STATUTORY INSTRUMENTS

2009 No. 2919

ROAD TRAFFIC

The M3 Motorway (Junctions 4A – 5) (Temporary Restriction and Prohibition of Traffic) Order 2009

Made - - - -	*26th October 2009*
Coming into force - -	*31st October 2009*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M3 Motorway and connecting roads, is satisfied that traffic should be restricted and prohibited on a length of that motorway and on some of those connecting roads because works are proposed to be executed thereon:

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)**, hereby makes the following Order:-

1. This Order may be cited as the M3 Motorway (Junctions 4A – 5) (Temporary Restriction and Prohibition of Traffic) Order 2009 and shall come into force on 31st October 2009.

2. In this Order:

"the motorway" means the M3 Motorway between points 1865 metres west of the centre of the roundabout at Junction 5 (A287/B3349) at marker post 69/5 and 835 metres west of Fernhill Road overbridge east of Junction 4A (A327) at marker post 53/1 in the County of Hampshire;

"the westbound carriageway" and "the eastbound carriageway" mean, respectively, the westbound carriageway and the eastbound carriageway of the motorway;

"the Regulations" means the Motorways Traffic (England and Wales) Regulations 1982**(b)**

"a first slip road" means –

(i) the road leading to the westbound carriageway of the motorway from the A327 at Junction 4A,

(ii) the roads leading to and from the westbound Fleet Service Area,

(iii) the roads leading to and from the eastbound Fleet Service Area, or

(iv) the road leading to the eastbound carriageway of the motorway from the roundabout at Junction 5 (A287/B3349);

"a second slip road" means –

(i) any road leading to or from the eastbound carriageway of the motorway or from the westbound carriageway of the motorway at Junction 4A (A327), or

---

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

(ii) any road leading to or from the westbound carriageway of the motorway or from the eastbound carriageway of the motorway at Junction 5 (A287/B3349);

"a hard shoulder" means the hard shoulder, within the meaning of regulation 3(1)(e) of the Regulations, which is adjacent to the westbound carriageway, the eastbound carriageway, the carriageway of a first slip road or the carriageway of a second slip road;

"recovery vehicle" has the meaning given in paragraph 5 of Schedule 1 to the Vehicle Excise and Registration Act 1994**(a)**;

"overall width" has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986**(b)**;

"abnormal load" means a vehicle having an overall width exceeding 9 feet 6 inches;

"specified signs" means –

(i) signs of the type, colour and size shown in diagram 7103 in Part 11 of Schedule 12 to the Traffic Signs Regulations and General Directions 2002**(c)** which comply with the provisions of regulation 56 of those Regulations, or

(ii) traffic signs, consisting of temporary vertical safety barriers of a character authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984;

"works" means major maintenance work on the motorway;

"a first works period" means a period of 24 hours starting at 0001 hours on Monday 2nd November 2009 or on any subsequent day until 30th April 2011;

"a second works period" means a period of -

(i) 7 hours starting at 2200 hours on Monday 2nd November 2009 or on any subsequent day other than a Friday, Saturday or Sunday,

(ii) 6½ hours starting at 2230 hours on Friday 6th November 2009 or on any subsequent Friday, or

(iii) 9 hours starting at 2100 hours on Saturday 7th November 2009 or on any subsequent Saturday,

until 30th April 2011.

and 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 8, no person shall, during –

(a) a first works period, cause or permit any vehicle to enter or proceed in the westbound carriageway or the eastbound carriageway; or

(b) a second works period, cause or permit any vehicle to enter or proceed in a first slip road.

4. Subject as mentioned in articles 5, 8 and 9(a), no person shall, during a first works period, drive any motor vehicle at a speed exceeding 50 miles per hour on the westbound carriageway, the eastbound carriageway, a first slip road, a second slip road or a hard shoulder.

5. The provisions of articles 3, 4, 6 and 7 shall apply only at such times and to such extent as shall from time to time be indicated by traffic signs.

6. (1) During such times as, pursuant to article 5, movement of traffic is prohibited in one or more lanes of the westbound carriageway but is not prohibited in any lane of the eastbound carriageway, no person shall cause or permit any –

(a) vehicle to enter or proceed in the eastbound carriageway other than in such direction that specified signs are at all times on the right hand or offside of the vehicle; or

---

(a) 1994 c.22.

(b) S.I. 1986/1078; to which there are amendments not relevant to this Order.

(c) S.I. 2002/3113.

(b) vehicle having an overall width exceeding 6 feet 6 inches to enter or proceed in the eastbound carriageway.

(2) During such times as, pursuant to article 5, movement of traffic is prohibited in one or more lanes of the eastbound carriageway but is not prohibited in any lane of the westbound carriageway, no person shall cause or permit any –

(a) vehicle to enter or proceed in the westbound carriageway other than in such direction that specified signs are at all times on the right hand or offside of the vehicle; or

(b) vehicle having an overall width exceeding 6 feet 6 inches to enter or proceed in the westbound carriageway.

(3) When pursuant to article 5, movement of traffic is prohibited in one or more lanes in a length of one carriageway but is not prohibited in any lane of the corresponding length of the other carriageway, the provisions of this article with respect to the other carriageway shall apply to that length of that carriageway.

7. Subject as mentioned in articles 5, 8 and 9(a) no person shall, during a first works period, cause or permit any vehicle with an overall width exceeding 6 feet 6 inches to enter or proceed in -

(a) any lane in a carriageway or length of carriageway, where one or more lanes in that carriageway or length and the hard shoulder adjacent to that carriageway or length are open for use by traffic proceeding in the same direction; or

(b) any lane other than the nearside lane of two or more lanes in a carriageway or length of carriageway, where only those lanes are open for use by traffic proceeding in the same direction;

and in this article a reference to a carriageway is a reference to the westbound carriageway or the eastbound carriageway.

8. (1) Nothing in articles 3, 6(1)(b), 6(2)(b) or 7 shall apply to -

(a) a recovery vehicle or a vehicle being used in connection with the said works;

(b) a vehicle being used for police, ambulance, fire and rescue authority or traffic officer purposes;

(c) anything done at the direction of, or with the permission of, a police officer or traffic officer in uniform; or

(d) any vehicle being used for winter maintenance purposes.

(2) Nothing in articles 6(1)(b), 6(2)(b) or 7 shall apply to an abnormal load.

(3) Nothing in article 4 shall apply to a vehicle being used for police, ambulance or fire and rescue authority purposes.

9. During a first works period, the undermentioned provisions of the Regulations are hereby suspended:

(a) regulations 5 and (insofar as it relates to a vehicle being driven) 9, in respect of a hard shoulder, at such times and to such extent as shall from time to time be indicated by traffic signs; and

(b) regulation 6(3), in respect of a vehicle being driven westwards in the eastbound carriageway by virtue of article 6(1)(a), or eastwards in the westbound carriageway by virtue of article 6(2)(a).

Signed by authority of the Secretary of State for Transport

G BERRESFORD
An Area Construction Manager
in the Highways Agency

26th October 2009