STATUTORY INSTRUMENTS

1978 No. 762

HIGHWAYS, ENGLAND AND WALES

The Taunton - Fraddon Trunk Road (St Kew Highway Diversion) Order 1978

Made - - - -	18*th May* 1978
Coming into Operation	12*th June* 1978

The Secretary of State for Transport 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 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 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.

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

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 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;

"the deposited plan" means the plan numbered HA 7/2—SW 96 marked "The Taunton-Fraddon Trunk Road (St. Kew Highway Diversion) Order 1978" signed by authority of the Secretary of State and deposited at the Department of Transport, 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 Taunton-Fraddon Trunk Road (A39).

6. This Order shall come into operation on 12th June 1978 and may be cited as the Taunton-Fraddon Trunk Road (St. Kew Highway Diversion) Order 1978.

P. R. Sheaf,
Regional Director,
South West Region,
Department of Transport.

Signed by authority of
the Secretary of State
18th May 1978.

SCHEDULE 1

Route of the new trunk road

The route of the new trunk road is a route at St. Kew Highway in the District of North Cornwall about 550 metres in length, starting at a point on the Trunk Road about 260 metres south-west of its junction with the classified road leading to Trelill and then going north eastwards to rejoin the Trunk Road.

SCHEDULE 2

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 the starting and termination points of the route of the new trunk road described in Schedule 1 above.

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