

Regulatory Information Regarding the Appeals Processes at Tyne Tunnels

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

The North East Mayoral Strategic Authority (North East MSA) 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 North East MSA, and so should not be submitted directly to either North East MSA 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

TT2 uses the services of an independent auditor to review a sample of appeals. The purpose of the quarterly audits are to provide assurance to North East MSA that appeals are being determined in line with 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 agreed rules that exist at the time of the appeal and whether individual circumstances have been appropriately considered in each case.

The contents of the audit itself are owned and managed by TT2 to support their continuous improvement strategy. A summary of findings and improvement suggestions are given to North East MSA.

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 North East MSA.

TT2 cannot independently make changes to the criteria without the agreement of North East MSA. In addition, North East MSA 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.

Individuals who have settled unpaid toll charges but believe that they were wrongly charged can seek reimbursement by making a Court Claim for Money, formerly a “Small Claim”.

This civil court will consider the case and reach an outcome after examining any evidence provided in support, explaining their reasons at the end of the hearing. Claimants should be aware that court fees may apply.

The links below provide further independent advice and information:

- [Citizens Advice Bureaux England & Wales](#)
- [Make a court claim for money England & Wales](#)
- [Small Claims Scotland](#)
- [Small Claims Northern Ireland](#)

Contact Us

If you would like to understand this process in any further detail, please call our Customer Contact Centre on 0191 574 0031.