STATUTORY INSTRUMENTS

1986 No. 1807

HIGHWAYS, ENGLAND AND WALES

The Hungerford—Hereford Trunk Road A417 (Birdlip Bypass) Order 1986

Made - - - 23*rd September* 1986

Coming into Operation 21*st November* 1986

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

1. The new highway which the Secretary of State proposes to construct along the route described in Schedule 1 to this Order shall become a trunk road as from the date when this Order comes into operation.

2. The centre line of the new trunk road is indicated by a heavy black line on the deposited plan.

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

(*a*) where the highway is a highway maintainable at the public expense by a local 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 route of the new trunk road is opened for the purposes of through traffic.

4. The length of trunk road described in Schedule 2 to this Order and shown by broad striped hatching on the deposited plan shall cease to be a trunk road as from the date on which the Secretary of State notifies the County Council of Gloucestershire that the new trunk road is open for through traffic.

5. The length of trunk road described in Schedule 3 to this Order and shown by zebra 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 Coucil of Gloucestershire that the new trunk road is open for through traffic.

(**a**) 1980 c.66. (**b**) S.I. 1981/238.

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 HA10/2–SW10 marked "The Hungerford—Hereford Trunk Road A417 (Birdlip Bypass) Order 1986" signed by authority of the Secretary of State and deposited at the Department of Transport, Romney House, Marsham Street, London SW1P 3PY;

(iii) "the new trunk road" means the highway mentioned in article 1 of this Order;

(iv) "principal road" as a classification for a highway, means that the highway is a principal road for the purposes of enactments and instruments which refer to highways classified as principal roads and is also classified for the purpose of every other enactment and instrument which refers to highways classified by the Secretary of State; and

(v) "the Trunk Road" means the Hungerford—Hereford Trunk Road (A417).

7. This Order shall come into operation on 21st November 1986 and may be cited as the Hungerford—Hereford Trunk Road A417 (Birdlip Bypass) Order 1986.

G. M. Wedd,
Regional Director,
South West Region,
Department of Transport.

Signed by authority of
the Secretary of State
23rd September 1986.

SCHEDULE 1

ROUTE OF THE NEW TRUNK ROAD

The route of the new trunk road is a route at Birdlip in the County of Gloucestershire about 2.08 kilometres in length, starting at a point on the trunk road 420 metres southwest of the Air Balloon roundabout then going in a general southerly direction to a point on the Trunk Road 290 metres northwest of its junction with the 40859 road to Stockwell.

SCHEDULE 2

The lengths of trunk road ceasing to be trunk road are situated at Birdlip in the County of Gloucestershire and are as follows:—

(*a*) that length which commences at a point approximately 420 metres southwest of the Air Balloon roundabout and extends southwestwards to a point approximately 90 metres northeast of its junction with the 50852 road to Shab Hill.

(*b*) that length which commences at a point approximately 90 metres northeast of its junction with the 50852 road to Shab Hill and extends southwestwards to a point approximately 520 metres northeast of its junction with the B4070 road from Stroud.

(*c*) that length which commences at its junction with the B4070 road from Stroud and extends southeastwards to a point approximately 230 metres northwest of its junction with the 40859 road to Stockwell.

SCHEDULE 3

The length of trunk road ceasing to be trunk road and becoming classified road is situated at Birdlip in the County of Gloucestershire and is that length which commences at a point approximately 390 metres northeast of its junction with the B4070 road from Stroud and extends southwestwards to its junction with the B4070 road from Stroud.