Road User Charging Adjudicators' Annual report 2021-22



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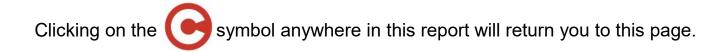


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1. Chief Adjudicator's foreword

I am pleased to present to the Secretary of State the Report of the Road User Charging Adjudicators (RUCA) for the year 2021-2022.

The Tribunal has now returned to normal working conditions following the end of Coronavirus restrictions. We are once again hearing appeals face to face and are continuing to offer appellants the chance to have their appeals heard from Mondays to Saturdays with evening hearings available on Thursdays.

The Ultra Low Emission Zone (ULEZ) was expanded in October 2021 to the north and south circular roads, and a consultation is under way regarding a further expansion of the Zone to cover Greater London. The proposal is that the extension will be from 29 August 2023 and will essentially cover the same area as the current Low Emission Zone (LEZ) The scheme has also been additional extended to apply to categories of vehicles.

The Tribunal has undertaken appraisals on all adjudicators during the current year. I would like to express my appreciation for the work of the three appraisers: Jane Anderson, Alison Spicer and Christopher Woolley - for the completion of the appraisals in a timely and thorough way. Many found adjudicators the process beneficial in helping them not only to conduct hearings but also to write their decisions in an effective way.

We have been able to deliver bi-annual training sessions to adjudicators remotely, using a video platform, which has ensured that adjudicators were fully trained during the Covid-19 restrictions.

An annual day is arranged for September 2022 when all adjudicators, including those recruited in 2019, will be able to meet in person for the first time as a group and benefit from training sessions, discussion groups and guest speakers.

This year has seen the level of appeals received increase to 16,921 (up from 13,476 in 2020/21), with the number of appeals closed also increasing to 13,671 from 11,597. 76.4% of appeals were first considered within 56 days (up from 46.5% in 2020/21). The average delay for appeals fell to 49 days (down from 79 days in 2020/21). These figures represent a return to long term averages and performance after the disruption caused by the COVID epidemic in 2020/21.

RUCA is undergoing a further recruitment process for new adjudicators to meet demand and to increase the pool of adjudicators available to hear appeals.

I would like to thank those adjudicators and colleagues who have been very supportive during the year and without whose continuing loyalty and support this would not be a most enjoyable job.

Looking ahead to any further changes on the horizon, I am confident that we are prepared to meet every new challenge to our tribunal service.

Ingrid Persadsingh

Chief Adjudicator Road User Charging Adjudicator Tribunal



2. Ingrid - An appreciation

Ingrid Persadsingh, the Chief Adjudicator of the Road User Charging Tribunal (RUCA), has announced her retirement from this role. She has been the Chief Adjudicator since the beginning of the Tribunal in 2003.

We, the RUCA adjudicators, wish to express our appreciation of her work and achievements as Chief Adjudicator from the inception of the Tribunal until now.

When Ingrid was appointed Tony Blair was the Prime Minister and Ken Livingstone was the Mayor of London. Since then there have been five Prime Ministers and two London mayors. She has led the Tribunal through a momentous period of history both for London and the UK.

Notable events would include the financial crisis of 2008 and its aftermath; the 2012 Olympics; the Covid epidemic, and most recently the death of Her Late Majesty Queen Elizabeth II.

The challenges which Ingrid has faced in this role are well documented in the previous annual reports.

When RUCA was set up in 2003 the level of work which the Tribunal would have to handle had been grossly underestimated, and Ingrid had to cope with a huge surge of appeals with the relatively few adjudicators who had been first appointed (no more than 12, including the Chief Adjudicator).

The Tribunal had been set up to handle 7,000 appeals in a year but by March 2004 a total of 42,339 appeals had been received.

A second recruitment drive was organised and the number of adjudicators increased to 42.

The level of appeals then settled down and Ingrid concentrated on bringing down the waiting times for appeals and in consolidating the practice within the Tribunal.

Over the years retirements and resignations had reduced the number of adjudicators but a further recruitment drive in 2018/19 has seen the number of adjudicators stabilise at 38. A further competition is underway as this report goes to press.

A notable event in the early years of the Tribunal was the decision of the Court of Appeal – Walmsley v Lane [2005] EWCA Civ 1540. This has been the only decision of the Court of Appeal ever to consider the work of the Tribunal. This decision established that Adjudicators had no power of discretion when deciding appeals, but had to operate strictly under the six statutory grounds of appeal.

There were a number of helpful administrative court decisions, such as R (on the application of Dolatabadi [2005] EWHC 1942 (Admin) which established that when an adjudicator made findings of fact an appellant was entitled to rely upon them, and R (on the application of FivePounds.co.uk) v TfL [2005] EWHC 3002 (Admin) which legitimate clarified the law on expectation within the Tribunal.

The relative lack of higher judicial decisions in recent years about the Tribunal's work shows that the law is now well-settled.



2. Ingrid – An appreciation (cont'd)

The Tribunal was set up to deal with appeals relating to the Congestion Charge zone, but by 2008 was required to hear appeals in respect of a new charging regime, namely the Low Emission Zone.

Ingrid prepared for this new work with an extensive programme of liaison with Transport for London and in training us to adjudicate in this new area.

These new appeals required an understanding of different types of vehicle within a zone much broader in its geographical extent than the congestion charge zone.

In addition the penalties for a Low Emission zone breach were much higher than for a Congestion Charge breach (sometimes reaching hundreds or even thousands of pounds) and the responsibility to get things right was that much weightier.

Further developments (such as the Ultra Low Emission zone) have also involved Ingrid in liaison and training.

Early on in the life of the Tribunal Ingrid established an appraisal system which has been vital in maintaining the high standards expected of us as adjudicators.

In the early years of RUCA Ingrid made a number of recommendations to Transport for London, drawn from the experiences of adjudicators in dealing with appellants.

These recommendations were made in the desire to improve the whole system, and many were accepted by Transport for London. Very few recommendations have had to be made in recent years, which perhaps again shows that the Road User Charging regime is well understood and well operated.

There have been, along the way, some innovations that did not last. One example was the western extension to the Congestion Charge zone in February 2007. The Western extension was finally abolished in January 2011.

The Emission charge (or "T charge") has now been incorporated into the Ultra Low Emission Charge (introduced from 8th April 2019).

Transport for London have however introduced procedures which have lasted – such as the introduction of Congestion Charging AutoPay in November 2010. All of these innovations have required adaptations to the practice of the Tribunal.

Ingrid had to steer the Tribunal through the financial crisis of 2008 when appeal numbers dropped and training courses had to be postponed, and the Covid epidemic of 2020/21 when the Tribunal was closed for several months.

The annual report for that year had a cover picture showing Piccadilly Circus empty of traffic in the middle of the day, and a billboard with an image of Her Late Majesty the Queen thanking the NHS and care workers for their work during the epidemic.

One useful and continued innovation from the Covid epidemic has been the new facility to hear appeals by telephone. This enables appellants to participate in the hearing without having to travel to the Tribunal centre.



2. Ingrid – An appreciation (cont'd)

The Tribunal has been housed in three centres during its existence. Its first home was at New Zealand House in the Haymarket, where appellants may have been startled to enter the hearing centre underneath a giant "Pou Whenua" (a Maori land post similar to a totem pole).

The Tribunal moved in 2009 to The Angel Islington, and then in July 2015 to its present location near Chancery Lane. It was a source of satisfaction to Ingrid that the Tribunal had moved closer to the centre of London's legal community. 2015 also saw a change of Service Provider and Ingrid with her heavily involved team was in developing systems with this new partner.

Adjudicators have come and gone but the original core of Adjudicators largely remains. This is a tribute to the care and guidance which Ingrid has devoted to us in her time as Chief Adjudicator. To many she has not only been the Chief Adjudicator but also a counsellor and friend, although always within the bounds of a professional relationship. For many adjudicators this was our first judicial appointment, but several of us have now gone on to become District Judges, First-tier Tribunal judges and members, or even to be appointed to the Circuit bench. Inarid has encouraged us to advance our judicial careers from this springboard.

Much of Ingrid's work has been behind the scenes and therefore largely unseen by us the adjudicators.

She has led negotiations and discussions on behalf of RUCA with Transport for London, the Greater London Authority and London Tribunals. She has done this with great skill and integrity.

She has fought hard and successfully for the best interests of RUCA. At times the pressure on her has been considerable, but it is the mark of an exceptional leader that very little of this pressure has ever been transmitted down to adjudicators themselves.

Ingrid would be the last person to claim for herself any special legacy to this Tribunal, but it is undeniable that she has left a strong and valuable legacy behind her. RUCA is now an accepted feature of London life – Ingrid's long and steady tenure of the Chief Adjudicator role has ensured this.

She has enabled the Tribunal to consolidate itself. She has insisted on the highest standards both in the hearing of appeals and the writing of decisions.

The work of the Tribunal may be comparatively humble in judicial terms but both appellants and Transport for London are entitled to fair treatment and clear decisions, and this (thanks to Ingrid) they have largely received.

These high standards will continue.

Ingrid has been the guiding hand of her "family" of Adjudicators and has ensured that the Tribunal has always been a supportive place of work for us all. It has also been an exceptionally happy place in which to work.

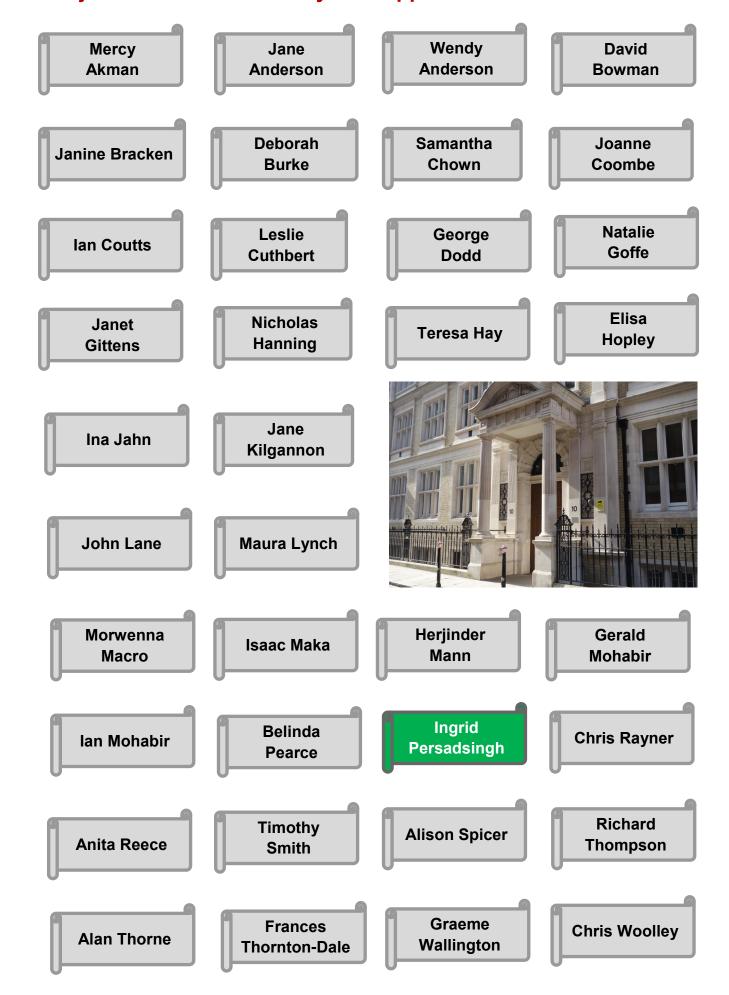
We wish Ingrid a long and contented retirement.

We shall miss her.

The adjudicators



3. Adjudicators who currently hear appeals





4. Aims and objectives 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, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex.
- To enhance the quality and integrity of the road user charging appeals process.



5. The role of the 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.





6. "Statement of Requirements"

- as defined by the Greater London Authority ('GLA') and setting 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) decisions 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, 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.
- 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 the 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 the 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, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex;
- 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.





7. Useful Information

The structure of the Road User Charging Adjudicators' Tribunal

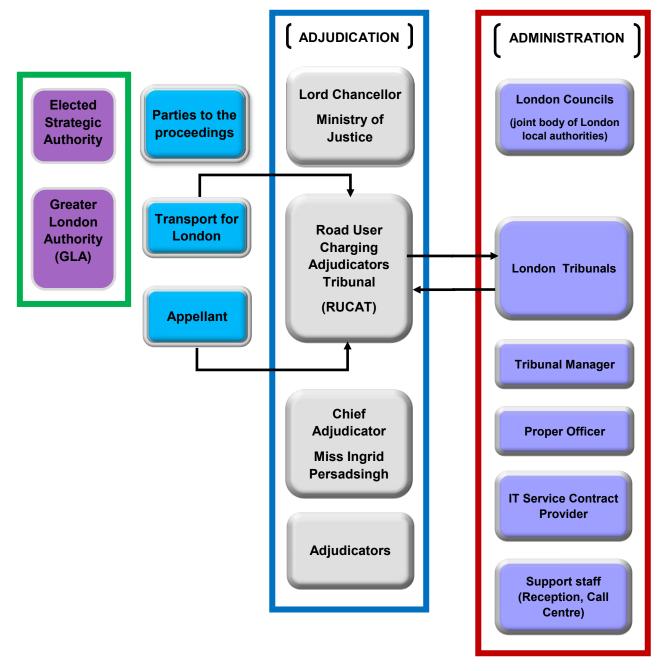
What is 'RUCAT'?

RUCAT is the 'Road User Charging Adjudicators Tribunal'. It is an independent tribunal which decides appeals against Congestion Charge and Ultra 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 Environment 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:





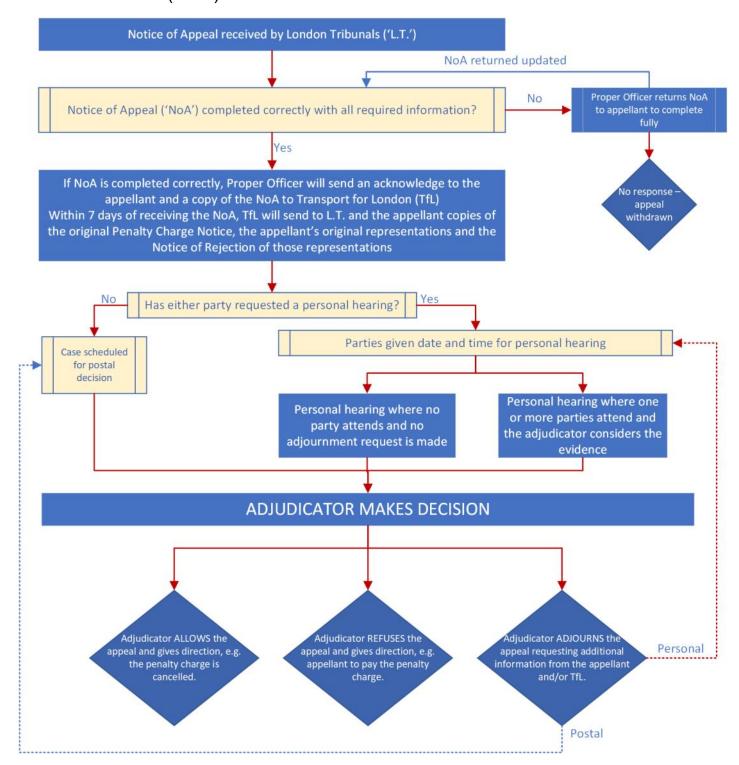
The appeal process

If Transport for London ('TfL') serves a Penalty Charge Notice ('PCN') arising from an alleged Congestion Charge 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 may APPEAL to the Road User Charging Adjudicator. The APPEAL is an appeal 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 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 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 both alleged congestion charge and ultra low emission zone contraventions.

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



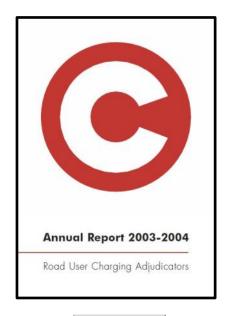




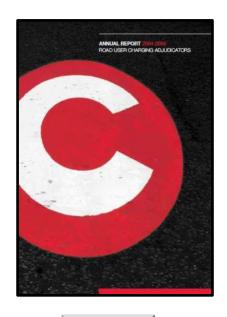




Previous annual reports (click on report cover to view)





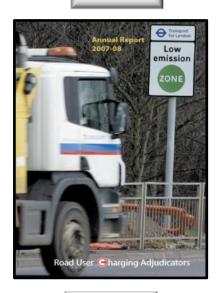


2003-04

2004-05

2005-06



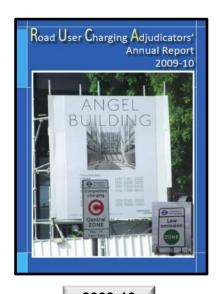


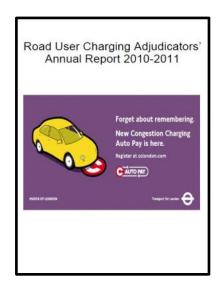


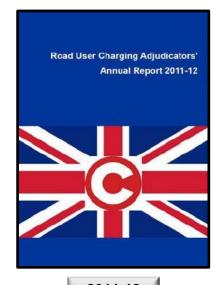
2006-07

2007-08

2008-09







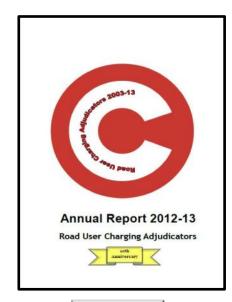
2009-10

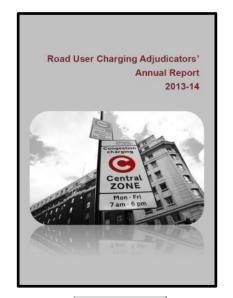
2010-11

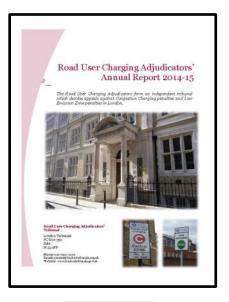
2011-12



Previous annual reports (click on report cover to view)



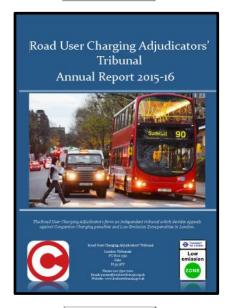


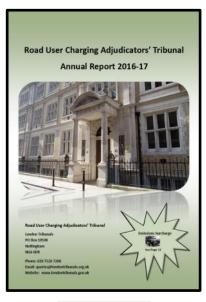


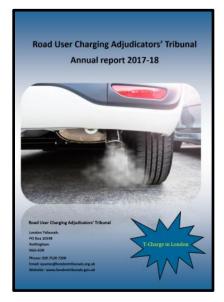
2012-13

2013-14

2014-15



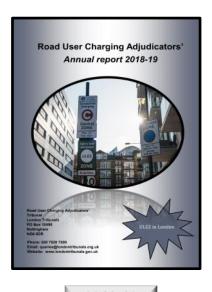


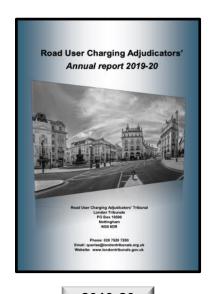


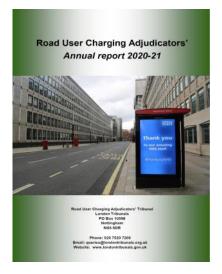
2015-16

<u>2016-17</u>

2017-18







2018-19

2019-20

2020-21



London Tribunals' website



Registers of appeals London Thiurable holds separate statutory registers for appeal cases heard by the Environment and Traffic Adjudications and the Bade User Changing Adjudications. The registers can be accessed through our appealant postal place accessing the appealant postal, please read our privacy statement, which gives important information about the data we collect and now we use it. Access the appealant postal post

The registers are updated in real time. Whilst the information is correct at the time of any search, it may be subject to change

Statutory register

London Tribunals Em

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 all appeals and the decisions made on them.

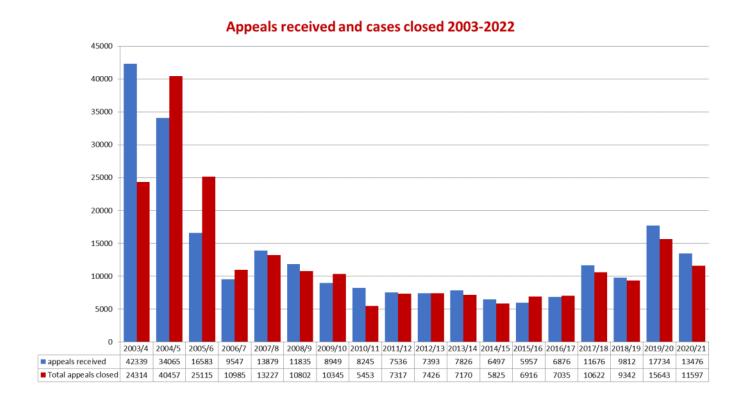
The Register can be viewed online at https://www.londontribunals.gov.uk/ and can be browsed for one day of appeals at a time, or a more specific search (looking, for instance, at the appellant's name) can be made.

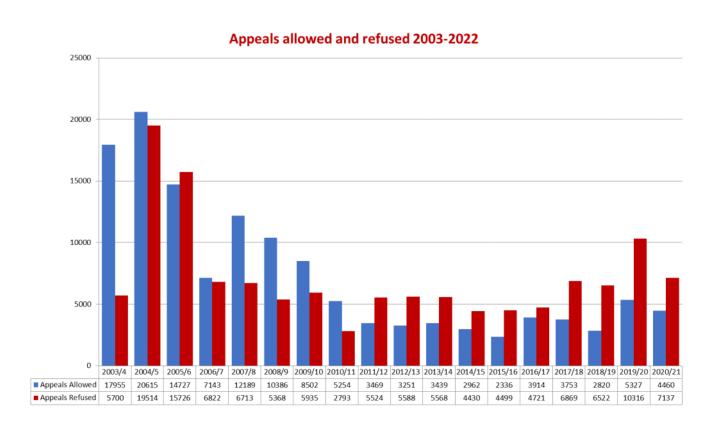
The Register can also be examined at the hearing centre.





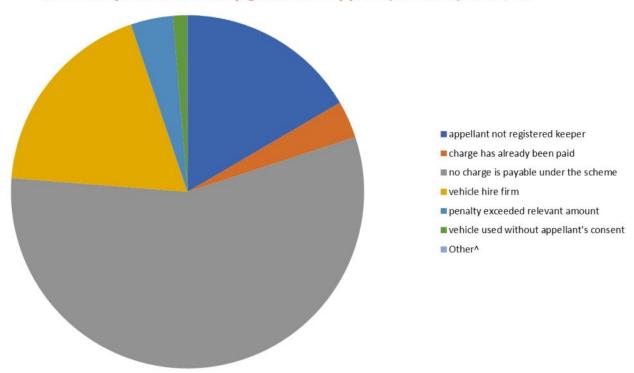
Appendix 1 — Appeals 2003—2022



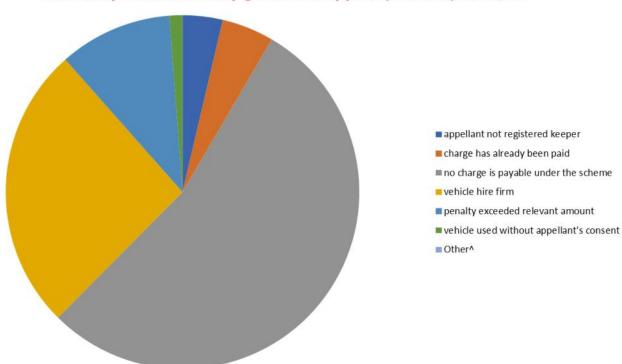


Appendix 2 - Appeal decisions (by ground) 2021/22

Summary of decisions by ground of appeal (allowed) 2021/22



Summary of decisions by ground of appeal (refused) 2021/22





Appendix 3 - Five years' Congestion charging statistics 2017-22 (see previous reports for figures prior to 2017)

	2017/18	2018/19	2019/20	2020/21	2021/22
Appeals received	11676	9812	17734	13476	16921
Appeals closed	10622	9342	15643	11597	13671
Appeals withdrawn by appellants	132	235	749	422	410
Appeals not contested by TfL	2738	1756	4559	3643	4093
Appeals refused postal	4572	4326	6941	6449	6388
Appeals allowed postal	3152	1703	3344	3610	4088
Appeals refused personal	2297	2196	3375	688	1869
Appeals allowed personal	601	1117	1983	850	1326
Closed administratively	0	0	0	0	0
Appeals adjourned	326	237	886	21	209
Review decisions	269	311	130	90	249
Costs decisions	9	25	42	107	85
Postal cases ready for adjudication at end of year	791	427	1378	842	1398
Personal hearings scheduled	629	606	1948	1072	1427
% withdrawn by appellants	1.24%	2.52%	4.79%	3.64%	3.00%
% not contested by TfL	25.78%	18.80%	29.14%	31.41%	29.94%
% refused postal	43.04%	46.31%	44.37%	55.61%	46.73%
% allowed postal	29.67%	18.23%	21.38%	31.13%	29.90%
% refused personal	21.62%	23.51%	21.58%	5.93%	13.67%
% allowed personal	5.66%	11.96%	12.68%	7.33%	9.70%
% closed administratively	0.00%	0.00%	0.00%	0.00%	0.00%
% of cases allowed	35.33%	30.19%	34.05%	38.46%	39.60%
Average postal hearing (mins)	11	13	8	16.24	14.79
Average personal hearing (mins)	14.25	25	17	10.31	12.37
% of cases 1st considered within 56 days	71.82%	69.23%	88.80%	46.57%	76.24%
Average days delay	53	56	41	79	49
% hearings within 15 mins	85%	85%	89%	n/a*	n/a*

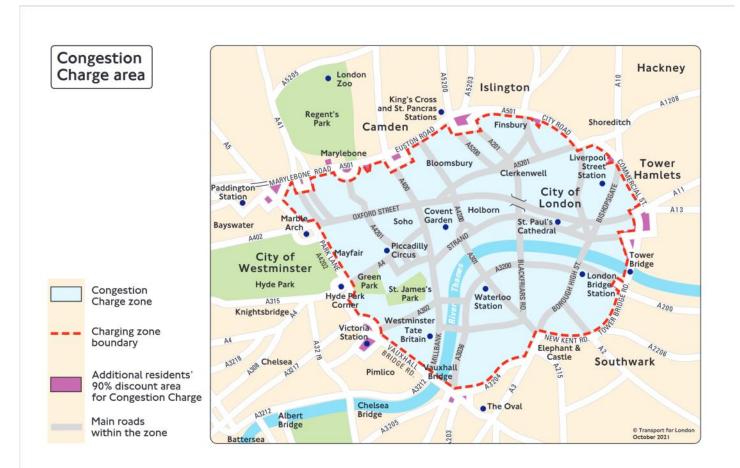
Summary of decisions by ground of appeal (allowed)		2018/19	2019/20	2020/21	2021/22
Appellant not registered keeper		359	534	725	759
Charge has already been paid	308	115	344	149	265
No charge is payable under the scheme	2306	1858	2901	2460	2876
Vehicle hire firm	711	553	1197	812	1109
Penalty exceeded relevant amount	125	82	262	169	238
Vehicle used without appellant's consent	29	86	89	57	105
Other^	1	0	0	1	62
Summary of decisions by ground of appeal (refused)					
Appellant not registered keeper	130	166	255	265	165
Charge has already been paid	299	322	767	344	442
No charge is payable under the scheme	4416	4291	5509	3901	4762
Vehicle hire firm	1407	1059	2828	1881	1873
Penalty exceeded relevant amount	490	390	830	747	909
Vehicle used without appellant's consent	60	41	122	86	99
Other^	67	20	5	0	7

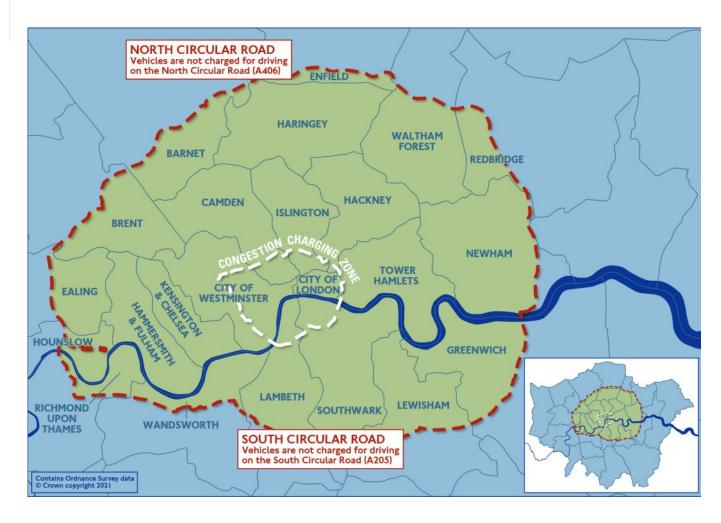
^{* -} not recorded this year as adjudicators have been conducting telephone hearings

^{^ -} cases where the ground of appeal is not recorded



Appendix 4 - Congestion Charge and Ultra Low Emission Zone maps









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

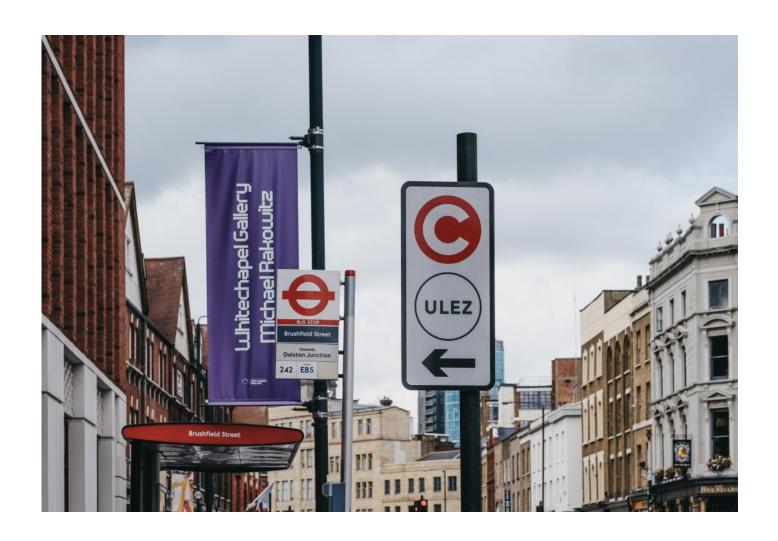
Website: http://judicialcomplaints.judiciary.gov.uk/

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





Road User Charging Adjudicators (RUCA)
London Tribunals
PO Box 10598
Nottingham
NG6 6DR

Telephone: +44-(0) 207 520 7200
(Monday to Thursday 8.00 am to 6.30 pm, Friday 8.00 am to 6.00 pm and Saturday 8.30 am to 2 pm, excluding bank holidays)

e-mail: queries@londontribunals.org.uk Website: http://londontribunals.gov.uk/

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

