

**2011 No. 59**

**ROAD TRAFFIC**

**The A40 and the A449 Trunk Roads (Welsh Border to Traveller's Rest Roundabout, Ross-on-Wye) (24 Hours Clearway) Order 2011**

*Made* - - - - - *4 January 2011*

*Coming into force* - - - - - *18 January 2011*

The Secretary of State for Transport in exercise of the powers conferred by sections 1(1), 2(1) and (2), and 4(1) 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 A40 and the A449 Trunk Roads (Welsh Border to Traveller's Rest Roundabout, Ross-on-Wye) (24 Hours Clearway) Order 2011 and shall come into force on 18 January 2011.

**2.** In this Order:

“the first length of trunk road” means the length of the A40 Trunk Road in the District of the County of Herefordshire, from the England/Wales Border, south of Ganarew, to its roundabout junction with the A449 and the B4234 at Ross-on-Wye, including the circulatory carriageway of that roundabout;

“the second length of trunk road” means the length of the A449 Trunk Road in the District of the County of Herefordshire, from its roundabout junction with the A449 and the B4234 at Ross-on-Wye, to its roundabout junction with the B4221 and the M50 at Junction 4;

“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 road marking 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 road marking;

“main carriageway”, in relation to the first length of trunk road or the second length of trunk road, means any carriageway of those roads used primarily by through traffic, including acceleration and deceleration splays, but excludes any layby;

“verge” means any part of the first length of trunk road or the second length of trunk road which is not a carriageway;

---

(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

“bus stop area” means that area of carriageway comprised in a road which is intended for the waiting of buses, which is comprised within and indicated by a road marking of the type shown in either diagram 1025.1 or 1025.3 in Schedule 6 to the Traffic Signs Regulations 2002;

“bus” has the meaning given in regulation 22(2) of the Traffic Signs Regulations 2002;

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

and any reference in this Order to a numbered article is a reference to the article in this Order which bears that number.

3. Save as provided in article 4, no person shall cause or permit any vehicle to wait on the main carriageway of the first length of trunk road or the second length of trunk road, other than in a layby or (in the case of a bus) in a bus stop area, except upon the direction of, or with the permission of, a police constable, a traffic warden or a traffic officer in uniform.

4. Nothing in article 3 shall apply –

- (a) so as to prevent a vehicle waiting on the main carriageway of the first length of trunk road or the second length of trunk road, other than a layby or a bus stop area, 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(b);
- (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,
  - (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(c),
  - (iv) by a Highways Agency Traffic Officer in pursuance of statutory powers or duties, or
  - (v) by the Highways Agency’s contractors for observation purposes;
- (c) in relation to a vehicle waiting while any gate or barrier at the entrance 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 verge or layby immediately adjacent to the main carriageway of the first length of trunk road or the second length of 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) 1991 c.56  
(b) 1984 c.12.  
(c) 2000 c.26

- (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(a); and
- (b) the written consent of the Secretary of State for Transport.

6. The Trunk Road (A40 Junction with A4137, Yat Garage) (Prohibition of Waiting) Order 1976(b) and The A40 Trunk Road (Pencraig, Herefordshire) (Prohibition of Waiting) Order 2003(c) are hereby revoked.

Signed by authority of the  
Secretary of State for Transport

4 January 2011

*ADRIAN SLACK*  
A Team Leader in  
the Highways Agency

---

(a) 1982 c.30.  
(b) S.I. 1976/904  
(c) S.I. 2003/2159