) Order 2014 and shall come into force on 3rd October 2014.

2. In this Order—

(1) all measurements of distance are measured along the route of the relevant highway;

(2) —

(i) “the new road” means the new highway which the Secretary of State proposes to construct along the route described in Schedule 1 to this Order;

(ii) “the plan” means the plan numbered HA/10/NOD/007, containing a plan marked “The A138 (Replacement Chelmer Viaduct) (Trunking) Order 2014”, signed by authority of the Secretary of State for Transport and deposited at ODPM-DfT Records Management Branch, Floor 13 (IMD), Ashdown House, St Leonards on Sea, Hastings, East Sussex TN37 7GA.

3. The new road shall become a trunk road from the date on which this Order comes into force.

4. The centre line of the trunk road is indicated by a heavy black line on the plan.

5. The Secretary of State directs as respects any part of a highway which crosses the route of any of the new trunk roads that—

(a) where the highway is maintainable at the public expense by a local highway authority, the part in question shall be maintained by that authority, and

(b) where the highway is not so maintainable and is not maintainable under a special enactment or by reason of tenure, enclosure or prescription, the Secretary of State shall be under no duty to maintain the part in question,

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(1) 1980 c.66; section 10 was amended by the New Roads and Street Works Act 1991 (c.22), section 2, and section 41 was amended by the Railways and Transport Safety Act 2003 (c.20).

(2) SI 1981/238, 1997/2971, 2001/2568 and 2002/2626.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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until, in either case, a date to be specified in a notice given by the Secretary of State to the highway authority for that highway. The date specified will not be later than the date on which the relevant route is opened for traffic.

6. The Secretary of State is authorised to construct the viaduct specified in Schedule 2 to this Order as part of the new road along the route on the plan.

Signed by authority of the Secretary of State for Transport

26th September 2014

*Catherine Brookes*  
A Divisional Director  
in the Highways Agency

SCHEDULE 1

Article 2

ROUTE OF THE NEW ROAD

A route approximately 0.94 kilometres in length; between the Army & Navy Roundabout and the Chelmer Village Way Roundabout at Chelmsford, in the County of Essex as indicated by a thick black line and given the number 1 on the plan.

SCHEDULE 2

Article 6

A 17 span viaduct approximately 0.405km in length, of steel and concrete construction over the River Chelmer as indicated by the number 2 on the plan.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order establishes the centre line of the new trunk road and viaduct as part of the A138 at Chelmsford, in the county of Essex.