

2009 No. 3455

ROAD TRAFFIC

**The A38 and A516 Trunk Roads (Southwest of Derby)
(Temporary Restriction and Prohibition of Traffic) Order 2009**

Made - - - - 6 November 2009

Coming into force - - 13 November 2009

WHEREAS the Secretary of State for Transport being the traffic authority for the A38 Trunk Road (“the A38”) and A516 Trunk Road (“the A516”) and connecting roads, is satisfied that traffic on lengths of those roads and some of those connecting roads in the County of Derbyshire and the City of Derby 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 of all other powers enabling him in that behalf, hereby makes the following Order: -

1. This Order may be cited as the A38 and A516 Trunk Roads (Southwest of Derby) (Temporary Restriction and Prohibition of Traffic) Order 2009 and shall come into force on 13 November 2009.

2. In this Order:

- | | |
|-----------------------|---|
| “Toyota Interchange” | means the A38/A50/B5008 roundabout junction south of Findern; |
| “Findern Interchange” | means the A38/A5250 Rykneld Road/Staker Lane/Burton Road roundabout junction north of Findern; |
| “the trunk road ” | means –
a) the northbound carriageway of A38 from its junction with the entry slip road at Toyota Interchange to a point 197 metres south of the centreline of the B5020 Uttoxeter Road overbridge;
b) the southbound carriageway of the A38 from the centreline of the B5020 Uttoxeter Road overbridge to its junction with the exit slip road at Toyota Interchange;
c) the link road leading from the southbound carriageway of the A38 to the westbound carriageway of the A516; |

(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

- d) the link road leading from the eastbound carriageway of the A516 to its junction with the northbound carriageway of the A38;

“a slip road”

means -

- a) any slip road leading to or from the A38 at Findern Interchange; and
- b) the slip road leading to the northbound carriageway of the A38 at Toyota Interchange;

“layby”

means an area of carriageway intended for the waiting of vehicles and bounded partly by a road marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002^(a) and partly by the outer edge of that carriageway on the same side of the road as that on which the marking is placed; and in this definition “carriageway” means any way (other than a cycle track) comprised in a length of the trunk road over which the public have a right of way for the passage of vehicles and which has a suitable surface for the exercise of that right;

the works period”

means the period starting at 2000 hours on Monday 16 November 2009 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, drive any motor vehicle at a speed exceeding 40 miles per hour on the trunk road or a slip road.

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 laybys adjacent to the—

- (a) northbound carriageway of the A38 approximately 280 metres south of Haven Baulk Lane underbridge;
- (b) northbound carriageway of the A38 approximately 160 metres north of Haven Baulk Lane underbridge; and
- (c) southbound carriageway of the A38 approximately 277 metres south of Havenbaulk Lane underbridge.

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
 - (ii) proceeding at the direction of, or with the permission of, a police officer in uniform, and

(b) article 4 shall not apply to any vehicle being used in connection with the said works.

Signed by authority of the Secretary of State

6 November 2009

A Slack
A Team Leader
in the Highways Agency