

1988 No. 121

HIGHWAYS, ENGLAND AND WALES

**The East of Birmingham/Birkenhead Trunk Road
(A41 Improvement at Chester and Slip Roads) Order 1988**

Made - - - - - *15th January 1988*

Coming into force *25th February 1988*

The Secretary of State for Transport makes this Order in exercise of powers conferred by sections 10, 12, 41 and 106 of the Highways Act 1980(a), and now vested in him(b), and of all other enabling powers:

1. The new highways which the Secretary of State proposes to construct –
 - (a) along the route described in Schedule 1 to this Order (the highway along this route being in this Order referred to as “the main new trunk road”); and
 - (b) along the routes described at Schedule 2 to this Order which connect the main new trunk road with other highways at the places stated in that Schedule (the highways along these routes being in this Order referred to as “the slip roads”)

shall become trunk roads as from the date this Order comes into force.

2. The centre line of the new trunk roads are indicated by heavy black lines on the deposited plan.

3. The Secretary of State directs as respects any part of a highway which crosses the route of any of the new trunk roads that –

- (a) where the highway is a highway maintainable at the public expense by a local highway authority, the part in question shall be maintained by that authority, and
- (b) where the highway is not a highway so maintainable and is not maintainable under a special enactment or by reason of tenure, enclosure or prescription, the Secretary of State shall be under no duty to maintain the part in question,

until, in either case, a date to be specified in a notice given by the Secretary of State to the highway authority for that highway. The date specified will not be later than the date on which the relevant route is opened for the purposes of through traffic.

4. The length of trunk road described in Schedule 3 to this Order and shown by broad striped hatching on the deposited plan shall cease to be a trunk road and shall be classified as a classified road as from the date on which the Secretary of State notifies the County Council of Cheshire that the new trunk road is open for through traffic.

5. The Secretary of State is authorised to construct the bridge specified in Schedule 4 in this Order as part of the main new trunk road.

6. In this Order –

(1) all measurements of distance are measured along the route of the relevant highway;

(2)(i) “classified road”

as a classification for a highway, means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which refers to highways classified by the Secretary of State and which does not specifically refer to their classification as principal roads;

(ii) “the deposited plan”

means the plan numbered HA 10/1/CNW 245 marked “The East of Birmingham/Birkenhead Trunk Road (A41 Improvement at Chester and Slip Roads) Order 1988” signed by authority of the Secretary of State and deposited at the Department of Transport, Romney House, 43 Marsham Street, London SW1P 3PY;

(iii) “the new trunk roads”

means the main new trunk road and the slip roads;

(iv) “the Trunk Road”

means the East of Birmingham/Birkenhead Trunk Road (A41),

7. This Order shall come into force on 25th February 1988 and may be cited as the East of Birmingham/Birkenhead Trunk Road (A41 Improvement at Chester and Slip Roads) Order 1988.

Signed by authority of the Secretary of State
15th January 1988

F Kendall
Regional Director
North West Region
Department of Transport

SCHEDULE 1

ROUTE OF THE MAIN NEW TRUNK ROAD

The route of the main new trunk road is a route at Chester in the County of Cheshire as follows –

a route about 3.91 kilometres in length; starting at a point 230 metres south east of the south east carriageway edge of the A56/M53 roundabout at Hoole then going in a generally southerly direction and ending at a point 725 metres south west of the junction of the Trunk Road with Pepper Street, Christleton.