

Road User Charging Adjudicators'

Annual report

2022-23



**Road User Charging Adjudicators' Tribunal
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The Road User Charging Adjudicators form an independent tribunal which decides appeals against Congestion Charge, Low Emission and Ultra Low Emission Zone penalties in London.



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1. Foreword

We are pleased to present to the Secretary of State this joint report of the Road User Charging Adjudicators for the year 2022-2023.

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

The most important change affecting our work this year has been the expansion of the Ultra Low Emission Zone from 29 August 2023, to include the outer London boroughs.

Variation Orders made in 2022 also came into force on 30 January 2023 increasing the penalty charge for the Congestion Charge and the Ultra Low Emission Charge from £160.00 to £180.00 and removing the £10 annual administration charge for the Auto Pay system.

The tribunal anticipates an increase in the number of appeals and invited the Judicial Appointments Commission to begin the process of appointing new adjudicators in late 2021.

The Judicial Office has confirmed the appointment of 28 new adjudicators in July 2023.

We would like to thank the staff of the Judicial Appointments Commission for organising and administering the competition.

On Friday 29 September 2023 there will be an annual meeting of all adjudicators, where newly appointed adjudicators will be able to get to know their colleagues.

Christopher Rayner, one of the original cohort of adjudicators appointed in 2003, is retiring this summer. Many thanks go to him for his many years of dedicated service, experience and expertise. His name will always be synonymous with Land Rovers, and specifically how they should be categorised in relation to the Low Emission Zone. The case of Stanley v Transport for London remains one of the key cases on the RUCA pages of the London Tribunals website. The case was also covered in detail in our 2015-16 annual report, which can be viewed [here](#).

A list of the adjudicators who heard appeals in 2022-2023 is on page 7.

Road User Charging Adjudicators September 2023



2. Introduction

- 2.1 RUCAT is an independent judicial body of experienced lawyers deciding appeals where Transport for London (TfL) has rejected representations made against the issue of Penalty Charge Notices in London under the Road User Charging Schemes operated by TfL.
- 2.2 Currently these schemes are the central London Congestion Charging Scheme, the London Low Emission Zone scheme and the London Ultra Low Emission Zone scheme. All three 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.
- 2.3 Adjudicators are appointed by the Lord Chancellor.
- 2.4 Adjudicators are supported by administrative staff (the Service Provider) 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.

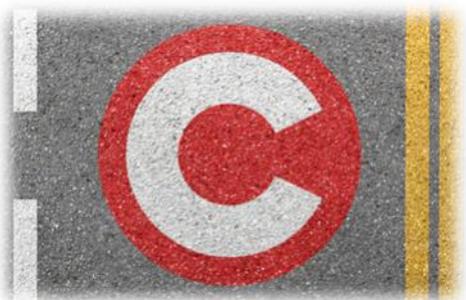
3. Aims and objectives of the Road User Charging Adjudicators

- 3.1 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.
- 3.2 To have the appropriate knowledge, skills and integrity to make those decisions.
- 3.3 To ensure that all parties to road user charging appeals are treated equally and fairly regardless of age, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex.
- 3.4 To enhance the quality and integrity of the road user charging appeals process.



4. The role of the Road User Charging Adjudicators

- 4.1 Adjudicators are appointed in accordance with Regulation 3 of the *Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, as amended*.
- 4.2 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).”.
- 4.3 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 may not take into account mitigating factors. These are matters for TfL.
- 4.4 Adjudicators act and determine Appeals independently. They are not employees of either the GLA or the Service Provider.
- 4.5 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.
- 4.6 Adjudicators have and maintain the appropriate knowledge, skills and integrity to make those decisions.
- 4.7 Adjudicators ensure that all parties to Road User Charging Appeals are treated equally and fairly regardless of age, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex.
- 4.8 Adjudicators aim to enhance the quality and integrity of the Road User Charging Appeal process.





5. Adjudicators who heard appeals in the year 2022 to 2023

Mercy Akman

Jane Anderson

Wendy Anderson

David Bowman

Janine Bracken

Deborah Burke

Samantha Chown

Joanne Coombe

Ian Coutts

Leslie Cuthbert

George Dodd

Janet Gittens

Natalie Goffe

Teresa Hay

Jane Kilgannon

John Lane

Maura Lynch

Morwenna Macro

Isaac Maka

Herjinder Mann

Gerald Mohabir

Belinda Pearce

Chris Rayner

Anita Reece

Timothy Smith

Alison Spicer

Richard Thompson

Alan Thorn

Frances Thornton-Dale

Graeme Wallington

Christopher Woolley



6. A Day in the Life

In The Beatles song “A Day In The Life”, they sang that:

And though the holes were rather small

They had to count them all

Now they know how many holes it takes to fill the Albert Hall

Based upon the number of appeals that relate to roadworks and diversions, a Road User Charging Adjudicator might be forgiven for thinking that there are probably more than enough holes in London to fill the Albert Hall. However, a day in the life of an adjudicator involves dealing with far more issues than just the impact on motorists of navigating the daily works being carried out on London’s streets.

Road User Charging Adjudicators deal with all appeals against Penalty Charge Notices (PCNs) issued by Transport for London (TfL) under the Congestion, Low Emission Zone and Ultra Low Emission Zone charging schemes.



On any day adjudicators may have to deal with issues as diverse as stolen or cloned vehicles, non-UK drivers and foreign registered vehicles, the terms of vehicle hire agreements, “Blue Badge” entitlements, the minutiae of the workings of IT and banking payment systems, human errors made when trying to make payment, broken down vehicles, medical emergencies, diplomatic immunity, the registration of Hackney Carriages, the impact of political demonstrations and major national ceremonial or sporting events on London’s roads, and so much more. There are also the unique personal circumstances of every person who appeals.

Road User Charging Adjudicators try to make appeal hearings available for people to attend outside of working hours. Therefore, some days adjudicators start work at 7:30am, so that the first hearing can take place 8:00am. Other days adjudicators sit until 7:00pm. There are also hearings on Saturdays from 9:00am until 2pm.

Appeals can be dealt with either as postal appeals, where the appellant and TfL put forward their evidence and submissions in writing or as a personal appeal where, as well as considering documents, the adjudicator will also speak directly with the appellant and/or a representative of TfL.

Personal appeals can take place either with the physical attendance of the parties before the adjudicator in a hearing room at Chancery Exchange, 10 Furnival Street, London EC4A 1AB or via a telephone hearing.

The relatively recent introduction of telephone hearings, which were initially introduced to allow adjudicators to continue hearing appeals during the Covid lockdowns, has allowed appellants who do not live near London, or who would struggle for whatever reason to attend in person in Central London, but who wish to have a personal hearing to participate far more easily.

On any day, there are usually between two and four adjudicators dealing with appeals.

Two adjudicators will deal with the day's personal hearings, while others may purely spend the day dealing with postal appeals.

If an adjudicator is dealing with personal hearings, they will also determine postal appeals during any time available between their personal hearings.



Other adjudicators deal with the multitude of applications and correspondence received relating to appeals.

These include:

- deciding whether appeals have been brought within the time limits allowed,
- applications for hearings to be rescheduled or changed from postal to personal or vice versa,
- applications for a review of a decision,
- applications to withdraw or not to contest an appeal, and
- And communications regarding numerous issues relating to the appeals process and the liability for PCNs.

Adjudicators also decide whether appeals should be registered where applicants have filed statutory declarations on the ground that they did not receive either a notice of rejection from TfL or a decision from an appeal.

Road User Charging Adjudicators have a bespoke appeal management system to handle all the appeals received. This is a paper free appeal system where all documentation received is scanned into an electronic format and adjudicators have access to case information and documentation online.

Road User Charging Adjudicators are supported by Proper Officers, administrative, reception and IT staff who administer and maintain the appeal management system, deal with non-legal communications and enquiries, and the physical arrangements for appeals and appellants.

However, each Road User Charging Adjudicator is completely independent and responsible for dealing with the individual appeals assigned to them.



This involves reviewing the evidence received and available on the appeal management system, conducting the appeal hearing where a personal hearing has been requested, and producing a written decision on each appeal.

Most personal appeals last around 30 minutes.

Adjudicators try to give the appellant an oral decision at the end of the hearing, although sometimes, if there is a lot of documentation, or an unusual or complex issue of fact or law is raised, or an adjudicator simply needs to take some more time to reflect upon and consider the case rather than make an instant decision, an adjudicator will reserve their decision to be communicated later in writing.

Once an adjudicator has determined an appeal, they will type up a written decision which is sent to both the appellant and TfL, as well as being recorded in the statutory register, which is publicly available on the London Tribunal's website.

Appeals are made because individuals feel that the PCN(s) issued to them are wrong or unfair for some reason.

Appellants may be frustrated, nervous about attending a hearing, annoyed, angry or uncertain about what will happen.

The role of the adjudicator is to ensure that the appellant's position is heard and understood and then to apply the relevant law to the situation to reach a decision.



The adjudicator seeks to ensure that the appellant understands the decision made and why it has been made, even if the outcome is not the result they were hoping for.

Although appeals are formal legal proceedings, adjudicators aim to deal with hearings in as informal a manner as possible to ensure that the process is accessible for everybody that wishes to appeal.

Ultimately, every day in the life of a Road User Charging Adjudicator is different because every appeal they deal with is unique, and the events and circumstances are personal and important to the individual appellant.



7. Useful Information

The structure of the Road User Charging Adjudicators Tribunal

What is 'RUCAT'?

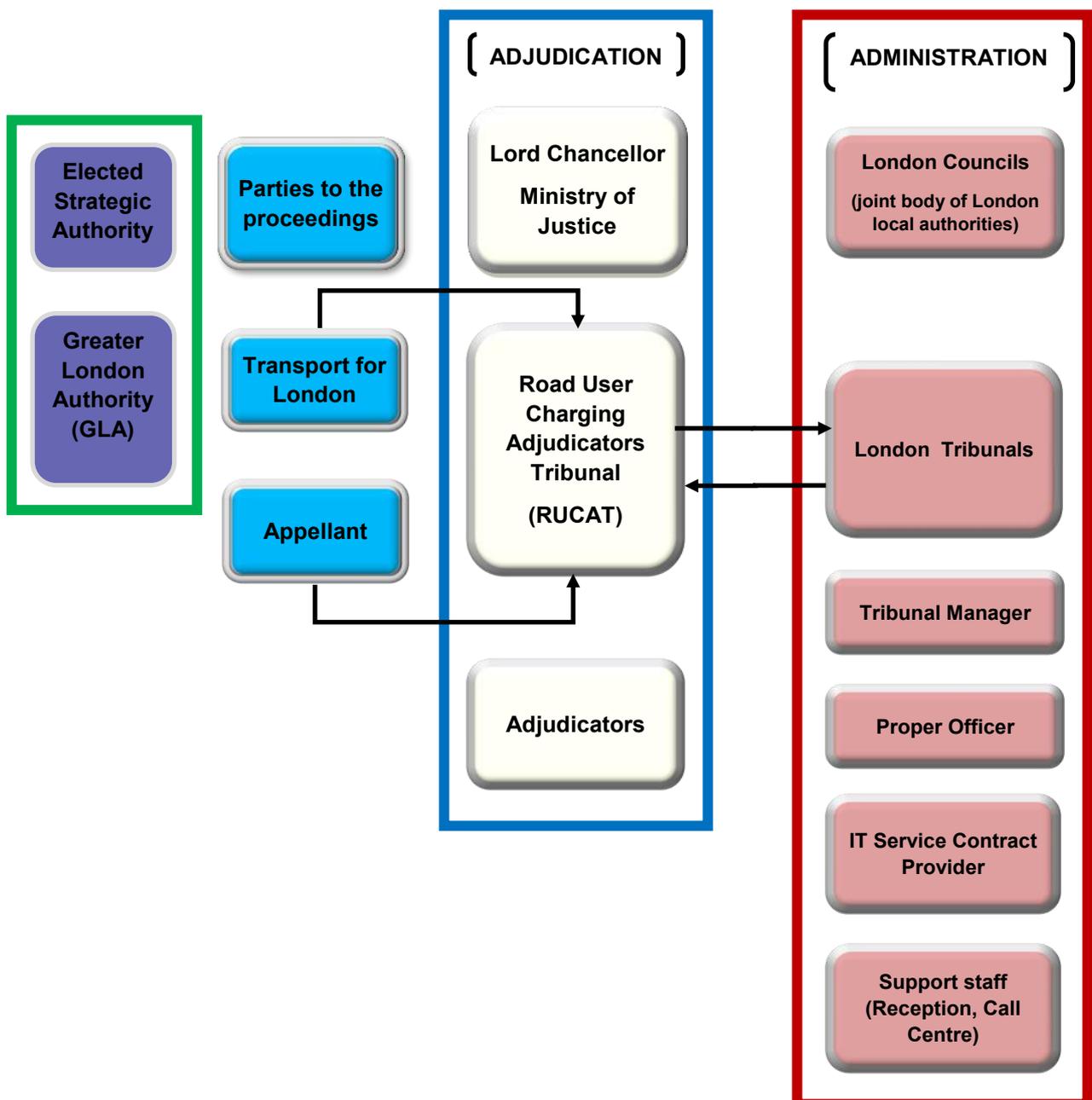
RUCAT is the 'Road User Charging Adjudicators Tribunal'. It is an independent tribunal which decides appeals against Congestion Charge, Low Emission Zone and Ultra Low Emission Zone penalties in London.

Who are London Tribunals?

London Tribunals is the name used by London Councils (the Service Provider) to provide administrative support to the Road User Charging Adjudicators.

This administrative support is provided by London Councils under contract to the GLA.

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





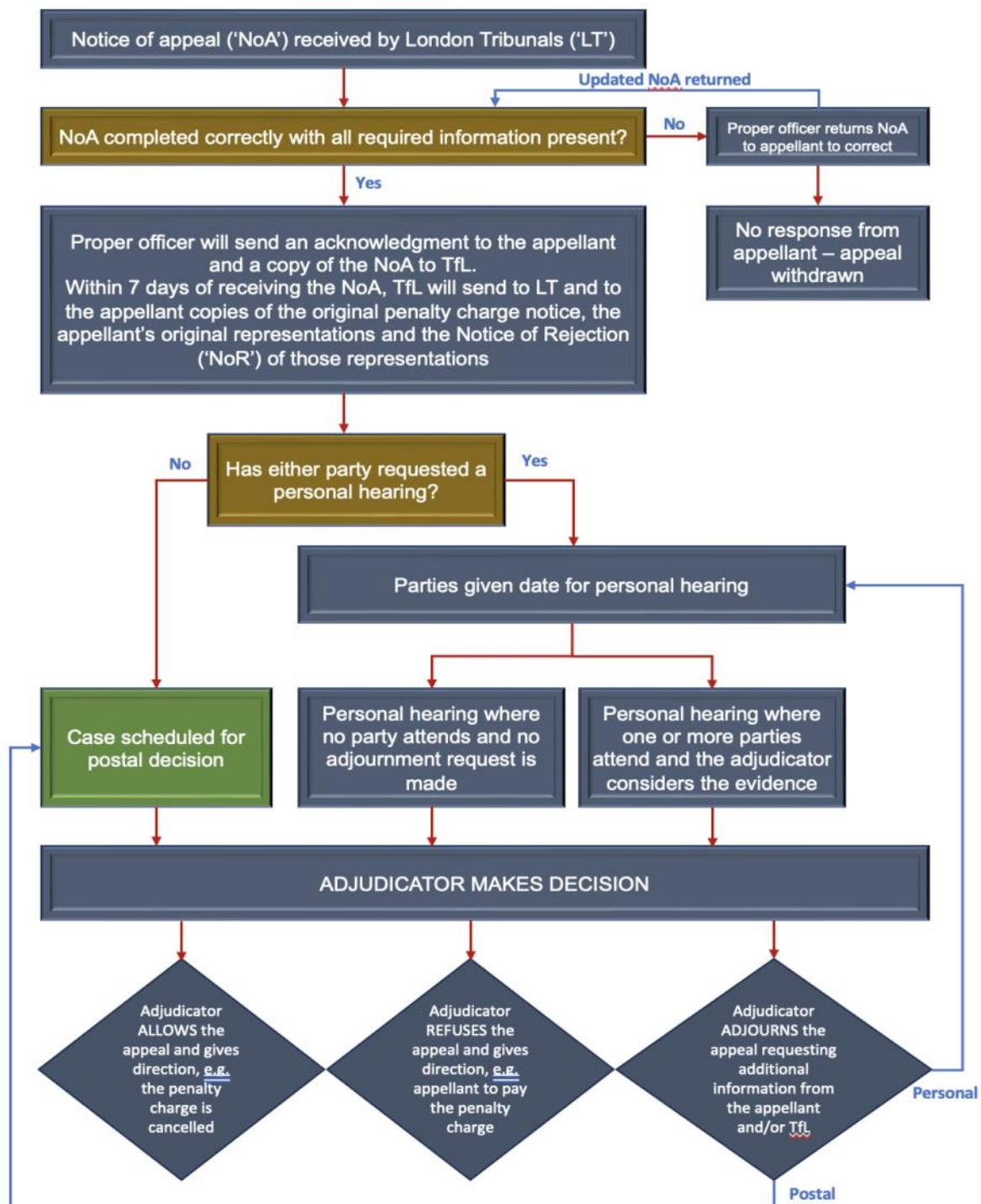
The appeal process

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

If TfL accepts those representations, then the PCN will be cancelled.

If TfL rejects the representations, the registered keeper of the vehicle, or their authorised representative, may appeal to the Road User Charging Adjudicator. The appeal is against TfL's decision to reject the written representations.

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



Grounds of appeal

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

This means that TfL must produce evidence to the Adjudicator to prove that:

- 1) A relevant vehicle;
- 2) was used or kept within the congestion charge area, low emission zone or ultra 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 TfL or that the vehicle was not subject to an exemption.

If TfL 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.

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

The Adjudicator CANNOT consider mitigating factors. This has been upheld by the Court of Appeal in *Walmsley v TfL and Others* [2005] EWCA Civ 1540.

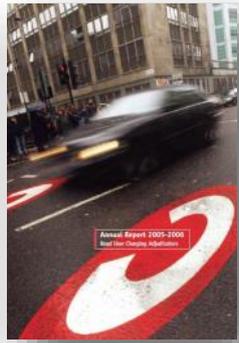




Previous annual reports (click on image to view)



2003-04



2004-05



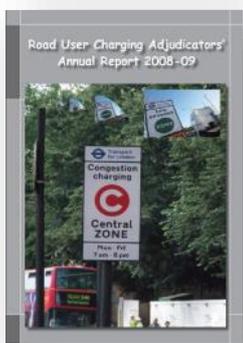
2005-06



2006-07



2007-08



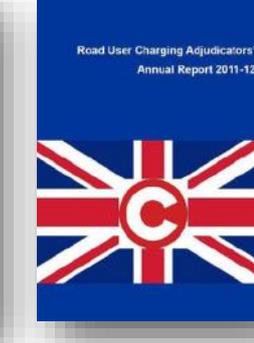
2008-09



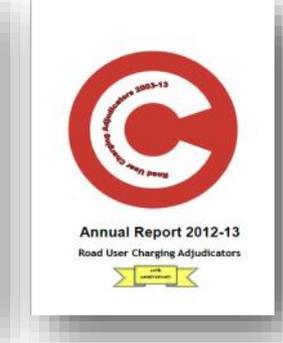
2009-10



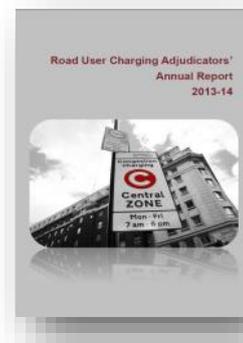
2010-11



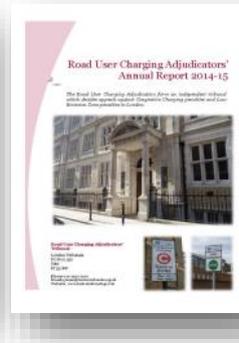
2011-12



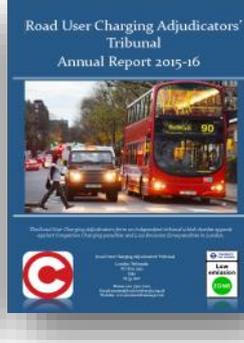
2012-13



2013-14



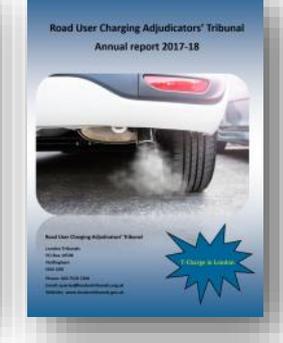
2014-15



2015-16



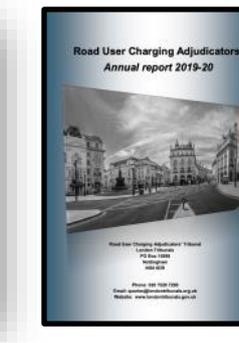
2016-17



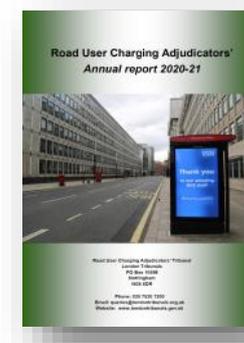
2017-18



2018-19



2019-20



2020-21



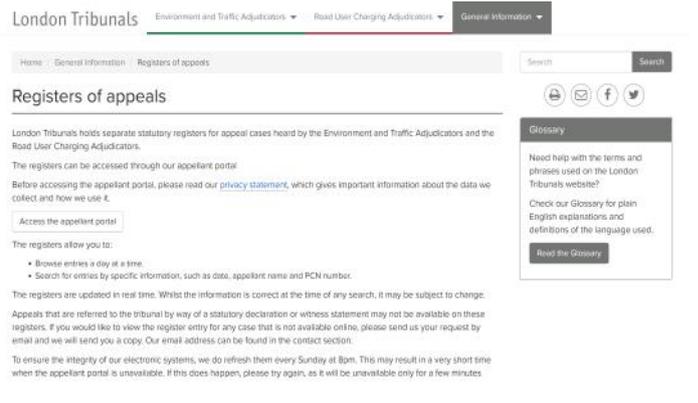
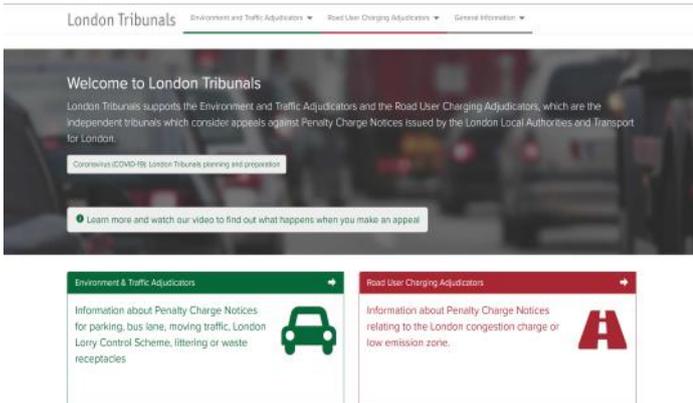
2021-22





London Tribunals' website

Statutory register



London Tribunals maintains a website (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.

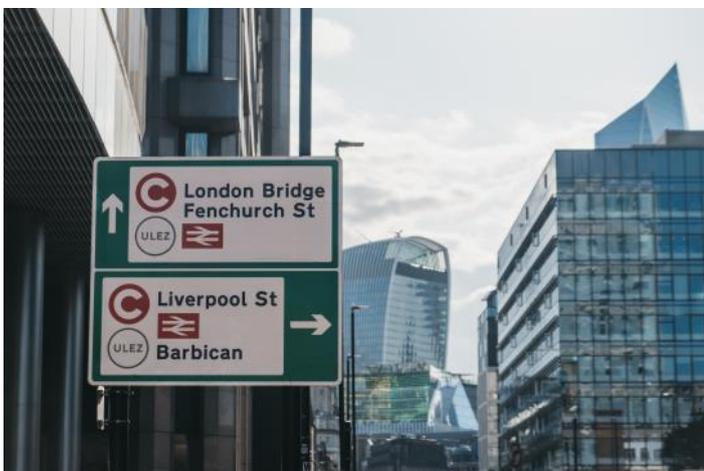
The Statutory Register (see right) can also be accessed through this website.

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 2001 (as amended)*.

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

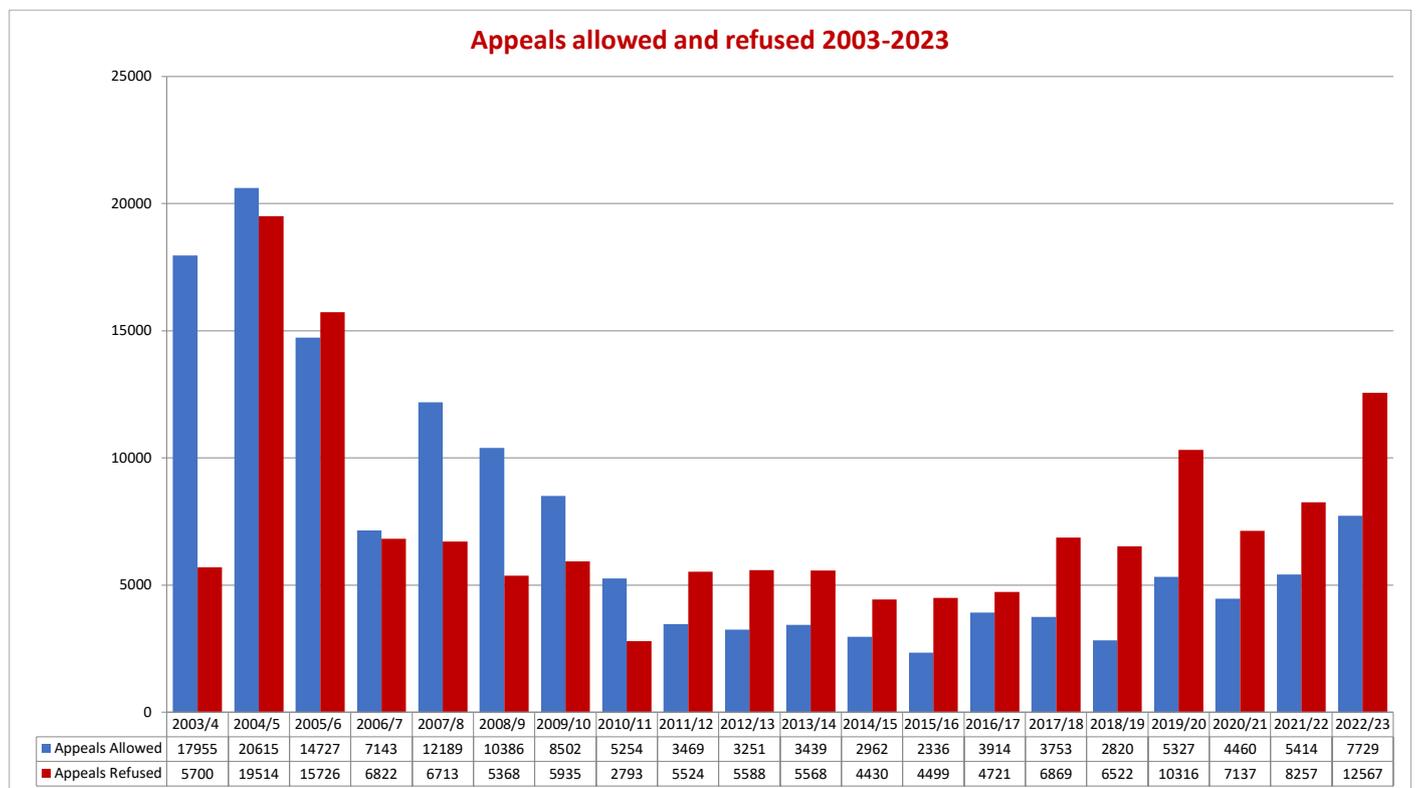
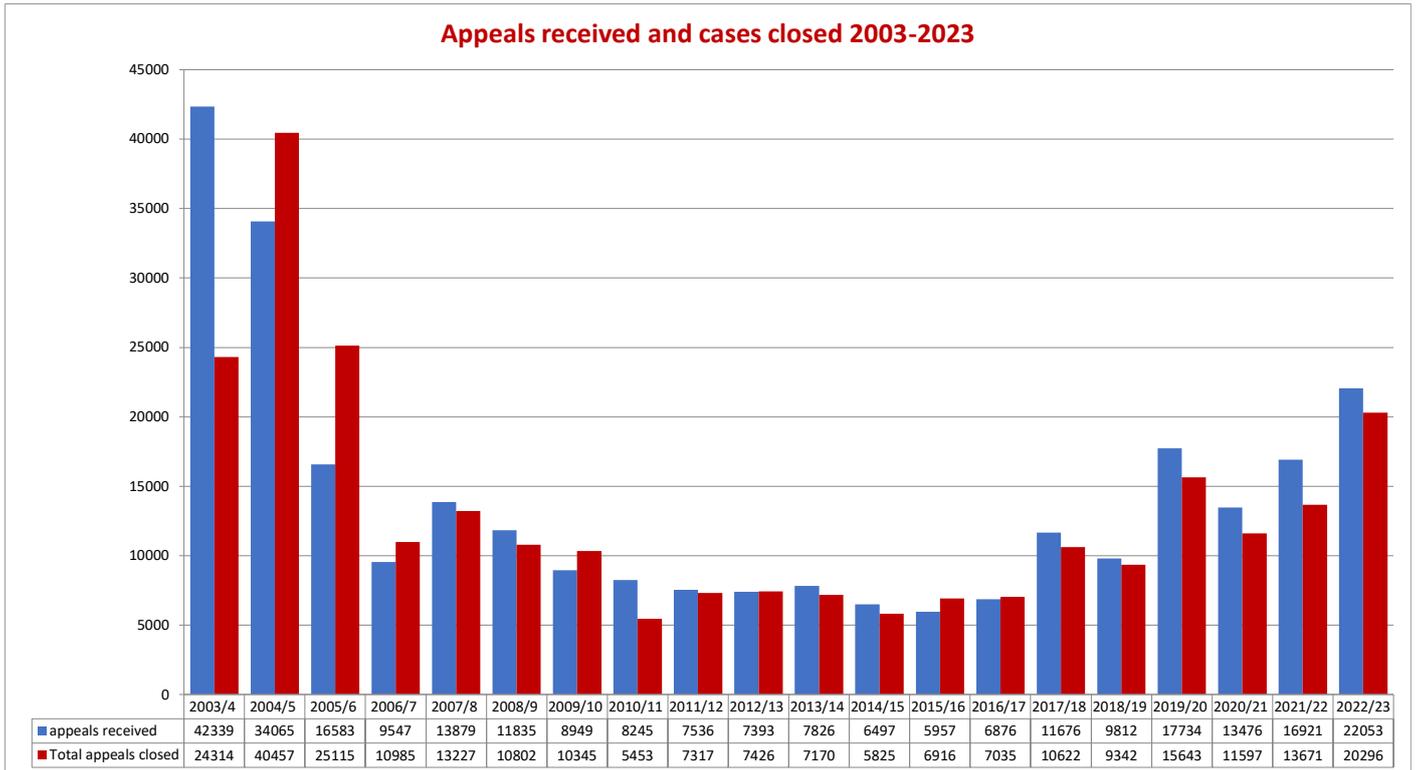
The Register can be viewed online at <https://www.londontribunals.gov.uk/> and can be browsed for one day of appeals at a time, or a more specific search (looking, for instance, at the appellant's name) can be made.

The Register can also be examined at the hearing centre.



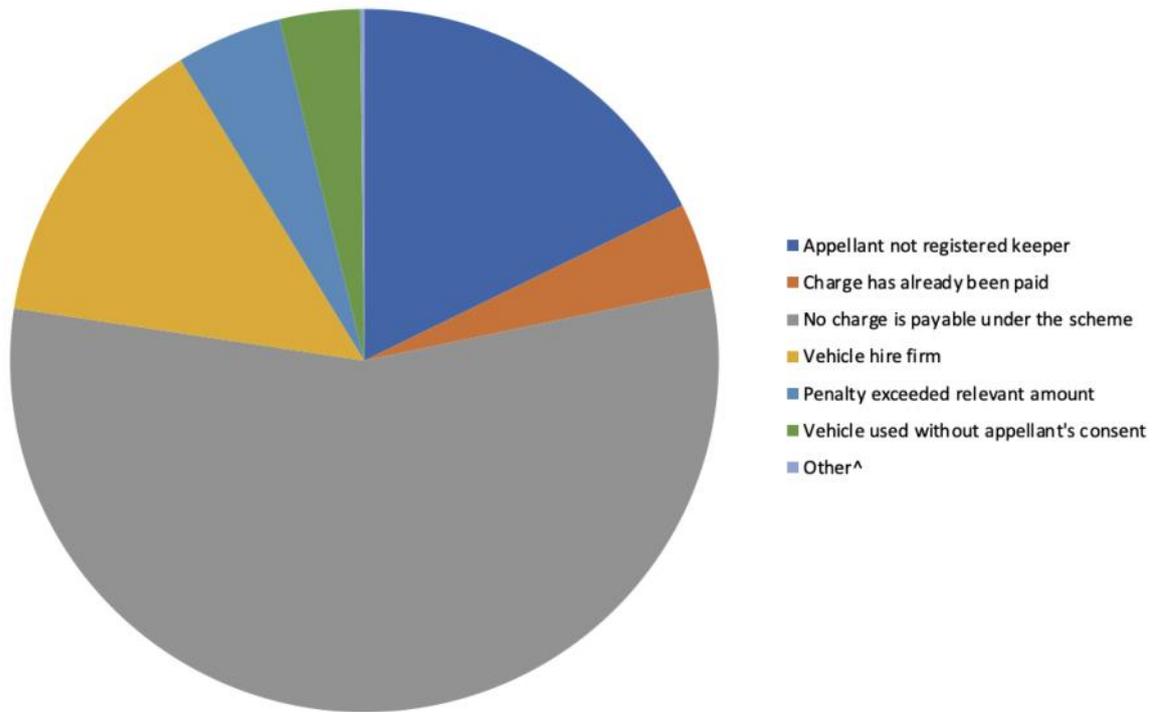


Appendix 1 — Appeals 2003—2023

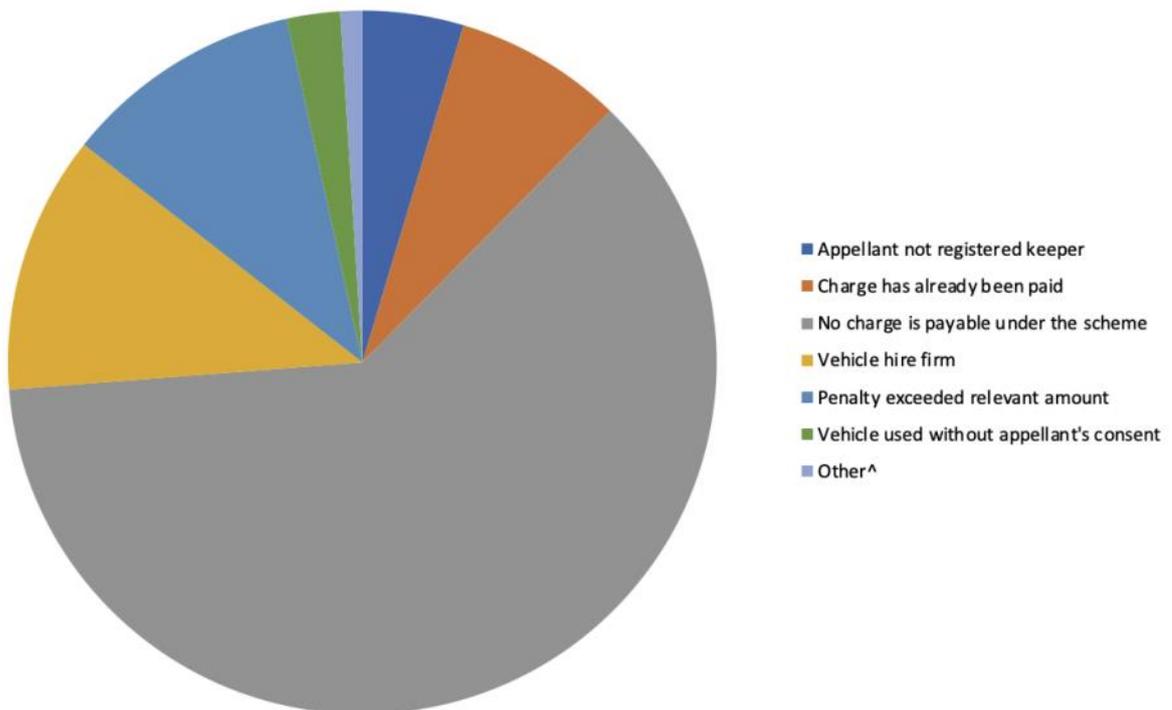


Appendix 2 - Appeal decisions (by ground) 2022/23

Summary of decisions by ground of appeal (allowed) 2022/23



Summary of decisions by ground of appeal (refused) 2022/23





Appendix 3 - Five years' Congestion charging statistics 2018-23 (see previous reports for figures prior to 2018)

	2018/19	2019/20	2020/21	2021/22	2022/23
Appeals received	9812	17734	13476	16921	22053
Total appeals closed	9342	15643	11597	13671	20296
Appeals withdrawn by appellants	235	749	422	410	427
Appeals not contested by TfL	1756	4559	3643	4093	5713
Appeals refused postal**	4326	6941	6449	6388	10798
Appeals allowed postal*	1703	3344	3610	4088	6237
Appeals refused personal**	2196	3375	688	1869	1769
Appeals allowed personal*	1117	1983	850	1326	1492
Closed administratively	0	0	0	0	0
Appeals adjourned	237	886	21	209	858
Review decisions	311	130	90	249	571
Costs decisions	25	42	107	85	41
Postal cases ready for adjudication at end of year	427	1378	842	1398	1327
Personal hearings scheduled	606	1948	1072	1427	1297
% withdrawn by appellants	2.52%	4.79%	3.64%	3.00%	2.10%
% not contested by TfL	18.80%	29.14%	31.41%	29.94%	28.15%
% refused postal**	46.31%	44.37%	55.61%	46.73%	53.20%
% allowed postal*	18.23%	21.38%	31.13%	29.90%	30.73%
% refused personal**	23.51%	21.58%	5.93%	13.67%	8.72%
% allowed personal*	11.96%	12.68%	7.33%	9.70%	7.35%
% closed administratively	0.00%	0.00%	0.00%	0.00%	0.00%
% of cases allowed	30.19%	34.05%	38.46%	39.60%	38.08%
Average postal hearing (mins)	13	8	16.24	14.79	10.89
Average personal hearing (mins)	25	17	10.31	12.37	9.95
% of cases 1st considered within 56 days	69.23%	88.80%	46.57%	76.24%	61.19%
Average days delay	56	41	79	49	76
% hearings within 15 mins	85%	89%	n/a~	n/a~	100%
Summary of decisions by ground of appeal (allowed)	2018/19	2019/20	2020/21	2021/22	2022/23
Appellant not registered keeper	359	534	725	759	1370
Charge has already been paid	115	344	149	265	307
No charge is payable under the scheme	1858	2901	2460	2876	4304
Vehicle hire firm	553	1197	812	1109	1077
Penalty exceeded relevant amount	82	262	169	238	373
Vehicle used without appellant's consent	86	89	57	105	283
Other^	0	0	1	62	15
Summary of decisions by ground of appeal (refused)	2018/19	2019/20	2020/21	2021/22	2022/23
Appellant not registered keeper	166	255	265	165	580
Charge has already been paid	322	767	344	442	971
No charge is payable under the scheme	4291	5509	3901	4762	7719
Vehicle hire firm	1059	2828	1881	1873	1490
Penalty exceeded relevant amount	390	830	747	909	1376
Vehicle used without appellant's consent	41	122	86	99	306
Other^	20	5	0	7	125

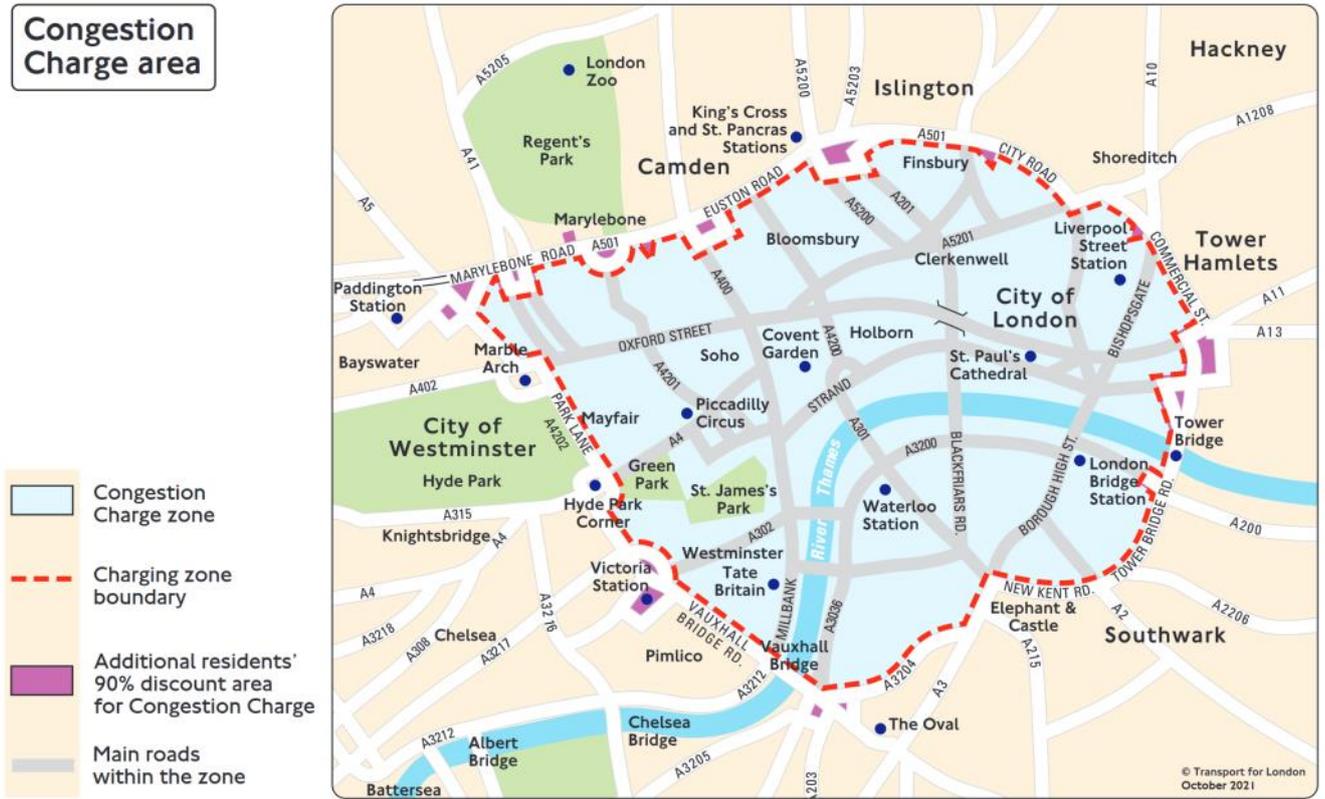
*figures include DNCs

**figures include Withdrawals

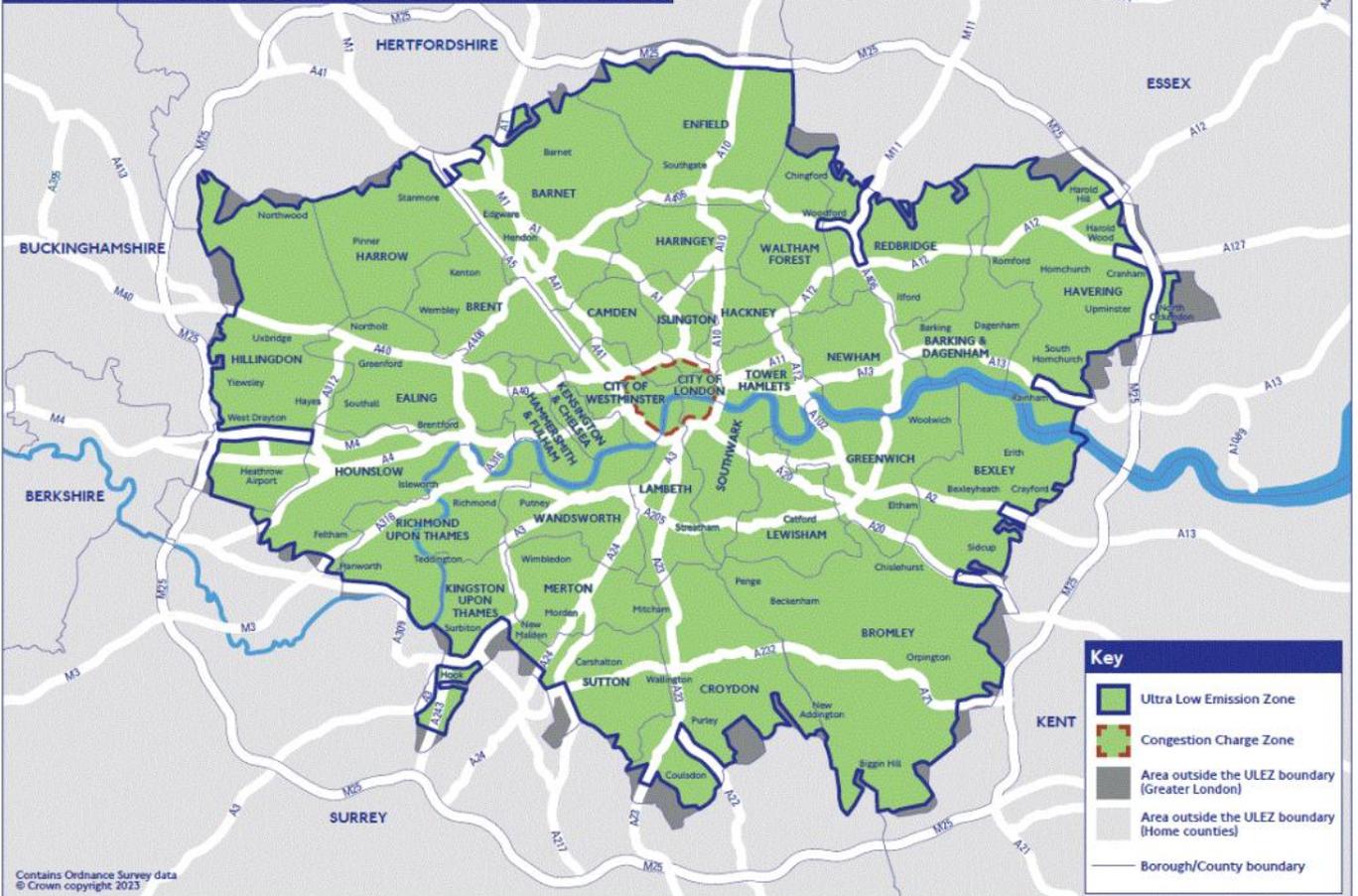
^ Cases where the ground of appeal is not recorded

~ Not recorded this year as adjudicators had been conducting telephone hearings

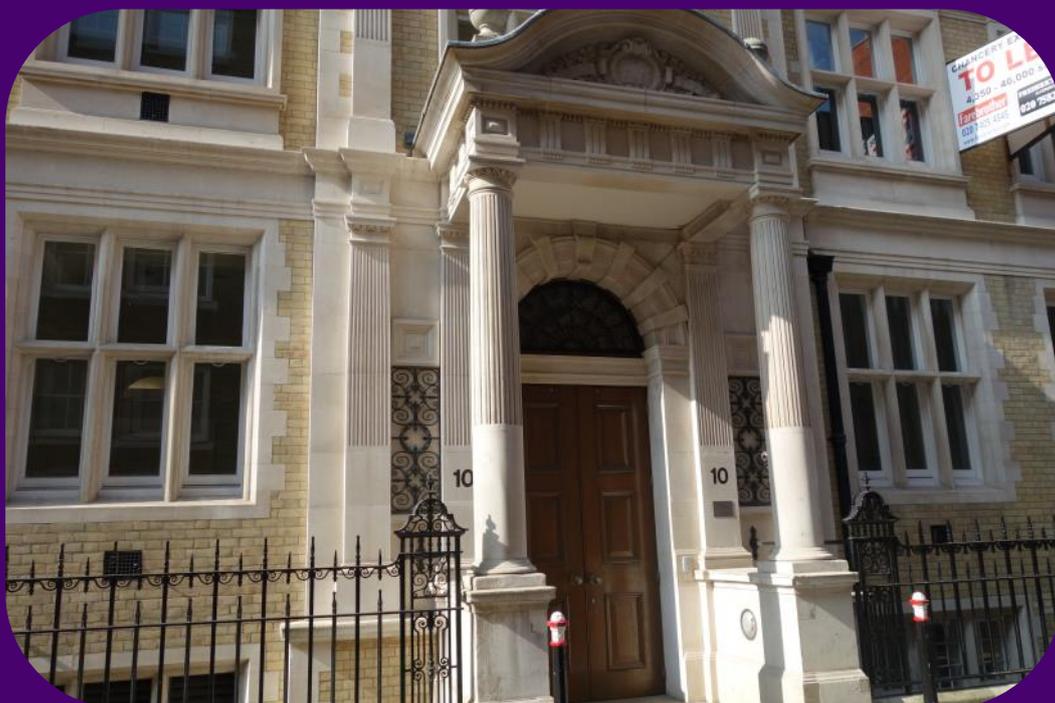
Appendix 4 - Congestion Charge and Ultra Low Emission Zone maps



Map showing the Ultra Low Emission Zone from 29 August 2023







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**Hearing Centre at:
Chancery Exchange (Ground Floor)
10 Furnival Street, London, EC4A 1AB**

Useful addresses

Office for Judicial Complaints

10th Floor Tower, 102 Petty France, London, SW1H 9AJ

Telephone: +44-(0) 203 334 2555

Fax: +44-(0) 203 334 2541

E-mail: customer@ojc.gsi.gov.uk

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

Office of the Judicial Appointments and Conduct Ombudsman

9th Floor Tower, 102 Petty France, London, SW1H 9AJ

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