
STATUTORY INSTRUMENTS

2010 No. 1418

ROAD TRAFFIC

THE A46 TRUNK ROAD (M40 JUNCTION 15, WARWICKSHIRE) (24 HOURS CLEARWAY) ORDER 2010

Made **29 March 2010**

Coming into force **12 April 2010**

The Secretary of State for Transport in exercise of the powers conferred by sections 1(1), 2(1) and (2), 4(1) and 122A of, and paragraph 27(1) of schedule 9 to, 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 A46 Trunk Road (M40 Junction 15, Warwickshire) (24 Hours Clearway) Order 2010 and shall come into force on 12 April 2010.

2. In this Order:

“the trunk road” means the A46 Trunk Road in the District of Warwick in the County of Warwickshire;

“carriageway” means a way consisting of, or comprised in, the trunk road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles and a surface suitable for the exercise of that right;

“layby” means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002 **(b)** and partly by the outer edge of the carriageway on the same side of the road as the traffic sign;

"water authority" means a water or sewerage undertaker within the meaning of the Water Industry Act 1991**(c)**;

3. Save as provided in article 4, no person shall cause or permit any vehicle to wait on the lengths of trunk road or connecting roads specified in the schedule to this order, other than in a layby, except upon the direction of, or with the permission of, a police officer in uniform or a traffic warden.

(a) 1984 c.27; sections 1(1) and 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22), section 168 and Schedule 8, paragraphs 17(2) and 18(2) and (3).

(b) S.I. 2002/3113

(c) 1991 c.56

4. Nothing in article 3 shall apply –
- (a) so as to prevent a vehicle waiting on any part of the trunk road, other than a layby, for so long as may be necessary to enable it to be used in connection with -
 - (i) any building operation or demolition,
 - (ii) the removal of any obstruction to traffic,
 - (iii) the maintenance, improvement or reconstruction of the trunk road, or
 - (iv) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the trunk road of any sewer, main, pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984 **(a)**,
 - (b) in relation to a vehicle being used -
 - (i) for fire brigade, ambulance or police purposes,
 - (ii) in the service of a local authority or of a water authority in pursuance of their respective statutory powers or duties, or
 - (iii) by a universal service provider for the purposes of the provision of a universal postal service as defined by the Postal Service Act 2000 **(b)**,
 - (c) in relation to a vehicle waiting while any gate or barrier at the entrance to premises to or from which that vehicle is proceeding is opened or closed, if it is not reasonably practicable for the vehicle to wait elsewhere, and
 - (d) in relation to a vehicle waiting when the person in control of it is -
 - (i) required by law to stop,
 - (ii) obliged to stop in order to avoid an accident, or
 - (iii) prevented from proceeding by circumstances outside their control.
5. No person shall cause or permit any vehicle to wait on any part of the trunk road for the purpose of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into premises adjacent to, the land on which the vehicle stood when the goods were sold or dispensed, except with –
- (a) a street trading consent issued by the relevant local authority under section 3 of, and schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982 **(c)**;and
 - (b) the written consent of the Secretary of State for Transport.

(a) 1984 c.12
(b) 2000 c.26
(c) 1982 c.30

6. The Trunk Roads (Prohibition of Waiting) (Clearways) (Warwick By-Pass) Order 1968 **(a)** is hereby amended by deleting from section 2 of the schedule to that order the words “Between its junction with the Warwick – Moreton Road (A.429) and”, and inserting the words “from a point 1746 metres north of the centrepoint of its roundabout junction with the B4463 and the link roads leading to and from Longbridge Roundabout (Sherbourne Roundabout)”.

Signed by authority of the
Secretary of State
29 March 2010

Adrian Slack
A Team Leader
in the Highways Agency

SCHEDULE

In this schedule –

Longbridge Roundabout means the roundabout junction of the A46 with the A429, the slip roads leading to and from the M40 at Junction 15, the link roads leading to and from Sherbourne Roundabout, the link road leading to the northbound carriageway of the A46, and the link road leading from the southbound carriageway of the A46.

Sherbourne Roundabout means the circulatory carriageway of the A46 at its roundabout junction with the B4463, and the link roads leading to and from Longbridge Roundabout.

Lengths of the A46 Trunk Road and connecting roads on which waiting is prohibited (subject to exemptions) -

1. a length of the northbound carriageway of the A46 between points 877 metres southwest and 1746 metres north of the centre point of Sherbourne Roundabout, including that roundabout;
2. a length of the southbound carriageway of the A46 trunk road between points 1746 metres north and 877 metres southwest of the centre point of Sherbourne Roundabout;
3. the link road leading from Sherbourne Roundabout to Longbridge Roundabout, including the segregated lane leading to the northbound carriageway of the M40;
4. the link road leading from Longbridge Roundabout to Sherbourne Roundabout;
5. Longbridge Roundabout;
6. the link road leading from Longbridge Roundabout to the northbound carriageway of the A46, including the segregated lane leading from the southbound exit slip road of the M40 at Junction 15;
7. the link road leading from the southbound carriageway of the A46 to Longbridge Roundabout;
8. the length of road leading to the southbound carriageway of the A429, from its junction with Longbridge Roundabout to a point 183 metres south of the centrepoint of that roundabout;
9. the length of road leading from the northbound carriageway of the A429, from a point 183 metres south of the centre point of Longbridge Roundabout to its junction with that roundabout, and
10. the length of road leading to the northbound carriageway of the A429 Stratford Road, from its junction with Longbridge Roundabout to a point 165 metres east of the centrepoint of that roundabout;
11. the length of road leading from the southbound carriageway of the A429 Stratford Road, from a point 165 metres east of the centre point of Longbridge Roundabout to its junction with that roundabout;
12. the length of road leading to the northbound carriageway of the B4463, from its junction with Sherbourne Roundabout to a point 64 metres northwest of the centrepoint of that roundabout, and
13. the length of road leading from the southbound carriageway of the B4463, from a point 64 metres northwest of the centre point of Sherbourne Roundabout to its junction with that roundabout.

