

2009 No. 3092

ROAD TRAFFIC

**The M40 Motorway (Junctions 15 - 16)
(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 M40 Motorway (“the M40”) and connecting roads, is satisfied that traffic on a length of that motorway and one 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) and (7) 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 M40 Motorway (Junctions 15 - 16) (Temporary Restriction and Prohibition of Traffic) Order 2009 and shall come into force on 13 November 2009.

2. In this Order –

“the motorway”	means the northbound carriageway of the M40 from its junction with the exit slip road at Junction 15 to its junction with the entry slip road at Junction 16;
"the slip road"	means the slip road leading to the northbound carriageway of the M40 at Junction 15;
“the Regulations”	means the Motorways Traffic (England and Wales) Regulations 1982(b);
“a hard shoulder”	means the hard shoulder, within the meaning of Regulation 3(1)(e) of the Regulations, which is adjacent to the motorway;
"the works period"	means the period starting at 22.00 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.

(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, 1992/1364.

3. Subject as mentioned in articles 5 and 6, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour in the 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 motorway or the 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 articles 3 and 4 shall not apply to any vehicle –

- (a) being used for police, fire brigade or ambulance purposes; or
- (b) proceeding at the direction of, or with the permission of, a police constable in uniform;

and nothing in article 4 shall apply to any vehicle being used for or in connection with the said works or by a traffic officer.

7. During the works period, regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Regulations are hereby suspended in respect of a hard shoulder, 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

6 November 2009

A Slack
A Team Leader
in the Highways Agency