

## Regulatory Information Regarding the Appeals Processes at Tyne Tunnels

### The Role of the North East Combined Authority and Transport North East with Regard to Appeals at the Tyne Tunnel

The North East Combined Authority (NECA) and Transport North East have a set of business rules with TT2 which are then used by TT2, the operators of the Tyne Tunnel, to assess appeals, subject to any additional discretion which is applied.

Appeals are considered against these rules by TT2, not NECA or Transport North East, and so should not be submitted directly to either NECA or Transport North East as they will simply refer the person or organisation making the appeal back to TT2 – see [Pay or Appeal an Unpaid Toll Charge Notice \(UTCN\) – Tyne Tunnel 2 \(tt2.co.uk\)](#).

### The Role of the Independent Auditor at the Tyne Tunnel

Transport North East uses the services of an independent auditor to review a representative sample of appeals. The purpose of this protocol is to provide reassurance to NECA that appeals are being determined in line with the agreed rules.

The independent auditor assesses a sample of appeals randomly selected by them on a regular, scheduled basis. The auditor reviews whether each appeal in the sample taken is determined in line with the business rules that exist at the time of the appeal and whether individual circumstances have been appropriately considered in each case.

Feedback is also given to TT2 Ltd by the Independent Auditor to support their continuous improvement strategy.

### The Role of Transport Focus at the Tyne Tunnel

Transport Focus – see [Home – Transport Focus](#) is an independent watchdog that has statutory oversight of many road and rail operations in the UK, including the Dartford Crossing. The arrangement with TT2 sits outside the statutory framework but it was agreed by Transport North East and TT2 that involvement from Transport Focus would benefit both the systems and the customers.

Transport Focus conducts periodic reviews of TT2's complaints handling, making recommendations to improve processes. TT2 provides them with a range of customer feedback data to support their contribution and pinpoint any further areas for improvement.

Transport Focus meet with TT2 on a regular basis to advise on best practice and act as an independent body that acts on customer concerns, ensuring the voice of the road user is heard.

### Why the Traffic Penalty Tribunal does not oversee the Tyne Tunnels



The legislative basis for every tolled crossing in the United Kingdom is unique, so the exact requirements vary per location. This is why, for example, different classifications of vehicles exist between different crossings. The Tyne Tunnels are a tolled crossing and a “Toll” is required to be paid to use the Tyne Tunnels, not a “Charge”.

“Charges” are legally fundamentally quite different. They are associated with the road charging regime legislated by the Transport Act (2000) i.e. where a Road User Charging Scheme is in place. That act provides for a third-party tribunal known as the Traffic Penalty Tribunal (TPT) which has authority to hear appeals against Penalty Charge Notices (PCNs). The TPT is a quasi-legal process where legally-qualified Adjudicators, appointed by the Lord Chancellor, hear appeals against Charges.

TT2 does not issue PCNs which are only related to Road User Charging Schemes. The TPT has no jurisdiction over any “tolled” crossings and no tolled crossing uses TPT.

There is no equivalent “toll” oversight authority. At the Tyne Tunnels, the same as at other “toll” roads/crossings, TT2 operates an internal appeals process, but with external moderation and oversight as set out above.

There is no specific tribunal or appeal body for toll operations which could accept appeals escalated beyond TT2 Limited’s dedicated appeals team.

The appeal decision making process is based on criteria which is agreed with Transport North East.

TT2 cannot independently make changes to the criteria without the agreement of Transport North East. In addition, Transport North East and TT2 have agreed to use the services of an independent auditor to regularly review a representative sample of appeals.

The purpose of this protocol is to provide independent reassurance that appeals are being determined in line with the agreed criteria.

When an appeal is disallowed and the toll remains unpaid, TT2 Limited may pursue individuals for the unpaid toll charge in addition to the toll, which may result in civil or criminal court proceedings.

Individuals will then have the opportunity to put forward their reasons for disputing the toll and/or charge, with supporting evidence, to the respective court in these cases.

For individuals who have already paid their unpaid toll charge but believe that they were wrongly charged and so seek reimbursement, their final recourse would be to decide whether to independently make a ‘Small Claim’ via the court.

This civil court will consider your claim, examine the evidence you provide to support your claim, and make a decision, explaining the reasons at the end of the hearing.

Claimants should be aware that court fees may be applicable.

Please click on the links below for further independent advice and information:

- [Citizens Advice Bureaux England & Wales](#)



- [Small Claims England & Wales](#)
- [Small Claims Scotland](#)
- [Small Claims Northern Ireland](#)

#### Contact

If you would like to understand this process in any further detail, please call our contact centre on 0191 574 0031 and an agent can discuss this with you.

