

2014 No. 2360

ROAD TRAFFIC

**The M40 Motorway (Junctions 5 to 6) (Temporary Restriction
and Prohibition of Traffic) (No.2) Order 2014**

Made - - - - 22nd August 2014

Coming into force - - 1st September 2014

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 lengths of that motorway and on some of those connecting roads, in the Districts of South Oxfordshire in the County of Oxfordshire and Wycombe in the County of Buckinghamshire should be restricted and prohibited because works are proposed to be executed thereon; and whereas the Secretary of State for Transport in accordance with section 14(3) of the Road Traffic Regulation Act 1984(a) has had regard to the existence of alternative routes suitable for the traffic which will be affected by this Order:

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 regulation 16(2) of the Motorway Traffic (England and Wales) Regulations 1982(b), hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway (Junctions 5 to 6) (Temporary Restriction and Prohibition of Traffic) (No.2) Order 2014 and shall come into force on 1st September 2014 and remain in force until 23rd December 2014.

2. In this Order:

“Stokenchurch overbridge” means the A40 Oxford Road/Ibstone Road overbridge at Junction 5 of the M40;

“tip of the nosing” means, as indicated by the markings on the carriageway, the first point where an entry slip road joins, or the last point where an exit slip road leaves, the carriageway of the M40;

“a first length of motorway” means the –

(a) northbound carriageway of the M40 between points 1650 metres south and 1100 metres north of Stokenchurch overbridge, and

(b) southbound carriageway of the M40 between points 1650 metres north and 1100 metres south of Stokenchurch overbridge;

“a second length of motorway” means the –

(a) northbound carriageway of the M40 from a point 300 metres south of Stokenchurch overbridge to a point 400 metres north of the B4009 underbridge at Junction 6, and

(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) 1982/1163, as amended by S. I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258 and 2006/594.

(b) southbound carriageway of the M40 from a point 400 metres north of the B4009 underbridge at Junction 6 to a point 400 metres south of Stokenchurch overbridge;

“a third length of motorway” means the M40 between points 1000 metres south and 1000 metres north of Stokenchurch overbridge, and

“a fourth length of motorway” means the northbound and southbound carriageways of the M40 from the tips of the nosings of the exit slip roads at Junction 6 to the tips of the nosings of the entry slip roads at Junction 6;

“a slip road” means the -

(a) exit slip roads from and entry slip roads to the southbound carriageway of the M40 at Junction 5 and Junction 6, and

(b) exit slip roads from and entry slip roads to the northbound carriageway of the M40 at Junction 5 and Junction 6;

“the works period” means the period starting at 00.01 hours on Monday 1st September 2014 and ending on Tuesday 23rd December 2014 when the works have been completed;

“a works period “ means periods overnight between 22.00 hours and 06.00 hours (continuing to 07.00 hours on Saturday and Sunday mornings), during a period starting on Monday 1st September 2014 and ending on Tuesday 23rd December 2014 when the works have been completed;

“works” mean bridge reconstruction and repair work to Stokenchurch bridge and routine and major maintenance and resurfacing on both the main carriageway and connecting roads of the M40;

and-

(a) a reference to a bridge is a reference to the centre point of that bridge,

(b) the lanes of a carriageway are numbered from the nearside lane (lane 1) to the offside lane (lane 3), and

(c) a reference to an article followed by a number is a reference to the article in this Order which bears that number.

3. Subject as mentioned in articles 5, 6 and 7 of this Order no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour in a first length of motorway.

4. Subject as mentioned in articles 5 and 6 of this Order no person shall, cause or permit any motor vehicle –

(a) to enter or proceed in a second and fourth length of motorway or a slip road, during a works period, or

(b) with an overall width exceeding 1.981 metres (6’6”) to enter or proceed in lanes 2 or 3 of a third length of motorway, during the works period.

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 article 4 shall not apply to a vehicle –

(a) being used in connection with the works or for winter maintenance or traffic officer purposes,

(b) being used for police, fire and rescue authority or ambulance purposes, or

(c) proceeding at the direction, or with the permission, of a constable, or a traffic officer in uniform;

and nothing in article 3 shall apply to a vehicle being used for a purpose specified in paragraph (b) of this article or to a vehicle falling within regulation 3(4) of the Road Traffic Exemptions

(Special Forces) (Variation and Amendment) Regulations 2011^(a) when used in accordance with regulation 3(5) of those Regulations.

7. During the works period, the provisions of Regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Motorways Traffic (England and Wales) Regulation 1982^(b) are hereby suspended in relation to the hard shoulder adjacent to a third length of motorway at such times and to such extent as may be indicated by traffic signs; and in this article “hard shoulder” has the meaning given in regulation 3(1)(e) of those Regulations.

Signed by authority of the Secretary of State for Transport

Woodlands, Manton Lane, Bedford, MK41 7LW
22nd August 2014

P Undrell
A Team Leader in the Highways Agency

^(a) S.I. 2011/935.

^(b) S.I. 1982/1163, amended by S.I. 1983/374, 1984/1479, 1992/1364, 1995/158 and 2004/3258.