STATUTORY INSTRUMENTS

1973 No. 754

HIGHWAYS, ENGLAND AND WALES

The London–Penzance Trunk Road (Tinker's Lake Diversion) Order 1973

Made - - -	*2nd April* 1973
Coming into Operation	19*th May* 1973

The Secretary of State for the Environment makes this Order in exercise of powers conferred by sections 7 and 44 of the Highways Act 1959(a), section 27 of the Local Government Act 1966(b) and section 68 of the Highways Act 1971(c), and now vested in him (d), 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 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 lengths of trunk road described in Schedule 2 to this Order and shown by broad striped hatching on the deposited plan shall cease to be trunk road, and the length between points A and B marked on the deposited plan shall be classified as a classified road, as from the 1st April next after the date on which the Secretary of State notifies the County Council of Cornwall that the new trunk road is open for through traffic.

(a) 1959 c. 25.
(b) 1966 c. 42.
(c) 1971 c. 41.
(d) S.I. 1970/1681 (1970 III, p. 5551).

[DOE 10734]

5. In this Order:—

"classified road" as a classification for a highway, means that the highway is not a principal road for the purposes of advances under section 235 of the Highways Act 1959 but is a classified road for the purpose of every enactment or instrument which refers to highways classified by the Secretary of State;

"the deposited plan" means the plan numbered HA 7/2–SW79, marked "The London–Penzance Trunk Road (Tinker's Lake Diversion) Order 1973", signed by authority of the Secretary of State and deposited at the Department of the Environment, St. Christopher House, Southwark Street, London SE1 0TE, where it may be inspected free of charge at all reasonable hours;

"the new trunk road" means the highway mentioned in Article 1 of this Order;

"the Trunk Road" means the London–Penzance Trunk Road (A38).

6. This Order shall come into operation on 19th May 1973 and may be cited as the London–Penzance Trunk Road (Tinker's Lake Diversion) Order 1973.

Signed by authority of the Secretary of State

T. D. Wilson,
A Deputy Chief Engineer in the Department of the Environment.

2nd April 1973.

SCHEDULE 1

Route of the new trunk road

The route of the new trunk road is a route about 1,620 yards in length, starting at a point on the Trunk Road about 380 yards north-west of its western junction with the classified road No. 524 then going in a generally easterly direction to rejoin the Trunk Road.

SCHEDULE 2

Lengths of trunk road ceasing to be trunk road

The three lengths of trunk road ceasing to be trunk road are those lengths of the Trunk Road which are situated between—

(1) the starting point of the route of the new trunk road described in Schedule 1 above and a point about 830 yards eastwards thereof;

(2) a point about 880 yards east of the starting point of the route of the new trunk road and a point about 1,300 yards east of that starting point; and

(3) a point about 1,630 yards east of the starting point of the route of the new trunk road and a point about 1,950 yards east of that starting point.

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