STATUTORY INSTRUMENTS

1989 No. 237

HIGHWAYS, ENGLAND AND WALES

The Taunton–Fraddon Trunk Road A39 (Fairy Cross to Horns Cross Improvement) Order 1989

Made - - - - *16th February 1989*

Coming into force *9th March 1989*

The Secretary of State for Transport makes this Order in exercise of powers conferred by sections 10 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 force.

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 purpose of through traffic.

4. The length of the 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 Devon that the new trunk road is open for through traffic.

5. In this Order–

(1) all measurements of distance are measured along the route of the relevant highway;

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

(i)	"the deposited plan"	means the plan contained in the plan folio numbered HA 10/2 SWM53 marked "The Taunton–Fraddon Trunk Road A39 (Fairy Cross to Horns Cross Improvement) Order 1989" signed by authority of the Secretary of State and deposited at the Department of Transport, Romney House, 43 Marsham Street, London SW1P 3PY;
(ii)	"the new trunk road"	means the highway mentioned in article 1 of this Order; and
(iii)	"the trunk road"	means the Taunton–Fraddon Trunk Road (A39).

6. This Order shall come into force on 9th March 1989 and may be cited as the Taunton–Fraddon Trunk Road A39 (Fairy Cross to Horns Cross Improvement) Order 1989.

Signed by authority of the Secretary of State

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

16th February 1989

SCHEDULE 1

ROUTE OF THE NEW TRUNK ROAD

The route of the new trunk road is about 0.42 kilometres in length and is between Fairy Cross and Horns Cross in the Parish of Alwington, in the County of Devon.

It starts at a point on the Trunk Road 135 metres west of its junction with the unclassified road to Goldworthy, and proceeds in a westerly direction to a point on the Trunk Road 114 metres west of its junction with the private road to Gilscott.

SCHEDULE 2

LENGTH OF THE TRUNK ROAD CEASING TO BE A TRUNK ROAD

The length of the Trunk Road ceasing to be a trunk road is situated between the starting and termination points of the route of the new trunk road described in Schedule 1 above.

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