

2012 No. 1242

ROAD TRAFFIC

The M5 Motorway (Junction 28) (Temporary Restriction and Prohibition of Traffic) Order 2012

Made - - - - - *4th May 2012*

Coming into force - - - - - *15th May 2012*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M5 Motorway (“the M5”) and connecting roads, is satisfied that traffic on a length of that road and two of those connecting roads at Junction 28 in the County of Devon 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) and (7) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order:

1. This Order may be cited as the M5 Motorway (Junction 28) (Temporary Restriction and Prohibition of Traffic) Order 2012 and shall come into force on 15th May 2012.

2. In this Order –

“the M5” means the southbound carriageway of the M5 from a point 300 metres north of the centre of the B3181 Overbridge at Willand (north of Junction 28) to a point at the centre of the B3181 Overbridge at Westcott (south of Junction 28);

“the slip roads” mean the southbound exit and entry slip roads at M5 Junction 28;

“the hard shoulder” means the hard shoulder within the meaning of regulation 3(1)(e) of the Regulations which is adjacent to the M5;

“the Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(b);

“the works” mean resurfacing, studs and road marking works;

“a works period” means a period of 10 hours starting at 20.00 hours on Thursday 17th May 2012 or on any subsequent day and ending when the said works have been completed;

and a reference to an article followed by a number is a reference to an article in this Order which bears that number.

3. Subject as mentioned in articles 5, 6 and 8, no person shall, during a works period:

- (a) drive any motor vehicle at a speed exceeding 50 miles per hour on the M5 and the hard shoulder;
- (b) cause or permit any vehicle to enter or proceed in the slip roads.

(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, amended by S.I. 1983 / 374, 1984 / 1479 and 1992 / 1364.

4. The provisions of article 3 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs and shall not apply to:

- (a) a vehicle being used for police, fire and rescue authority or ambulance purposes; or
- (b) anything done at the direction of, or with the permission of, a constable.

5. The provisions of article 3(b) shall not apply to a vehicle being used in connection with the said works or for traffic officer purposes.

6. During a works period, regulation 5 and (insofar as it relates to a vehicle being driven) regulation 9 of the Regulations are hereby suspended, in respect of the hard shoulder, at such times and to such extent as shall from time to time be indicated by traffic signs.

7. No speed limit imposed by this order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.

Signed by authority of the Secretary of State

4th May 2012

David Sledge
A Service Delivery Team Leader
in the Highways Agency