

Regulatory Information Regarding the Appeals and Complaints Processes at Tyne Tunnels

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.

The Role of the Independent Auditor at the Tyne Tunnel

TT2 uses the services of an independent auditor to review a sample of appeals and complaints. The purpose of the quarterly audits is to provide assurance to North East MSA that appeals and complaints are being managed in line with agreed rules, procedures and service standards.

The independent auditor assesses a sample of appeals and complaints randomly selected by them on a regular, scheduled basis. The auditor reviews whether each appeal and complaint in the sample taken has been handled in accordance with the agreed rules, policies and procedures that exist at the time of the review 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 its continuous improvement strategy. A summary of findings, observations and improvement suggestions is provided 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, where a Road User Charging Scheme is in place. That legislation 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 the TPT.

There is no equivalent toll oversight authority. At the Tyne Tunnels, in the same way as other toll roads and 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.

In addition to its appeals process, TT2 operates a formal complaints process for customers who wish to raise concerns about the service they have received. Complaints are investigated and responded to in line with TT2's published complaints process.

As with appeals, the independent auditor reviews a representative sample of complaints as part of its regular assurance programme and provides observations and recommendations to support continuous improvement and independent oversight.

The appeal decision making process is based on criteria which are 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 and complaints.

The purpose of this protocol is to provide independent reassurance that appeals are being determined in line with the agreed criteria and that complaints are being managed fairly, consistently and in accordance with TT2's published processes.

When an appeal is disallowed and the toll remains unpaid, TT2 Limited may pursue recovery of the unpaid toll and associated charges. TT2's predominant method of enforcement is through the civil court process. In a small number of circumstances, where deemed appropriate and proportionate, criminal proceedings may also be considered.

Individuals subject to either process will have the opportunity to present their evidence and representations to the relevant court.

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 known as a Small Claim.

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

The links below provide further independent advice and information:

- [Citizens Advice Bureau England and Wales](#)
- [Make a Court Claim for Money \(England and Wales\)](#)
- [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.