

TT2 Enforcement and Prosecutions Code

Understanding Our Approach to Enforcement and Prosecution

This page explains how TT2 investigates and enforces contraventions of the Tyne Tunnel Byelaws.

It outlines our approach to enforcement, the circumstances in which civil recovery or prosecution may be considered, the alternatives that may be available, and what you can expect if criminal proceedings are commenced.

Our aim is to encourage compliance with the Tyne Tunnel Byelaws and recover outstanding charges fairly and consistently. While TT2 reserves the right to prosecute breaches of the Byelaws where appropriate, our primary method of enforcing unpaid toll charges is through civil debt recovery and County Court enforcement.

The Law and You

Contravening the Tyne Tunnel byelaws is an offence, which TT2 can investigate and consider enforcement action. This may be criminal action or could be civil enforcement action. Contraventions of the Byelaws include but are not limited to:

Failure to Pay the Appropriate Toll

Being the registered keeper of a motor vehicle and failing to.

- Make payment of the appropriate toll through the prepayment scheme in accordance with Byelaw 65(2)
- Make payment of the appropriate toll by midnight on the day following a journey in accordance with Byelaw 65(1)

thereby failing to comply with the provisions of the Tyne Tunnel Byelaws 2021.

Contravention of the Tyne Tunnel Byelaws

Contravening or failing to comply with any provision of the Tyne Tunnel Byelaws 2021 contrary to Byelaw 69.

Examples may include:

- Speeding within the Tyne Tunnels
- Prohibited behaviour within the pedestrian and cyclist tunnels
- Smoking where prohibited
- Littering

Consequences of Conviction

A conviction for a Byelaw offence is a criminal conviction.

A criminal conviction may have consequences including

- A criminal record – This offence is spent after 6 months
- Disclosure requirements in certain circumstances
- Potential impacts on employment applications
- Potential impacts on visa and immigration applications

Anyone facing prosecution may wish to obtain independent legal advice.

Our Enforcement Process

TT2 follows a structured enforcement process designed to provide motorists with opportunities to resolve matters before legal action is considered. TT2 will follow the enforcement process in accordance with the Pre-Action Protocol for Debt Claims and the subsequent Civil Procedure Rules for the issuance of a Claim.

Unpaid Toll Charge Notice (UTCN)

Where a toll remains unpaid, a UTCN will be issued to the registered keeper of the vehicle.

The UTCN:

- Provides an opportunity to settle the matter promptly
- Opportunity pay at the lowest amount
- Explains the options available to resolve the matter

Escalation of Charges

Where a UTCN remains unpaid or unsuccessfully appealed after the prescribed period:

- Charges will escalate in accordance with the agreed policies and processes
- The matter will be referred to an external debt recovery agency

Civil Recovery and County Court Enforcement

Where recovery efforts have been unsuccessful, the matter may be returned to TT2 for further review.

TT2's primary method of recovering unpaid toll charges is through civil debt recovery and, where appropriate, County Court proceedings. The majority of unpaid toll cases that require legal enforcement are pursued through the civil courts rather than through criminal proceedings.

County Court enforcement is generally considered the most appropriate and proportionate method of recovering unpaid toll charges and associated sums.

Our Approach to Prosecution

TT2 does not routinely prosecute unpaid toll cases. However, a small number of cases have been successfully tried.

Our primary approach to enforcing non-payment of tolls is through civil debt recovery and County Court enforcement. The majority of cases requiring legal action are pursued through these civil processes rather than through criminal proceedings.

Criminal prosecution under the Tyne Tunnel Byelaws has been reserved for a small number of cases where prosecution is considered necessary, proportionate and in the public interest.

This may include cases involving persistent non-compliance, repeated failures to engage with the enforcement process, deliberate avoidance of payment, the provision of false information, or other aggravating circumstances.

Each case is considered individually on its own facts and circumstances.

The Decision to Prosecute

Before considering prosecution, TT2 will consider whether the matter can be addressed appropriately through civil enforcement action.

In cases involving unpaid toll charges, County Court enforcement will be regarded as the most suitable and proportionate means of achieving compliance and recovering outstanding sums.

Prosecution will generally only be considered where civil enforcement is not considered sufficient or where the circumstances of the case justify criminal proceedings. This would always be within 6th months of the original contravention.

Before commencing criminal proceedings, every case must satisfy two tests.

The Evidential Test

Whether there is sufficient evidence to provide a realistic prospect of conviction.

The Public Interest Test

Whether prosecution is a proportionate response once considering circumstances.

Factors that may be considered include

- The seriousness of the offence
- The person's previous history of non-compliance, where applicable
- Whether opportunities to resolve the matter have been provided
- Whether a warning or alternative methods would be appropriate
- Any relevant personal circumstances known to TT2
- Whether false or misleading information has been provided
- The need to maintain confidence in the enforcement of the Tyne Tunnel Byelaws
- Whether prosecution is the most appropriate enforcement response in the circumstances.

Where both tests are satisfied prosecution would be considered.

Circumstances That May Increase the Likelihood of Prosecution

Prosecution may be more likely where:

- There has been numerous non-payment of tolls
- There has been persistent failure to engage with the enforcement process
- A person has failed to comply with a previously agreed arrangement
- A warning or alternative to prosecution has previously been offered and not complied with
- False or misleading information has been provided
- There is evidence of deliberate avoidance of payment
- There are previous related convictions or enforcement history
- The conduct demonstrates a disregard for the Tyne Tunnel Byelaws.

Alternatives to Prosecution

Where appropriate, TT2 may offer alternatives to prosecution.

This may include a formal warning requiring the recipient to:

Option A

Pay all outstanding unpaid toll charge notices in full.

Option B

Enter into and maintain an agreed payment arrangement.

Where an alternative to prosecution is offered, the terms will be confirmed by TT2.

Failure to comply with those terms may result in prosecution being reconsidered.

An alternative to prosecution is offered entirely at TT2's discretion and may not be appropriate in every case.

The Prosecution Process

Where TT2 determines that criminal proceedings are appropriate, proceedings may be commenced in the Magistrates' Court.

Most unpaid toll cases do not result in prosecution and are instead pursued through civil debt recovery and County Court enforcement processes. TT2 nevertheless reserves the right to prosecute breaches of the Tyne Tunnel Byelaws where it is considered necessary, proportionate and in the public interest to do so.

Failure to pay a court imposed fine can lead to enforcement action by the court. Examples include, fines, imprisonment and asset seizures.

Court Services

Defendants experiencing financial difficulties should contact the court as soon as possible and seek independent advice.

TT2 Independent Advice Services

[Tyne Tunnels Independent Financial Advice Service - Tyne Tunnel 2](#)

[Independent Mental Health Advice - Tyne Tunnel 2](#)

