

# Road User Charging Adjudicators' Tribunal Annual Report 2016-17



## Road User Charging Adjudicators' Tribunal

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Emissions Surcharge



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## **1. Aims, Objectives and Role of the Road User Charging Adjudicators**

- ◆ To provide all parties to road user charging appeals with independent, impartial and well-considered decisions based on clear findings of fact and the proper application of law.
- ◆ To have the appropriate knowledge, skills and integrity to make those decisions.
- ◆ To ensure that all parties to road user charging appeals are treated equally and fairly regardless of age, ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability.
- ◆ To enhance the quality and integrity of the road user charging appeals process.

## **2. The Role of the Chief Adjudicator and Road User Charging Adjudicators**

- ◆ Adjudicators are appointed in accordance with Regulation 3 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, as amended.
- ◆ Their role is set out by Regulations 11(2) and 16(2) of the same Regulations which state that an Adjudicator “shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in Regulation 10(3) or Regulation 13(3).
- ◆ The Court of Appeal has made it clear, in the case of *R (on the application of Joan Margaret Walmsley) v Transport for London* [2005] EWCA Civ 1540 (17th November 2005), that it is not part of the Adjudicator’s role to consider factors which fall outside of the grounds mentioned in Regulations 10(3) or 13(3) and accordingly what might be described as ‘mitigating factors’ are matters for the Enforcing Authority to consider and are not matters for Road User Charging Adjudicators.

## **The following “Statement of Requirements” as defined by the Greater London Authority (‘GLA’) sets out the roles of the Chief Adjudicator and Adjudicators.**

*In this Statement any reference to the “Service Provider” is a reference to London Councils which currently operates the Road User Charging Appeals (RUCA) Service under contract with the GLA .*

### **1. Introduction**

1.1 The Appeal Service is an independent judicial body providing decisions for Appeals made against Transport for London (TfL) decision to reject Representations made against Penalty Charge Notices issued under the Road User Charging Scheme(s) operated by TfL.

1.2 Currently these schemes are the central London Congestion Charging Scheme and the London Low Emission Zone. Both Schemes fall under the adjudication provisions set out in the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 as amended, the “Enforcement Regulations” and the relevant “Schedule” to it.

1.3 Adjudicators are appointed by the Lord Chancellor.

1.4 Adjudicators are supported by administrative staff and have facilities provided for them to enable them to sit and determine appeals. The GLA, as the authority, are required to make provision for these services and undertake this through appropriate outsourcing.

1.5 The Adjudicators are guided and managed by a Chief Adjudicator; subject to the provisions of the Schedule, an adjudicator may regulate his own procedure and this is primarily derived through the Chief Adjudicator.

### **2. Chief Adjudicator Role**

2.1 The Chief Adjudicator is a judicially appointed role and is the representative head of the “Tribunal” which encompasses the Adjudicators. The Chief Adjudicator is accountable to the Lord Chancellor by way of appointment but also to the GLA. The Chief Adjudicator is not an employee of either GLA or the Service Provider, albeit that payroll and other such services shall be provided for the Chief Adjudicator and Adjudicators by the Service provider.

2.2 The role of the Chief Adjudicator means they work very closely with and in conjunction with the Service Provider and the role aims to ensure a smooth and cost efficient delivery of the Decision making aspects of the Adjudication role. The role extends through to “managing” the Adjudicators in terms of administration and setting and determining policy and procedural guidelines, training and development and dealing with complaints. This also extends to a range of other functions including the consideration and distribution of cases to the Adjudicators for them to hear.

2.3 The Chief Adjudicator has a wide role to play within the operation of the Tribunal with duties covering and not limited to:

- Appointing Adjudicators with leave of the Lord Chancellor
- Determining the terms and conditions of such appointments and extending appointments;
- Defending legal proceedings brought against Adjudicators;
- Acting as the point of contact for media relations and promoting the work of the Tribunal.

2.4 The role of the Chief Adjudicator also extends into dealing with complaints made against Adjudicators under the Appeal Service's complaints policy and includes an advisory role in relation to the Proper Officer and the Tribunal's Support Staff.

2.5 In addition the Chief Adjudicator has an advisory and informative role as they are required to produce an Annual Report.

### 3. Adjudicator Role

3.1 Adjudicators are appointed in accordance with Regulation 3 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, as amended.

3.2 Their role is set out by Regulations 11(2) and 16(2) of the same Regulations which state that an Adjudicator "shall consider the representations in question and any additional representations which are made by the appellant or any of the grounds mentioned in Regulation 10(3) or Regulation 13 (3).

3.3 An Adjudicator's role does not allow them to consider factors which fall outside of the Grounds mentioned in Regulations 10(3) or 13(3), and accordingly what might be described as "mitigating factors". These are matters for TfL.

3.4 Adjudicators act and determine Appeals independently. They are not employees of either GLA or the Service Provider.

3.5 Adjudicators provide all parties in the Appeals process with independent, impartial and well-considered Decisions based on clear findings of fact and proper application of law.





3.6 Adjudicators have and maintain the appropriate knowledge, skills and integrity to make those decisions.

3.7 Adjudicators ensure that all parties to Road User Charging Appeals are treated equally and fairly regardless of age, ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability.

3.8 Adjudicators aim to enhance the quality and integrity of the Road User Charging Appeal process.

#### **4. Support Staff Role**

4.1 The Support Staff provide administrative support to the Adjudicators including and not limited to:

- Customer Service support;
- Processing of Appeals and resolving queries over Appeals;
- Scheduling Hearings.



### 3. Chief Adjudicator's foreword

I am pleased to present to the Secretary of State this joint report of the Road User (Congestion) Charging Adjudicators for the year 2016 – 2017.

This joint report is required by Regulation 8 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (as amended).

We have now been in our new premises of Furnival Street near Chancery Lane for two years. The hearing centre has proved convenient for its users with the good transport links nearby.

Similarly we have now been with a new service provider (Northgate Public Services) for two years. I would like to thank the staff of Northgate Public Services for their constructive partnership in developing the systems over this time. In April 2017 an adjudicator attended the operations centre at Hartlepool and a summary of this visit is enclosed in this report.

The tribunal enjoys a constructive relationship with the GLA although of course we are a completely independent body. I would like to record the contribution made by Tim Steer (Head of Transport, GLA) to this relationship. In the course of the year London Councils were re-awarded the contract to provide administrative services for the tribunal and we look forward to continue working with them.

I would like to thank the team of Adjudicators who have regularly given their time and experience to this Tribunal. A list of the Adjudicators is given at page 9 of this report. The Tribunal has now determined more than 174,000 appeals since 2002, and in the last year achieved an average time of 22.47 minutes to determine a personal appeal and 11.71 minutes for a postal appeal.

In March this year we held a day's conference for adjudicators and we were very pleased to welcome guests from the Ministry of Justice, Transport for London, the GLA and the Personal Support Unit (a charity that offers free help to litigants in person). The topics covered included:

- ◆ Evaluating evidence
- ◆ Overview of the reform programme by the Ministry of Justice
- ◆ Land Rovers and the Low Emission Zone charge
- ◆ The Emissions surcharge
- ◆ The Personal Support Unit

This report focusses on The Emissions Surcharge scheme which comes into force in October 2017. This will affect around 10,000 users a day within the congestion charge zone.

Over the year the number of appeals received has averaged 570 a month, which represents an increase over the previous two years. The percentage of hearings begun within 15 minutes of their allotted time slot has increased to 84% which is the best performance since 2004.



There have been no major initiatives or developments in the Congestion Charging Scheme itself over the past year. In March 2015 the Mayor of London announced that after a consultation he had decided to introduce the Ultra-Low Emission Zone (ULEZ) in the charging zone of Central London from the 7th September 2019. This will require vehicles travelling in that zone to meet new emission standards 24 hours a day, 7 days a week. The Emissions surcharge scheme is an interim measure pending the introduction of the ULEZ.

We would like to congratulate His Honour Judge Paul Middleton-Roy, who was one of the original congestion charging adjudicators, on his elevation to the circuit bench this year. Congratulations also must go to Ada Amuta on her promotion to Senior Tribunal Assistant during the year.

We also had to say goodbye to Dedray Marie who left the tribunal this year, and we would like to thank her for all her excellent work in support of this tribunal. We also wish to thank the administrative staff, the IT support team and the reception team who contribute significantly to the successful functioning of the tribunal.

This Tribunal continues to offer the opportunity for appellants to argue their appeals before an adjudicator face to face. The success of this Tribunal will always be measured by the fairness of the hearing afforded to appellants, whether they win or lose their appeals.

The developments over the coming years which I have outlined above indicate that this will be a very busy time for the tribunal, with the potential for a substantial increase in the number of appeals.

**Ingrid Persadsingh**

*Chief Road User Charging Adjudicator*





## List of Adjudicators

Mercy Akman  
Jane Anderson  
Angela Black  
Ian Coutts  
Gordon Cropper  
Jane Cryer  
Leslie Cuthbert  
Joanna Dickens  
Fiona Dickie  
George Dodd  
Anthony Edie  
Gillian Ekins  
Andrew Harman  
Fiona Henderson  
Anitra Hussein  
Ian Keates  
Graham Keating  
Maggie Kennedy  
Sanjay Lal  
John Lane  
Francis Lloyd  
Maura Lynch  
Isaac Maka  
David Malone  
Ian Mohabir  
Michael Nathan  
Belinda Pearce  
Martin Penrose  
Ingrid Persadsingh  
Annabel Pilling  
Luthfur Rahman  
Christopher Rayner  
Anita Reece  
Timothy Smith  
Alison Spicer  
Jan Verman  
Anwen Walker  
Christopher Woolley

## 4. Annual training day - March 2017

Leslie Cuthbert, adjudicator, opened the training day with a session on evaluating evidence. This was followed by Christopher Rayner, adjudicator, who talked about the decision in Stanley v Transport for London (where he was the adjudicator) – a copy of this decision appeared in last year's report. Kevin Westall from the Ministry of Justice gave an update on the Ministry of Justice reform programme. The last speaker was Nick Gallagher, the CEO of the Personal Support Unit, a unit which assists unrepresented litigants in the courts with the assistance of lawyers who volunteer their services.



## 5. Visit to Northgate Public Services in Hartlepool

In April 2017 Christopher Woolley, adjudicator, visited Hartlepool on behalf of the Chief Adjudicator. This is the location of the Operations centre of Northgate Public Services which runs all the IT and back office systems for the Tribunal. The purposes of the visit were to deliver introductory training on the new Emissions Surcharge, to speak to the staff about the role of the adjudicator, and thirdly for us to learn more about their work.

The advisors are assisted by a Quality Assessor and the Supervisor. Their work is divided between setting up appeals, other inputting tasks, and answering queries from appellants.

The adjudicator described how a personal appeal was handled and also how a postal appeal was dealt with. He emphasised that in RUCA we look at all the evidence before deciding an appeal so all the information they input has a purpose. He described how an appeal decision was drafted. Interestingly the advisors said how much easier it was to work from a decision that had numbered paragraphs (which some adjudicators in RUCA produce).

One specific query was over the level of detail advisors have to put in about the location of a contravention. In RUCA all that mattered was whether the contravention was inside the zone. For RUCA it might be sufficient for the information to be limited to a street name.

The adjudicator listened to advisors fielding calls from appellants and they were very well trained and helpful in their responses. He was surprised at the range of queries they have to handle: from giving directions to the tribunal centre to hearing appellants' queries on decision letters. They were able to distinguish between queries they could help with and those which needed to be handled by TfL or the tribunal.



## 6. The Emissions Surcharge – a brief introduction

Around 9,500 premature deaths are caused in London from pollution and road transport accounts for 50% of the NOx emissions contributing to this pollution (in contrast Industry accounts for only 7% of the NOx emissions). The Emissions surcharge is an interim attempt (before the introduction of the ULEZ in 2019) to lessen the NOx emission from transport.

On the 23 October 2017, a modification to the Central London Congestion Charge Scheme Order becomes effective that introduces a daily £10 Emissions Surcharge (also known as the Toxicity Charge, or T-Charge). This is will be payable by certain vehicles in addition to the existing 'base' Congestion Charge.

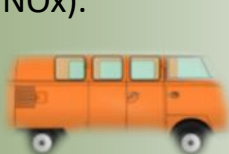
This will mean certain older cars, vans, minibuses, buses, coaches and heavy goods vehicles (HGVs) which use the Congestion Charging zone during charging hours in Central London will either need to meet minimum exhaust emission standards set out in the Scheme Order or pay the emission surcharge.

The introduction of the Emission Surcharge will discourage the use of older, more polluting vehicles driving into and within central London. It is a step towards the introduction of the Ultra Low Emission Zone (ULEZ), when tighter vehicle emissions standards will be required. The Emission Surcharge element will exist until the introduction of the ULEZ as a modification of the London Low Emission Zone Scheme Order and has been the subject of a recent consultation.

The minimum emission standards introduced are Euro IV/4 for all vehicle types, except those classed as 'L' type vehicles such as motor tricycles and quad bikes, which have to achieve a Euro 3 standard. This applies to all vehicles with a compression ignition engine, generally diesel vehicles and a positive ignition engine, generally petrol vehicles. The use of these 2 engine type definitions effectively mean that 'hybrid' vehicles and those with other fuel options such as alternate fuel vehicles using Liquid Propane Gas (LPG) are within the scope of the change and emissions standards.

The introduction of 'L' type vehicles to the congestion charge payment provisions is a new element of the scheme and will present new issues for consideration by the Tribunal.

The Scheme Order changes make it clear only two emissions measures are being addressed by the emission surcharge, Particulate Matter (PM) and Nitrates of Oxide (NOx).



Transport for London (TfL) has provided a 'vehicle checker tool' on its website similar to the one in use for the London Low Emission Zone (LEZ). The site informs vehicle owners of the emission status of the vehicle and if the emission surcharge is payable. In addition TfL have also provided a route to enable vehicle owners to challenge the result provided by TfL's system to enable any corrections where relevant. This is consistent with the approach it has adopted for the LEZ.

The modifications to the scheme order specifies the types of vehicles affected by the change, in simple terms all the current vehicles that are potentially chargeable that may use the charging zone now such as cars, vans, minibuses, buses, coaches, HGVs, motorised caravans, horseboxes, recovery vehicles, private ambulances and other specialist vehicles may be subject to the emission surcharge.



Vehicles that are subject to a 100% discount or are exempt against the congestion charge will have this extended to the Emission Surcharge whilst the discount or exemption remains.

The only exception to this will be those vehicles which have a 100% large passenger vehicle discount. These vehicles will not have the discount applied to the emission surcharge and these vehicle types will be required to pay the Emission Surcharge element only of £10 per day when using the charging zone.

Residents registered with TfL for the 90% Residents discount that do not meet the emissions standards will also be entitled to a 90% discount on the T-Charge element, reducing it from £10 per day to £1.00 per day.

TfL Licensed Taxis and Private Hire vehicles are not impacted by the Emission Surcharge whilst licensed with TfL as they are subject to separate provisions through licensing.

The changes to the scheme order also introduce a new 100% discount against the Emission Surcharge element only. This is for registered vehicles with TfL which are eligible for a 100% Showman's Discount. This discount has been set out in the Congestion Charging Scheme Order on the same basis as the discount that exists in the LEZ. This is therefore not new to this Tribunal as similar issues in appeals under the LEZ scheme have already been made and considered by Adjudicators.

In addition vehicles manufactured before 1st January 1973 will be exempt from the Emission Surcharge element, although they will remain liable for the base congestion charge.



The table below shows that a charge may be required for a vehicle if it does not meet the necessary emission standard and is to be used in the congestion charging zone.

<u>Vehicle type</u>	Minimum emission standard	Congestion Charge	T-Charge	Total daily Charge
Motorised tricycles and quadricycles	Euro 3	£11.50 or £10.50 with Auto Pay	£10	£21.50 or £20.50 with Auto Pay
Cars, and small vans (not exceeding 1,205kg unladen weight and not exceeding 3500kg GVW)	Euro 4	£11.50 or £10.50 with Auto Pay	£10	£21.50 or £20.50 with Auto Pay
Vans (exceeding 1,205kg unladen and not exceeding 3,500kg GVW) and Minibuses (not exceeding 5,000kg GVW)	Euro 4	£11.50 or £10.50 with Auto Pay	£10	£21.50 or £20.50 with Auto Pay
HGVs (exceeding 3,500kg GVW)	Euro IV	£11.50 or £10.50 with Auto Pay	£10	£21.50 or £20.50 with Auto Pay
Coaches and buses (exceeding 5,000kg GVW)	Euro IV	£11.50 or £10.50 with Auto Pay	£10	£21.50 or £20.50 with Auto Pay
Coaches and buses (exceeding 5,000kg GVW) <i>and registered for large passenger discount</i>	Euro IV	£0	£10	£10
Vehicles registered for Residents' Discount	depends on vehicle type	£1.15 or £1.05 with Auto Pay	£1	£2.15 or £2.05 with Auto Pay

The Congestion Charge Scheme Order mirrors the vehicle descriptions in the London Low Emission Zone Scheme Order. Therefore it extends to vehicles such as motor caravans, motorised horse boxes, breakdown and recovery vehicles, private ambulances and dual purpose vehicles which may fall under a number of these criteria but would be distinguished by the relevant weights shown. These are not new issues as they are matters which have already been considered by this Tribunal under LEZ appeals.

A vehicles emission standard is normally displayed upon the vehicle registration document also known as the V5C. This information will be displayed upon the document if it is held by the Driver and Vehicle Licensing Agency. A further check may also be possible by checking the vehicle enquiry service on the gov.uk website.



The table above uses both Roman numerals and Arabic; this reflects how the emission standard is expressed in the modified scheme order and by the European Union Directive that underpins the standards. Roman numerals are used for vehicles tested under a heavy duty cycle, and Arabic is used for vehicles tested under a Light Duty Cycle.

As the Emission Surcharge is a modification to the charge payable through the Congestion Charge Scheme Order any enforcement steps by TfL will be undertaken using the existing regulations currently used for the Congestion Charging Scheme and the Low Emission Zone – the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 as amended. As such the issues of liability, grounds of representation and appeal and the provisions for issuing a Penalty Charge Notice (PCN) will be unchanged and are issues already considered and dealt with by this Tribunal.

The Congestion Charge Scheme Order sets out that if there is a failure to pay the relevant 'charge' then if that contravention of the charging scheme is identified by TfL they may issue only one PCN for that contravention. A separate contravention for not paying the Emission Surcharge is not created and does not result in a separate PCN being issued.

As such if a motorist does not pay the daily charge, they may be issued a PCN payable by the registered keeper at the current value of £130 reduced to £65 if paid within 14 days.

The right to make representations and appeal to an Independent Adjudicator at this Tribunal is not affected by the introduction of the Emission Surcharge. The regulations covering this aspect are not affected by its introduction.

In addition the issues of vehicle type and respective emission standard are issues which have also been considered by this Tribunal along with the respective burden of proof both from the perspective of the appellant and TfL.

If the Congestion Charge and/or Emissions Surcharge is not paid then there will be only a single Penalty Charge imposed.

## **7. The Emissions Surcharge – possible issues for the Tribunal**

It is difficult in advance of the scheme to predict the issues that will arise, but some sense of its impact can be attempted from the tribunal's experiences when the LEZ was introduced.

Transport for London will not send out any warning letters, as they did for the Low Emission Zone charge. It is likely that the charge may therefore take some users by surprise. However this may be minimised as users will be alerted to the need to purchase an Emissions Surcharge when contacting Transport for London.

As only one Penalty Charge will arise from non-payment of the Congestion Charge and/or the Emissions Surcharge then it is unlikely that the volume of appeals will go up significantly.

Some users who have an exemption for the Congestion Charge will not have a similar exemption for the Emissions Surcharge. For instance a CC registered 9+ seater vehicle will not have any Emissions Surcharge discount or exemption.

Similarly “L” type vehicles will not have a discount or exemption. Non-chargeable or compliant vehicles will still have to be registered with Transport for London to avoid the Surcharge. It is likely that many users of such vehicles will drive into the congestion zone unaware of the need to purchase an Emissions Surcharge.

The Emissions Surcharge is an interim measure planned in advance of the ULEZ which is scheduled for introduction in 2019. The ULEZ is likely to have a far greater impact upon Users than the Emissions Surcharge.

## 8. Recommendation

The Chief Adjudicator makes only one recommendation to Transport for London. The Chief Adjudicator acknowledges that there has been a widespread campaign but recommends that the Emissions Surcharge Scheme is advertised widely not only in the capital but nationally.

It is anticipated that as many users outside London as inside will be caught by the new scheme. As warning letters are not likely to be issued users may feel justly aggrieved by any lack of publicity.



## 9. Useful Information

### The structure of the Road User Charging Adjudicators' Tribunal

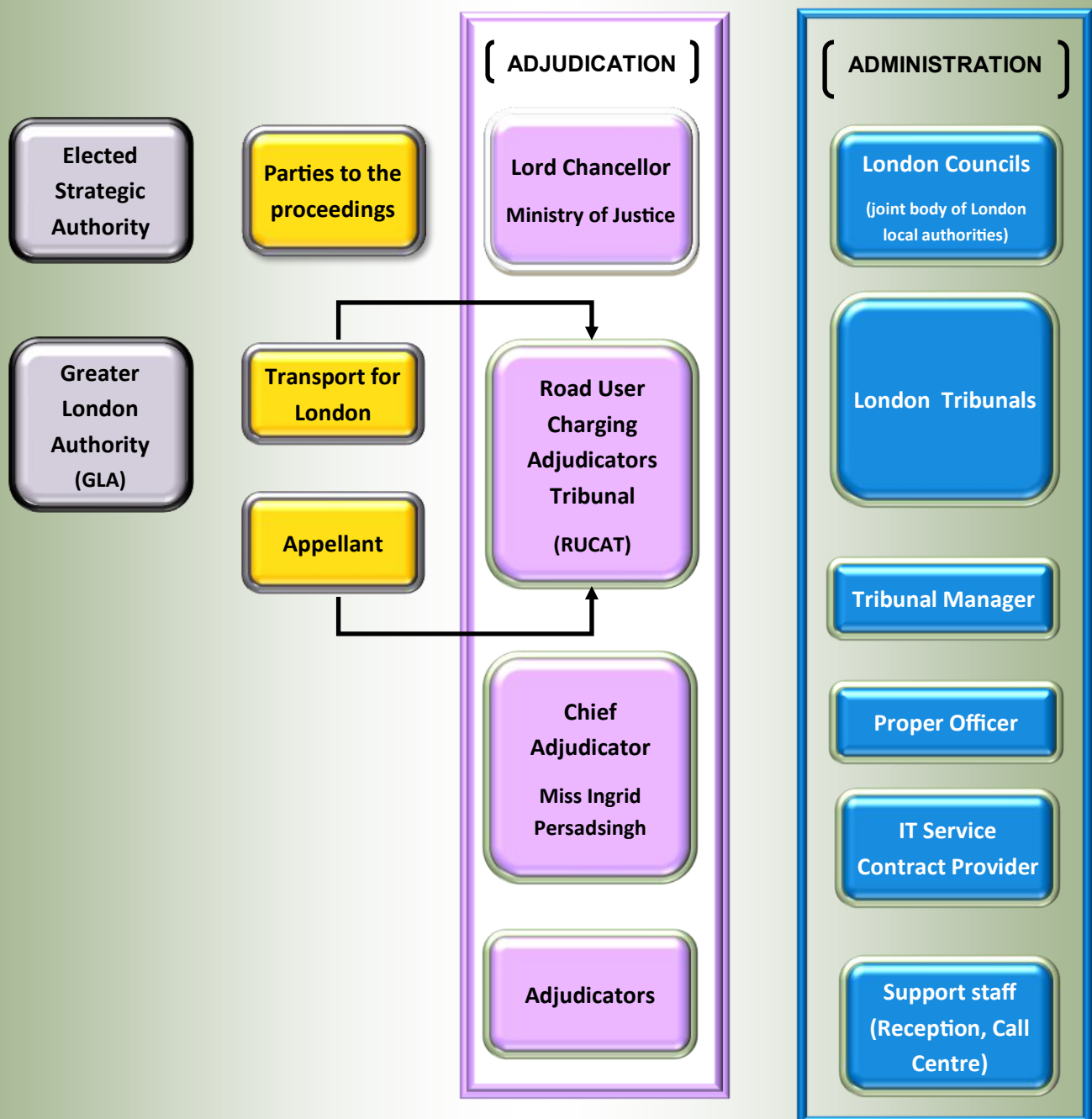
#### What is 'RUCAT'?

RUCAT is the 'Road User Charging Adjudicators Tribunal. It is an independent tribunal which decides appeals against Congestion Charge and Low Emission Zone penalties in London.

#### Who are London Tribunals?

London Tribunals provides administrative support to the Road User Charging Adjudicators. Under the Road Traffic Act 1991 and the Traffic Management Act 2004, London Councils is required to provide this service to the Parking and Traffic Adjudicators and provides the same service for the Road User Charging Adjudicators under contract to the GLA.

The following diagram explains the structure of RUCAT and London Tribunals:





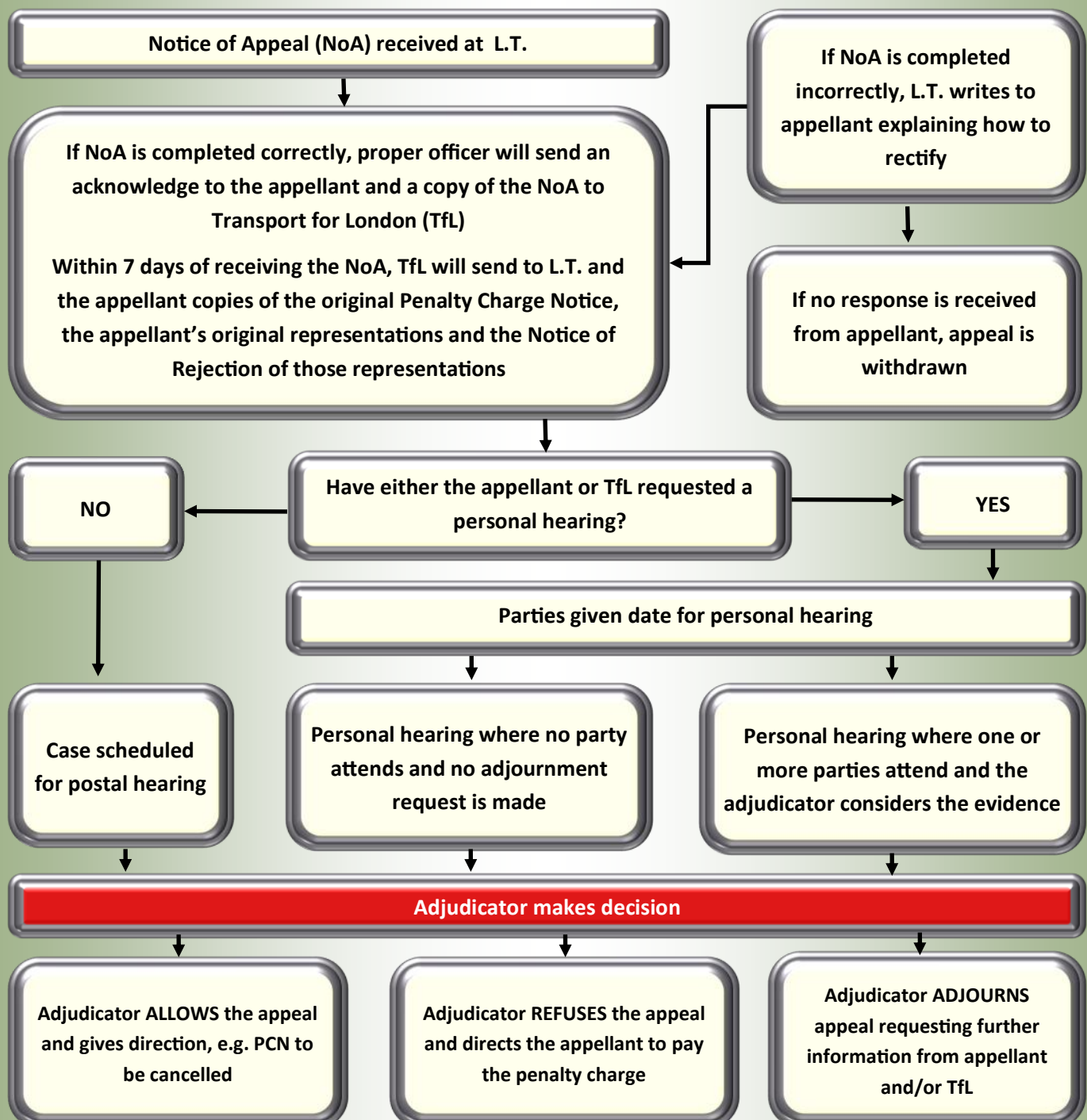
## The Appeal process

If Transport for London serves a Penalty Charge Notice arising from an alleged Congestion Charge or Low Emission Zone contravention, the registered keeper of the vehicle is entitled to contest the penalty charge by making written representations to Transport for London.

If Transport for London accepts those representations, then the PCN will be cancelled.

If Transport for London rejects the representations, the registered keeper of the vehicle may APPEAL to the Road User Charging Adjudicator. The APPEAL is an appeal against Transport for London's decision to reject the written representations.

The following diagram explains the process of an appeal after it is received by London Tribunals ('L.T.').





## Grounds of appeal

Initially the responsibility is on Transport for London to demonstrate that a contravention has occurred.

This means that Transport for London must produce evidence to the Adjudicator to prove that:

- 1) A relevant vehicle;
- 2) was used or kept within the congestion charge area or low emission zone;
- 3) during the designated hours of a particular date; and
- 4) that the appellant is the registered keeper of the vehicle; and
- 5) that the correct payment for that vehicle for that date has not been received by Transport for London or that the vehicle was not subject to an exemption.

If Transport for London produces this evidence, the onus will shift to the appellant to satisfy the Adjudicator that, on the balance of probabilities, one or more of the six statutory grounds of appeal applies.

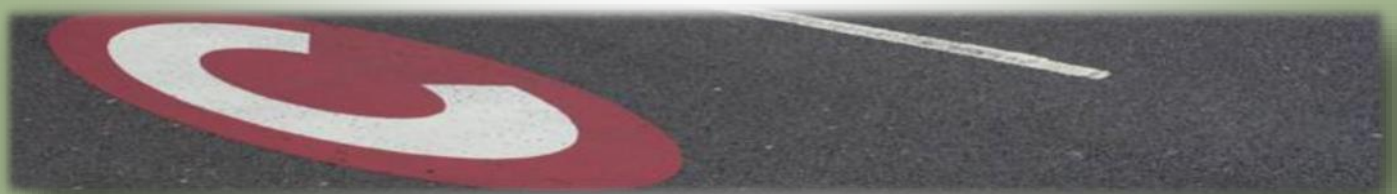
These grounds are:

- (a) that the recipient -
  - (i) never was the registered keeper in relation to the vehicle in question; or
  - (ii) had ceased to be the person liable before the date on which the vehicle was used or kept on a road in a charging area; or
  - (iii) became the person liable after that date.
- (b) that the charge payable for the use or keeping of the vehicle on a road on the occasion in question was paid at the time and in the manner required by the charging scheme.
- (c) that no penalty charge is payable under the charging scheme.
- (d) that the vehicle had been used or kept, or permitted to be used or kept on a road by a person who was in control of the vehicle without the consent of the registered keeper.
- (e) that the penalty charge exceeded the amount applicable in the circumstances of the case.
- (f) that the recipient is a vehicle hire-firm and;
  - (i) the vehicle in question was at the material time hired from that firm under a hiring agreement; and
  - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice imposed in relation to the vehicle during the currency of the hiring agreement.

Please note:

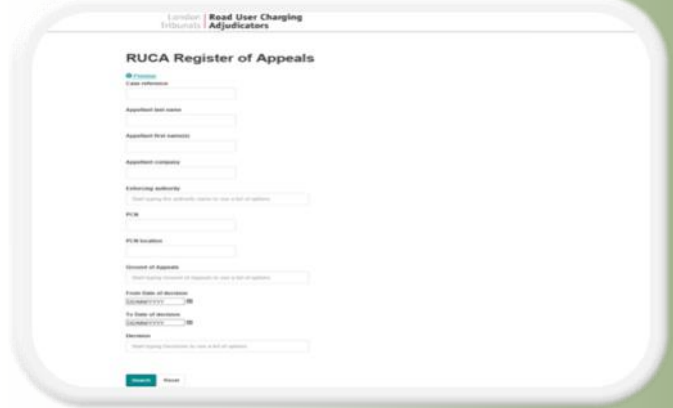
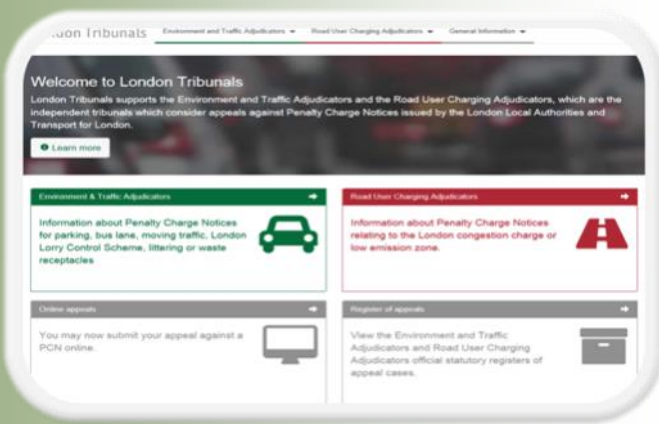
These grounds apply to both alleged congestion charge and low emission zone contraventions.

The Adjudicator CANNOT consider mitigating factors. This has been upheld by the High Court.





## London Tribunal's website and statutory register



London Tribunals maintains a website ([www.londontribunals.gov.uk](http://www.londontribunals.gov.uk)) with the aim of providing information, guidance and assistance to anyone intending to appeal to the tribunal.

The daily lists of each day's cases before the tribunal can be viewed, as well as maps and travel advice on getting to the hearing centre.

The website offers a useful guide to each stage of the enforcement process, explaining the options available to the appellant at each stage.

The Statutory Register (see right) can also be accessed through this website.

This is the official register of cases at the Road User Charging Tribunal, kept under Section 21 of the Schedule to the Road User Charging (Enforcement and Adjudication) (London) Regulations 2011.

It is a register of all appeals and the decisions made on them.

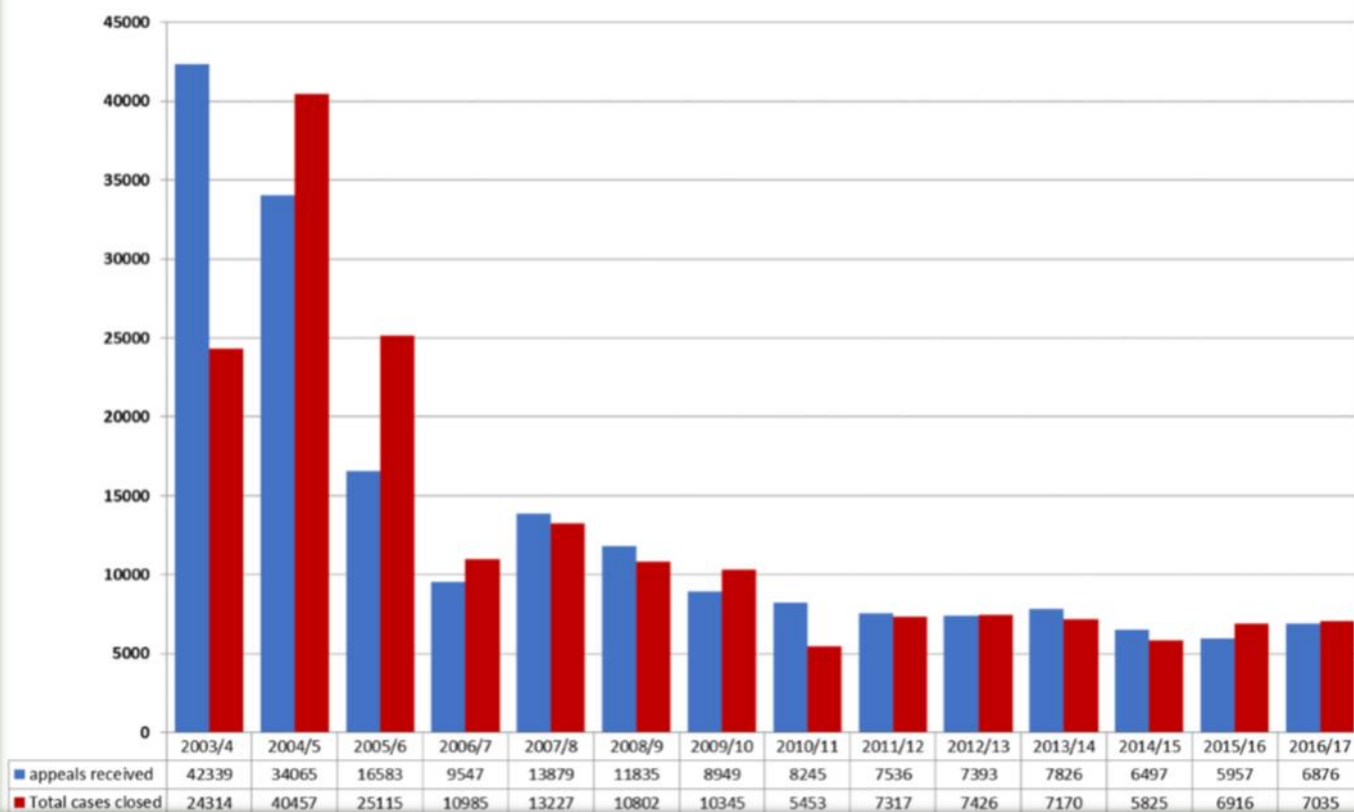
The Register can be viewed online and can be browsed for one day of appeals at a time, or a more specific search (looking, for instance, at the appellant's name) can be made. The Register can also be examined at the hearing centre.

## Previous annual reports (click on image to view selected report)

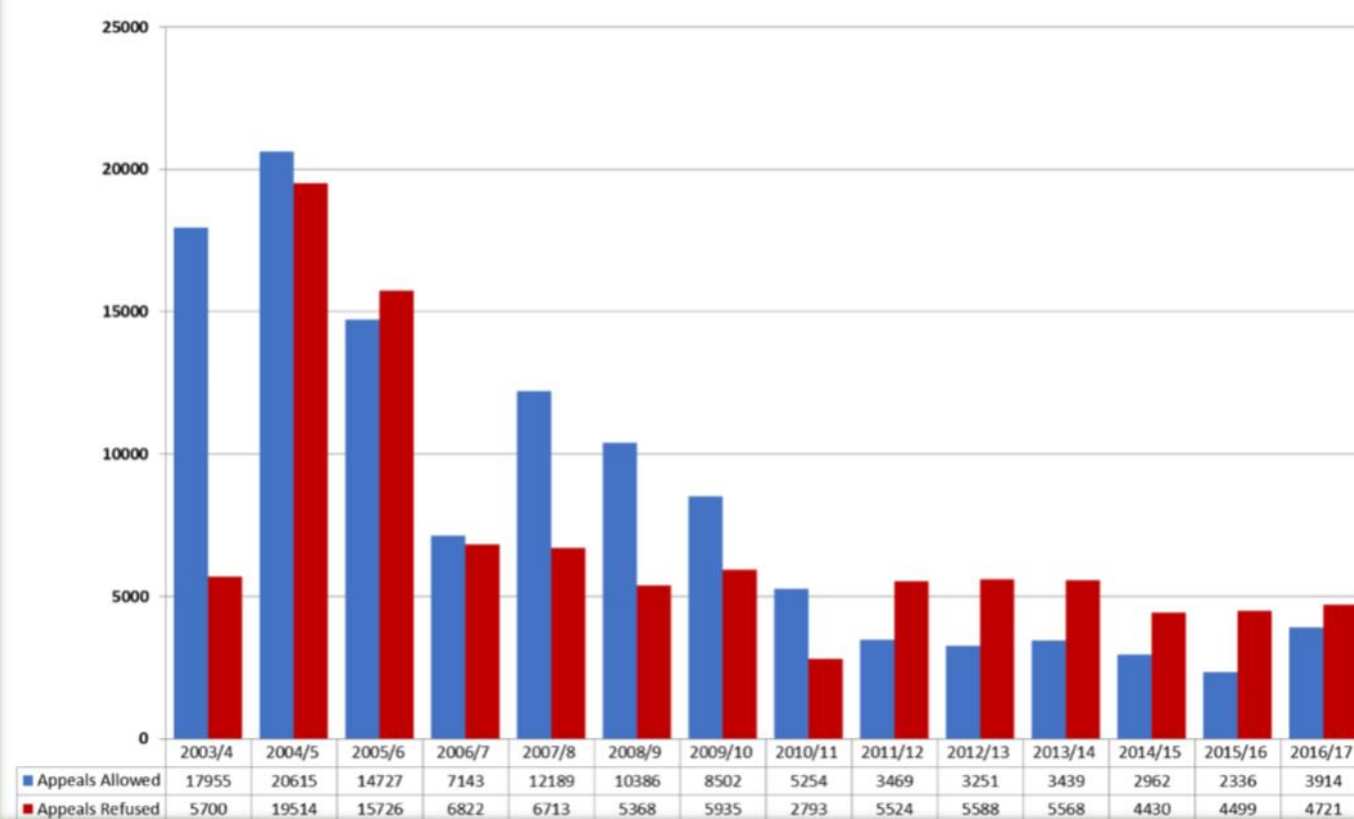


## Appendix 1 — Appeals 2003—2017

### Appeals received and cases closed 2003-2017

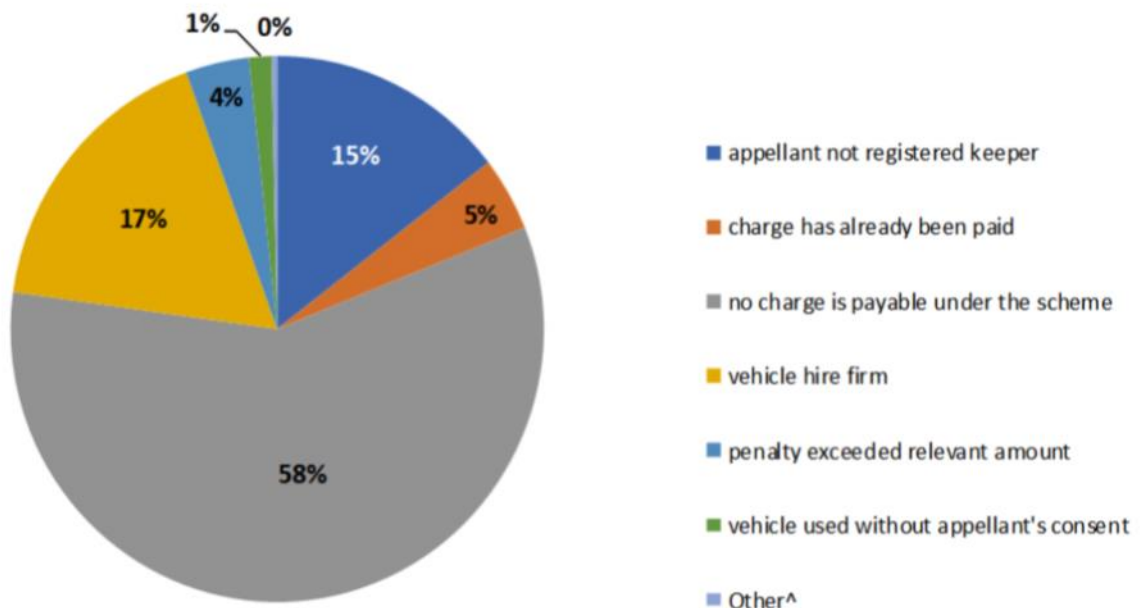


### Appeals allowed and refused 2003-2017

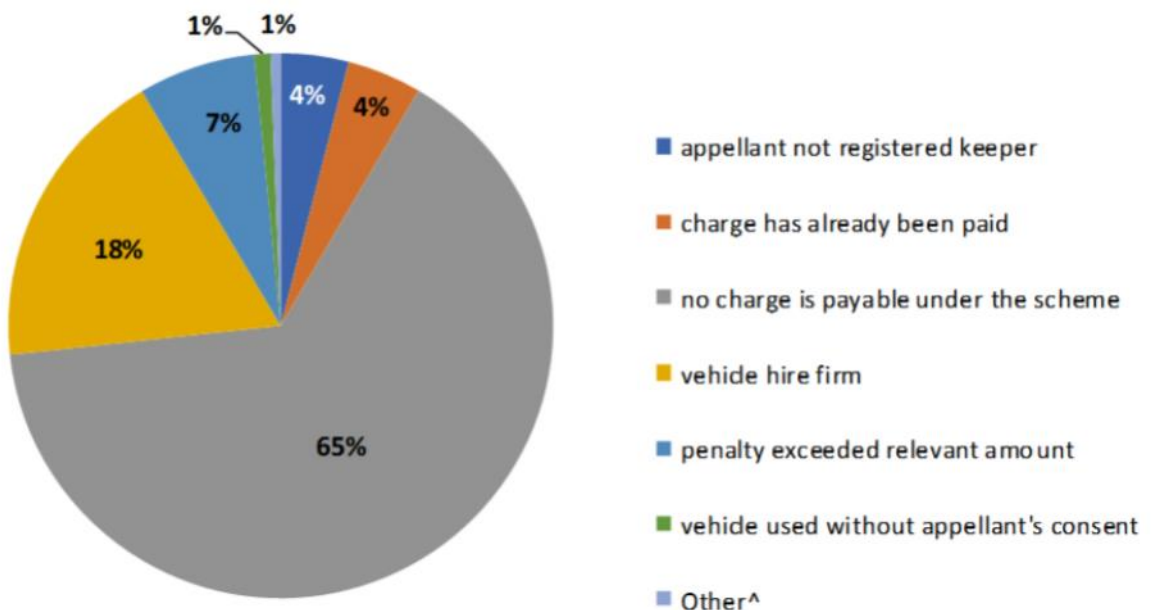


## Appendix 2 - Appeal decisions (by ground) 2016-17

### Summary of decisions by ground of appeal (allowed)



### Summary of decisions by ground of appeal (refused)



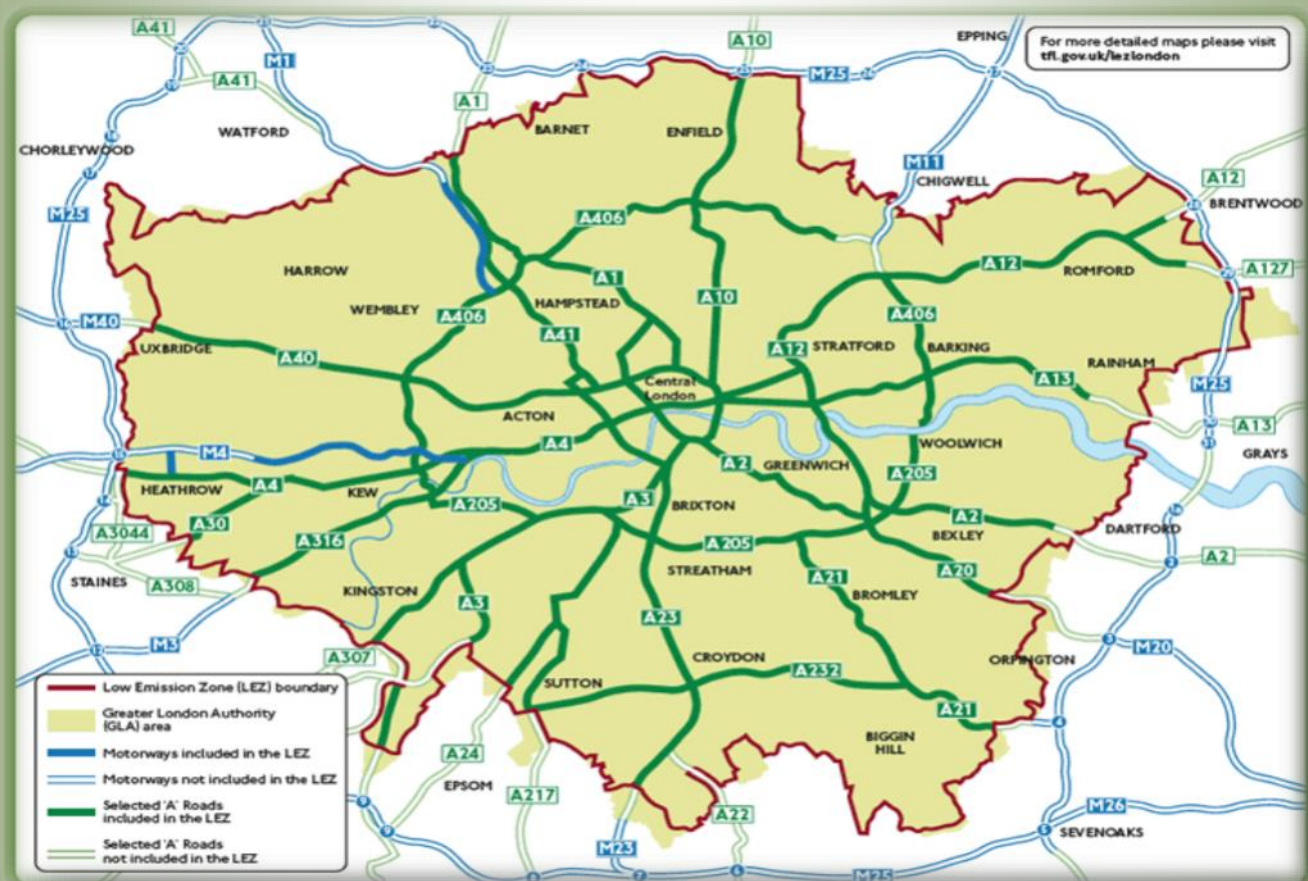
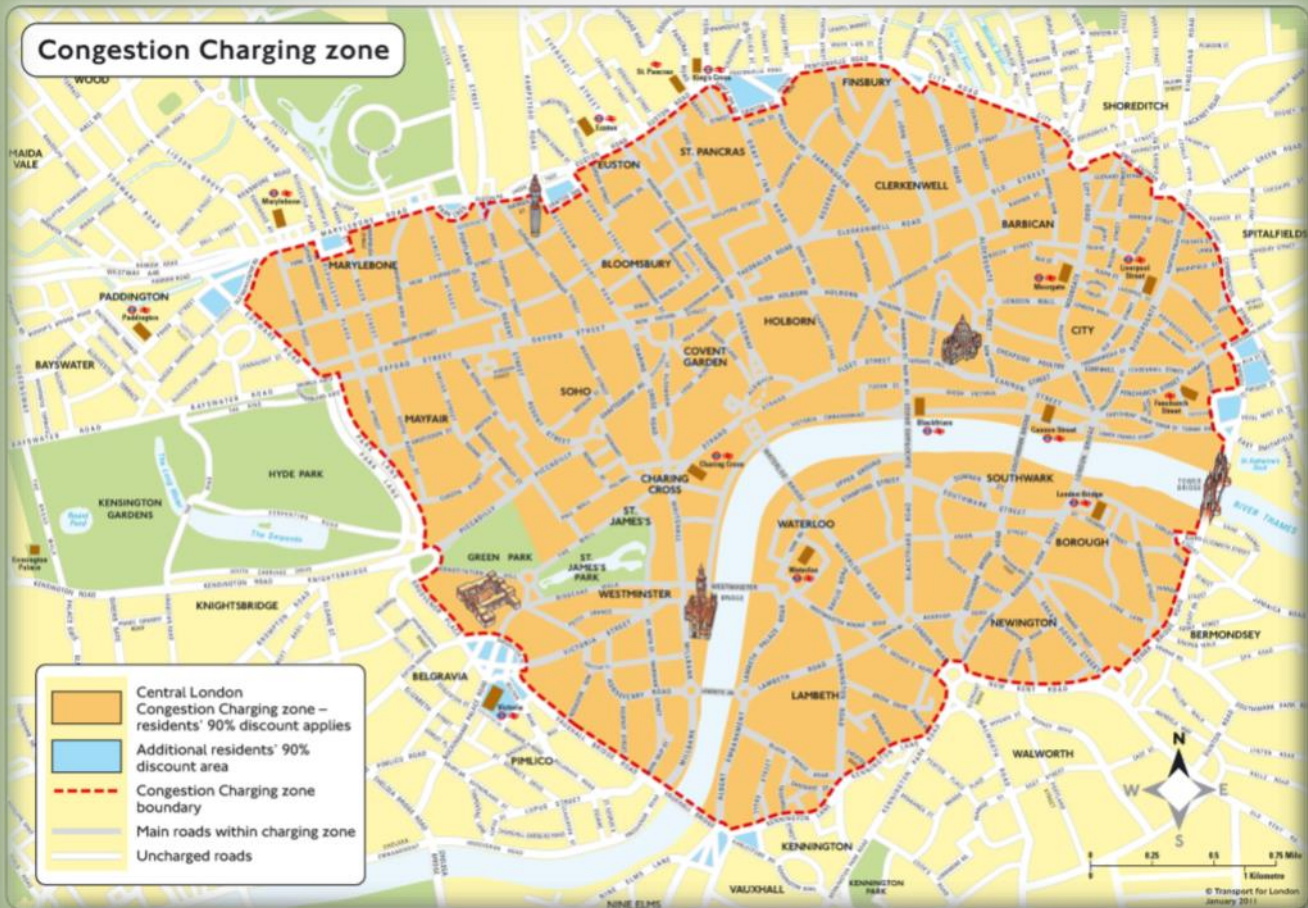


## Appendix 3 - Congestion charging statistics 2010-17

(see previous reports for figures from 2003 onwards)

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Appeals received	8245	7536	7393	7826	6497	5957	6876
Total cases closed	5453	7317	7426	7170	5825	6916	7035
Appeals withdrawn by appellants	113	108	103	248	188	205	174
Appeals not contested by TfL	2481	1568	1313	1589	1382	1066	1496
Appeals refused postal	2236	4869	4311	3873	3255	3560	3258
Appeals allowed postal*	1936	1321	1141	1195	1117	1199	1797
Appeals refused personal	444	547	1174	1447	987	734	1289
Appeals allowed personal*	837	580	797	655	463	71	621
Closed administratively	0	0	3	0	3	81	70
Appeals adjourned	225	407	299	92	129	146	139
Review decisions	49	83	64	93	114	74	64
Costs decisions	18	4	10	33	73	24	4
Postal cases ready for adjudication at end of year	889	568	229	351	591	956	824
Personal hearings scheduled	895	871	1170	1133	922	508	705
% withdrawn by appellants	2.07%	1.48%	1.39%	3.46%	3.23%	2.96%	2.47%
%not contested by TfL	45.50%	21.43%	17.68%	22.16%	23.73%	15.41%	21.27%
% refused postal	41.00%	66.54%	58.05%	54.02%	55.88%	51.47%	46.31%
% allowed postal*	35.50%	18.05%	15.36%	16.67%	19.18%	17.34%	25.54%
% refused personal	8.14%	7.48%	15.81%	20.18%	16.94%	10.61%	18.32%
% allowed personal*	15.35%	7.93%	10.73%	9.14%	7.95%	1.03%	8.83%
% closed administratively	0.00%	0.00%	0.04%	0.00%	0.05%	1.17%	1.00%
% of cases allowed	50.85%	25.98%	26.10%	25.80%	27.12%	33.78%	34.37%
Average postal hearing (mins) ^^	33.79	35.18	27.22	24.67	25.84	19.16	11.71
Average personal hearing (mins) ^^	49.98	49.95	43.98	34.08	30.70	26.68	22.47
% of cases 1st considered within 56 days	58.91%	26.78%	34.32%	41.92%	36.10%	n/a	n/a
Average days delay	n/a	n/a	n/a	n/a	n/a	54	55
% hearings within 15 mins	72.00%	71.83%	83.08%	80.97%	79.08%	78.75%	84%
<b>Summary of decisions by ground of appeal (allowed)</b>							
Appellant not registered keeper	30	65	23	40	59	326	352
Charge has already been paid	43	44	147	25	7	52	106
No charge is payable under the scheme	163	162	378	245	133	535	1408
Vehicle hire firm	24	29	37	11	15	283	418
Penalty exceeded relevant amount	33	40	36	29	10	47	93
Vehicle used without appellant's consent	11	20	4	15	13	23	33
Other^						4	8
<b>Summary of decisions by ground of appeal (refused)</b>							
Appellant not registered keeper	140	243	196	206	240	208	183
Charge has already been paid	295	660	585	548	319	291	201
No charge is payable under the scheme	1051	2844	3030	2956	2009	2364	2949
Vehicle hire firm	621	830	859	642	656	792	827
Penalty exceeded relevant amount	444	793	753	645	688	590	316
Vehicle used without appellant's consent	54	80	81	62	42	36	44
Other^						13	27
* 2015/16 figures exclude DNCs							
^ Cases where the ground of appeal is not recorded							
^^ The way in which this time is recorded changed in 2015/16.							

## Appendix 4 - Congestion charge and Low emission zone maps





### Useful addresses

#### **Office for Judicial Complaints**

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London

SW1H 9AJ

Telephone: +44-(0) 203 334 2555

Fax: +44-(0) 203 334 2541

E-mail: [customer@ojc.gsi.gov.uk](mailto:customer@ojc.gsi.gov.uk)

Website: <http://judicialcomplaints.judiciary.gov.uk/>

#### **Office of the Judicial Appointments and Conduct Ombudsman**

9.53, 9th Floor Tower

102 Petty France

London SW1H 9AJ

Website: <http://www.justice.gov.uk/about/jaco.htm>





## **Road User Charging Adjudicators' Tribunal**

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NG6 6DR**

**Telephone: +44-(0) 207 520 7200  
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Website: <http://londontribunals.gov.uk/>**

**Hearing Centre at:  
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10 Furnival Street,  
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EC4A 1YH**

