STATUTORY INSTRUMENTS

1982 No. 1608

HIGHWAYS, ENGLAND AND WALES

The Taunton–Fraddon Trunk Road (Marshgate Diversion) Order 1982

Made - - - - - 11*th November* 1982

Coming into Operation 6*th December* 1982

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 lengths of highway described in Schedule 2 to this order and shown by thin striped hatching on the deposited plan shall become trunk road as from the date when this order comes into operation.

4. 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.

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

5. 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 Cornwall that the new trunk road is open for through traffic.

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 SW130 marked "The Taunton–Fraddon Trunk Road (Marshgate Diversion) Order 1982" 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 road"	means the highway mentioned in Article 1 of this order;
	(iv) "the Trunk Road"	means the Taunton–Fraddon Trunk Road (A39).

7. This order shall come into operation on 6th December 1982 and may be cited as the Taunton–Fraddon Trunk Road (Marshgate Diversion) Order 1982.

Signed by authority of the
Secretary of State

F. P. Davis,
Regional Director South West Region
Department of Transport.

11th November 1982.

SCHEDULE 1

ROUTE OF THE NEW TRUNK ROAD

The route of the new trunk road is a route at Marshgate in the District of North Cornwall in the County of Cornwall starting at a point on the Classified Road County No. 270 about 750 metres (821 yards) south-west of its junction with the Trunk Road at Collamoor Head then going south-westwards for about 410 metres (449 yards).

SCHEDULE 2

EXISTING HIGHWAY TO BECOME TRUNK ROAD

(1) The Classified Road County No. 270 from its south-western junction with the Trunk Road, north-east of Otterham Station, for a distance of about 2.85 kilometres (1.77 miles) north-eastwards; and

(2) The Classified Road County No. 270 from its north-eastern junction with the Trunk Road at Collamoor Head for a distance of about 750 metres (821 yards) south-westwards, all in the District of North Cornwall in the County of Cornwall.

SCHEDULE 3

LENGTH OF TRUNK ROAD CEASING TO BE A TRUNK ROAD

The length of trunk road ceasing to be a trunk road is that length of the Trunk Road which is situated between its junction with the Classified Road County No. 270 north-east of Otterham Station and its junction with that road at Collamoor Head.