

# Road User Charging Adjudicators’ *Annual report* 2023-24



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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 2023-2024.

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

On Friday 29 September 2023, all adjudicators attended our annual meeting which included training on dealing with applications for review, managing difficult situations, communicating with appellants whose first language is not English, and a discussion on common appeal scenarios.

Of the twenty-eight adjudicators appointed in 2023, twenty-five accepted their appointments, and were trained in small groups from October 2023. They are all now fully integrated and hearing appeals. Two of them, Lola Moses and Lâle Hussein-Venn, have written accounts of their initial impressions of working at the tribunal and these can be found in Sections 8 and 9 of this report.

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

Although there was a rise in appeals from January 2024, we did not receive the large increase in appeals which was anticipated.

London Councils, under contract to the Greater London Authority (GLA), has continued to provide administrative support for the Road User Charging Adjudicators. We would like to thank all the administrative and IT staff for their assistance.

This annual report includes a list of the adjudicators who have heard appeals in 2023-2024.

John Lane, one of the original cohort of adjudicators appointed in 2003 is retiring this summer. Many thanks go to him for his much-valued contribution to all aspects of adjudication work over the years. We all wish him well in his retirement and hope that he will enjoy the extra time to spend following his beloved Chelsea Football Club!

**Road User Charging Adjudicators  
August 2024**



## 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 Sept. 2023 to Aug. 2024

Mercy Akman

Philippa Alderson

Jane Anderson

Wendy Anderson

Sara Anzani

Anthony Baker

Edward Barnett

Sukhi Bakhshi

Heidi Berry

David Bowman

Deborah Burke

Cynthia Caiquo

Samantha Chown

Joanne Coombe

Chez Cotton

Ian Coutts

Leslie Cuthbert

George Dodd

Louise Fisher

Janet Gittens

Natalie Goffe

Richard Goss

Mark Harrison

Teresa Hay

Ravi Khosta

Gilda Kiai

Jane Kilgannon

Kavita Kumar

Darminder Lehal

John Lane

Catherine Loftus

Maura Lynch

Morwenna Macro

Isaac Maka

Herjinder Mann

Laura Marshall

Gregor McGill

Gerald Mohabir

Ian Mohabir

Lola Moses

Hayley Needham

Simon Newman

Belinda Pearce

Michael Range

Anita Reece

Sahil Sinha

Timothy Smith

Amarjit Kaur Soor

Alison Spicer

Richard Thompson

Alan Thorn

Frances Thornton-Dale

Alexandra Tucker

Lâle Hussein-Venn

Graeme Wallington

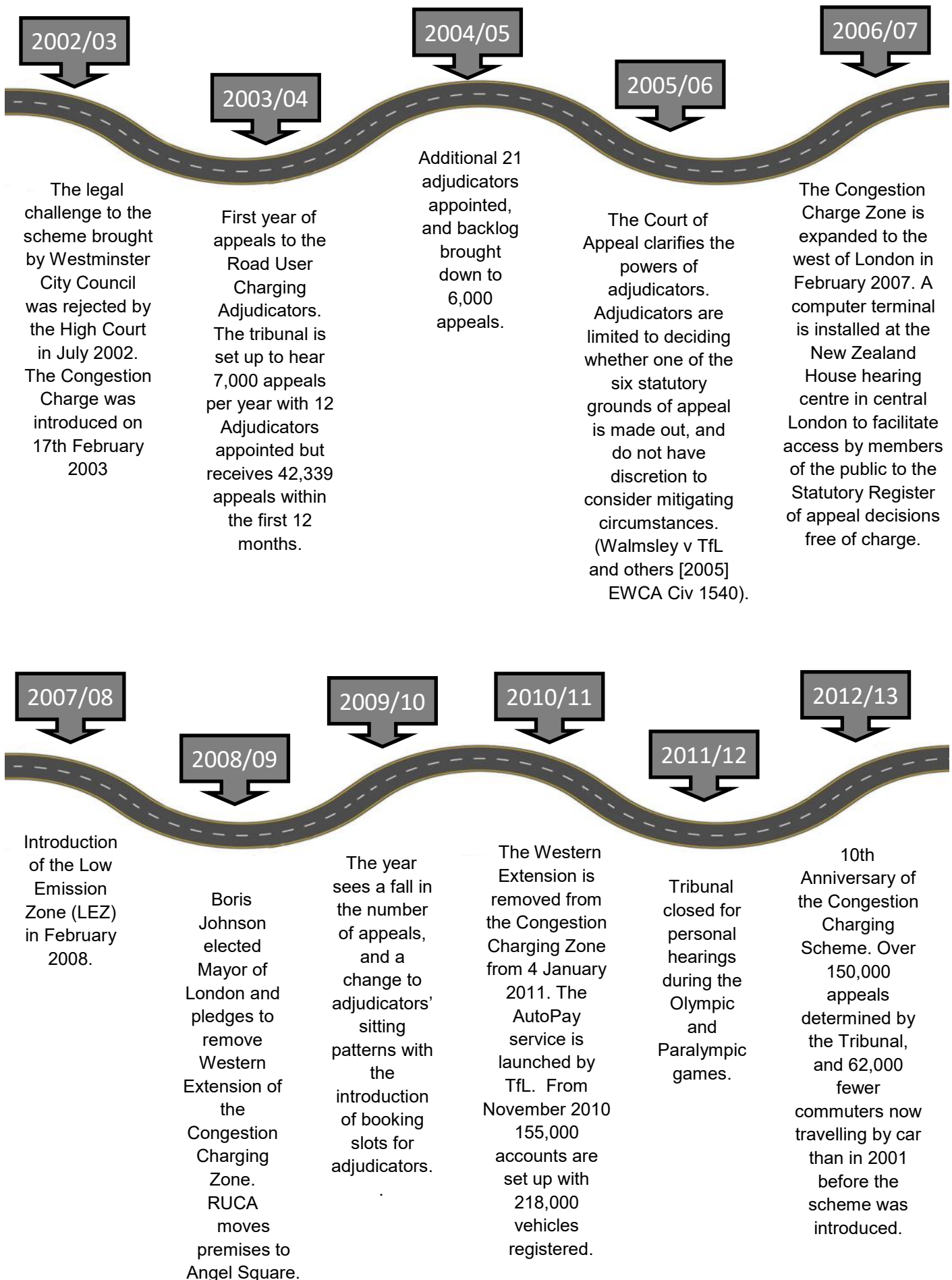
Christopher Woolley



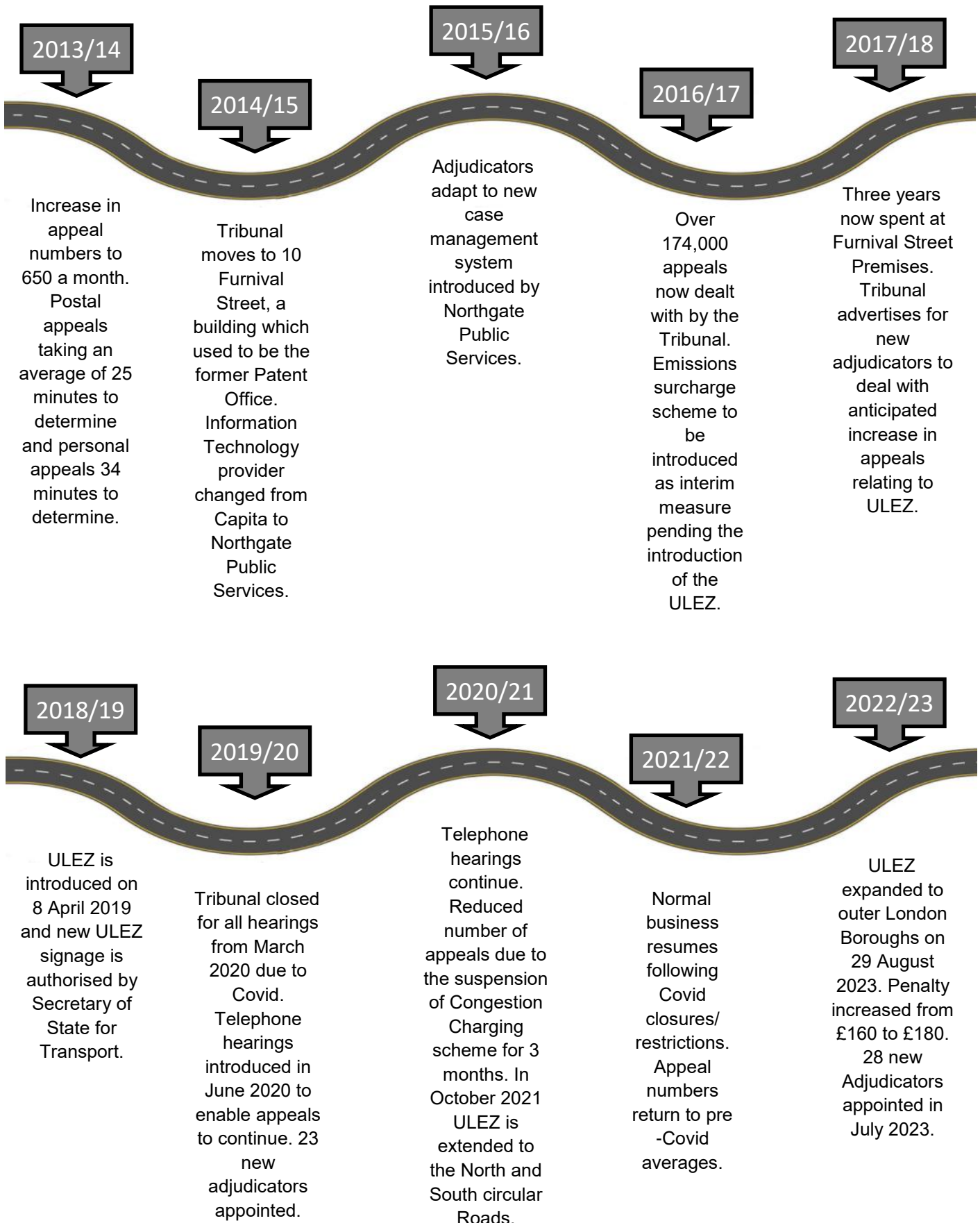




## 6. 21 years of Road User Charging Adjudicators







**by Anthony Baker, RUCAT Adjudicator**

## 7. Current Issues Before The Road User Charging Adjudicators

### Signage

We have received appeals in which appellants assert that signage for the Ultra Low Emission Zone (ULEZ) is inadequate.

The current legal position is that the signage in place for ULEZ has been authorised by the Secretary of State for Transport under sections 64 and 65 of the Road Traffic Regulation Act 1984 by authorisations numbered GT50/139/0171 and GT50/139/0183.

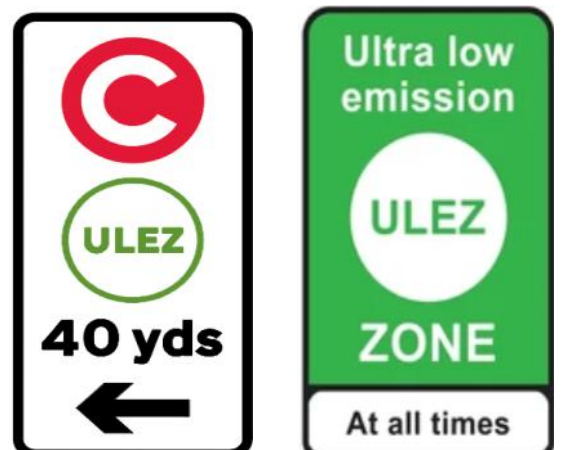
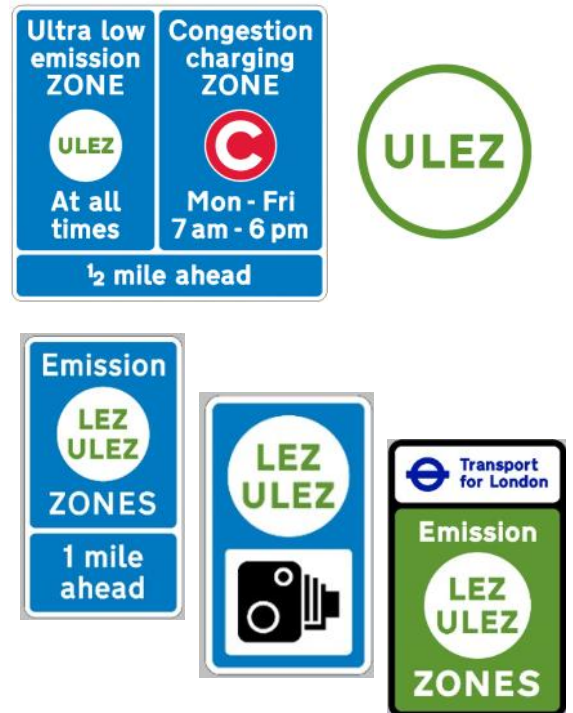
Paragraph 4 of authorisation GT50/139/0171 provides that entry signs "shall be placed on or near any road in Greater London in sufficient numbers and in appropriate positions to indicate to all traffic entering the London Ultra Low Emission Zone the nature of the provisions of a Scheme."

The form and content of these signs is set out in the authorisation.

The Secretary of State for Transport has also authorised the erection of warning signs which are not mandatory.

The form and content of these warning signs is set out in authorisations GT50/139/0171 and GT50/139/0183.

Road User Charging Adjudicators do not have jurisdiction over the content of signage authorised by the Secretary of State for Transport.



## Current Issues Before The Road User Charging Adjudicators (cont.)

### Payment via Third Parties

There have been numerous cases where the appellant has mistakenly paid money to a scam website which purports to accept payments on behalf of Transport for London.

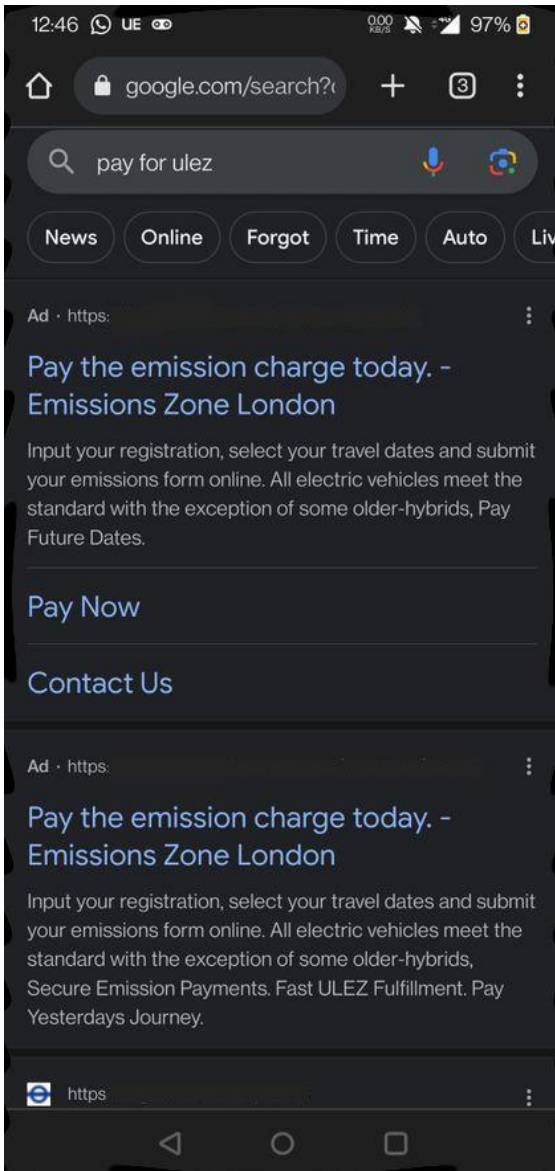
In most cases the cost of the daily charge is higher when paid to a scam site and, in the cases we see, the payment is not passed to Transport for London.

Under the relevant Scheme Orders, a daily charge is purchased only when payment has been received by Transport for London. Transport for London maintains its own website for the payment of the daily charges.

Adjudicators do not have the power to allow appeals where a daily charge has been paid to a third party, but which is not received by Transport for London.

Adjudicators may allow an appeal only if an appellant establishes one of the limited statutory grounds of appeal. Adjudicators do not have discretion.

Transport for London has stated that it is not responsible if a person purchases a daily charge from an unauthorised third-party website and may not exercise its discretion in these circumstances.



## 8. Early reflections from a RUCAT Adjudicator

Starting my journey as a newly appointed adjudicator at RUCAT in 2023, during the significant ULEZ expansion, introduced a unique blend of excitement and challenge. This period, heightened by public interest and debate over road user charging, significantly underscored the responsibilities we shoulder. Amidst the ULEZ expansion, the importance of adhering to our foundational principles of independence and impartiality was magnified. Our role requires us to adjudicate appeals independently, ensuring decisions are not swayed by external pressures—a commitment that is crucial, especially during times of environmental policy shifts and intense public scrutiny.

A particularly positive aspect of my start was the comprehensive induction training, providing an invaluable foundation that eased my transition into the role. Shadowing experienced adjudicators and absorbing their wisdom has been instrumental in my development. The camaraderie and supportive nature of these seasoned professionals significantly enhanced the sense of community within our independent roles.

I have embraced a paperless approach from the outset, aligning with my environmental ethos and preference for streamlined processes. RUCAT's online case management system and access to Microsoft 365 have fully supported this approach, enhancing my efficiency and underscoring the Tribunal's commitment to modern, sustainable practices.

Impartiality, coupled with a rigorous commitment to legal accuracy and unwavering dedication to fairness, quickly became guiding principles in my adjudication approach. As I continue to navigate my role as a new adjudicator, I am committed to maintaining these values. My goal is to continually enhance the integrity and quality of the adjudication process, seeking opportunities for further development and deepening my understanding of its nuances. This dedication to growth will ensure my contributions remain impactful, reinforcing the Tribunal's commitment to justice and fairness.

**Lola Moses**



## 9. Reflections of a newly appointed Adjudicator

It feels like a very long time passed between applying for the RUCA role and sitting but I'm now certain it was worth the wait.

Although nearly 24 months elapsed between putting my application into the JAC and sitting as an Adjudicator, I was pleased to be welcomed into what has been a very warm and friendly Tribunal.

Like many others in my cohort, my first experience of what RUCA really looked like was at the Annual Day in September 2023. The day must have seemed strange to existing members- the Tribunal having doubled in size with the most recent intake of adjudicators, all with a mix of experience, but not necessarily in this specific jurisdiction. To me, the day felt like a collection of very well-informed colleagues and the topics covered gave me a good initial understanding of how this particular jurisdiction worked in outline, whilst covering some very interesting cross cutting themes too. I found managing challenging situations and being given an insight into how appellants from non-English backgrounds may be listening to you, of great interest.

Fast forward to January 2024 - my induction. Four new adjudicators, three others and I included, again with a mix of experience, were taken through an overview of RUCA's systems and a variety of things to note.

The day was short and punchy, and we were given the opportunity to look at cases on a dummy system with a view to drafting decisions on it at the next training day. There was also an ongoing opportunity to observe any personal hearings that might be taking place on any of the training days and beyond.

I found my second training day very helpful. Although the cases I looked at had already been decided, having a go at drafting the decisions myself, and then receiving meaningful feedback on them, meant that I was able to start building up a bank of useful precedents before I started to sit.





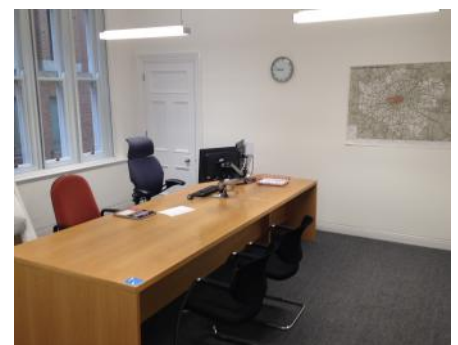
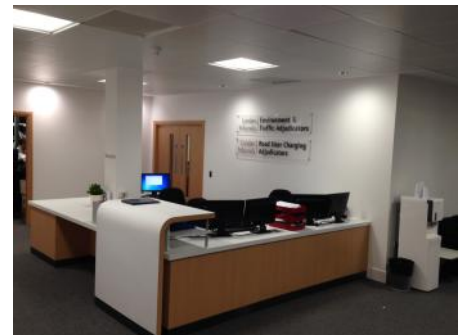
There was then a gap of about a month before I began to sit. I was assigned three postal appeal days to start with, for which I was very grateful. My first personal appeal was by telephone. The telephone guidance did what it said on the tin and there were no problems with technology despite a mild concern I had that things might go wrong. My second personal appeal was a face to face hearing. Although I didn't allow either of my non postal appeals, I felt comfortable that I'd explained clearly the reasons for my decision.

The work I've taken on during my first few months at RUCA has been interesting and varied. I deal with issues that are new to me each time I sit.

I would like to thank all RUCA staff and adjudicators for welcoming me and the other new adjudicators so warmly into the fold. I look forward to continuing to sit with all of you.



***Lâle Hussein-Venn***



## 10. Useful Information

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

#### What is 'RUCAT'?

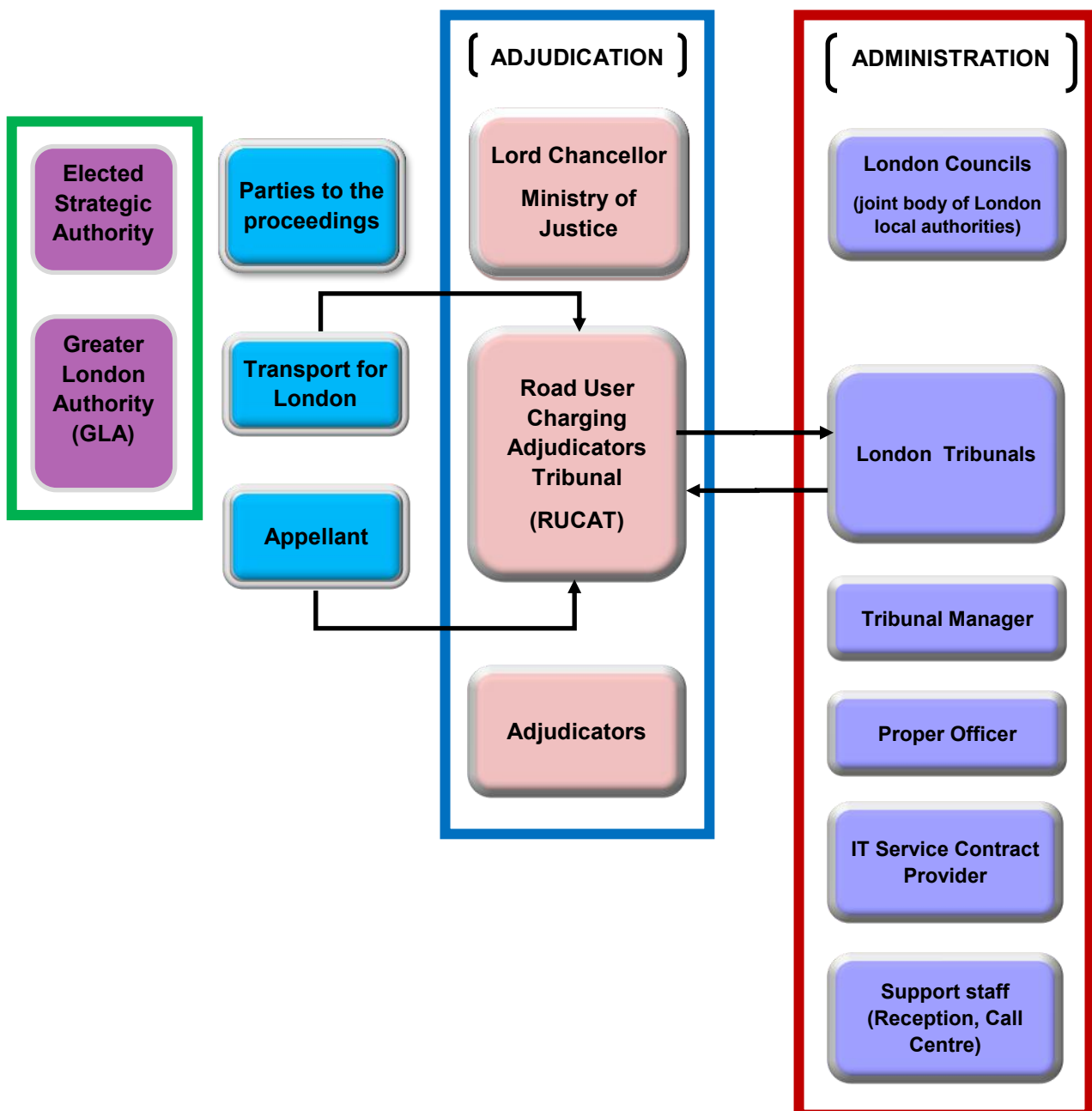
RUCAT is the 'Road User Charging Adjudicators Tribunal'. It is an independent tribunal which decides appeals against Congestion Charge, Low Emission Zone and Ultra Low Emission Zone penalties in London.

#### 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:



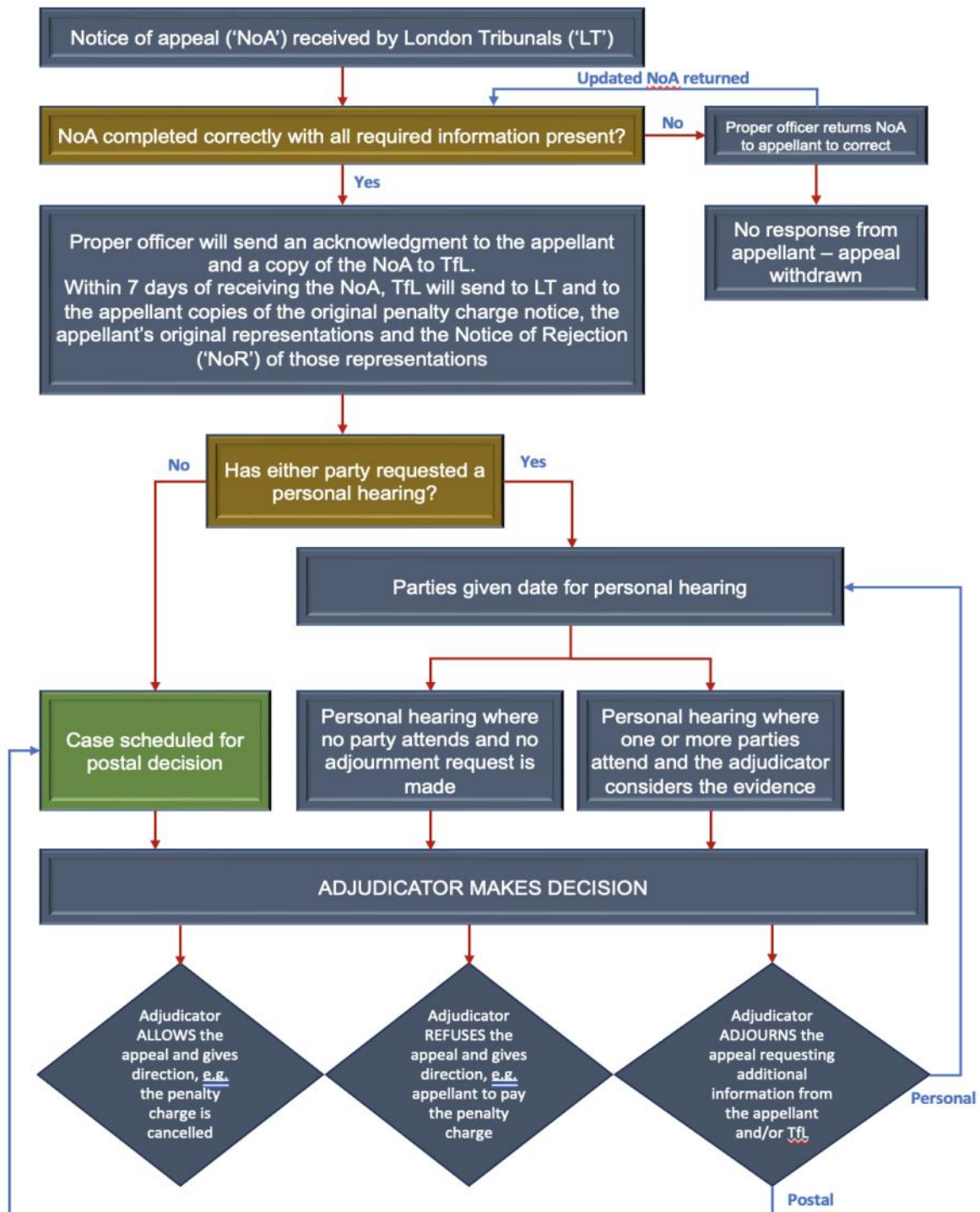
## The appeal process

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 cover image to view)



**2003-04**



**2004-05**



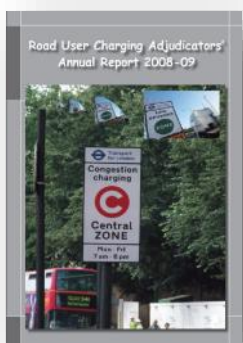
**2005-06**



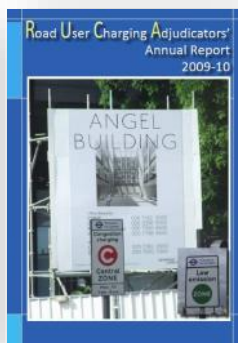
**2006-07**



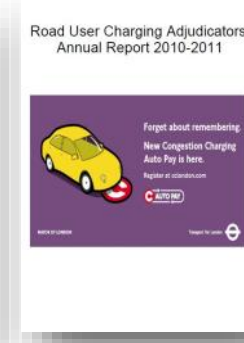
**2007-08**



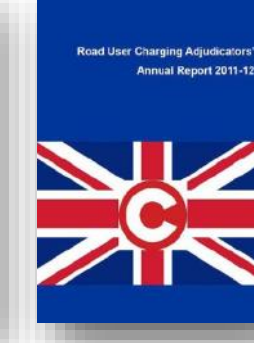
**2008-09**



**2009-10**



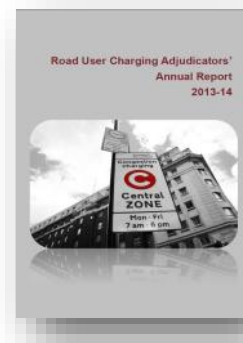
**2010-11**



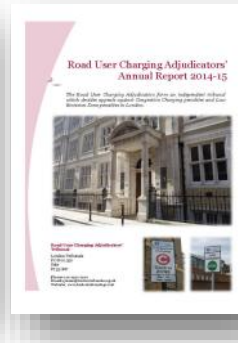
**2011-12**



**2012-13**



**2013-14**



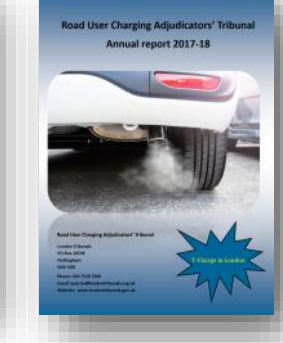
**2014-15**



**2015-16**



**2016-17**



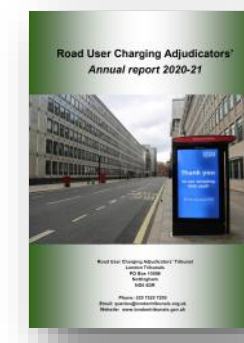
**2017-18**



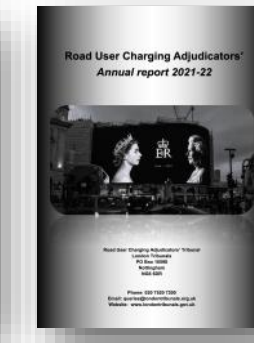
**2018-19**



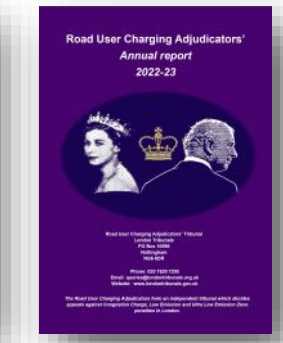
**2019-20**



**2020-21**



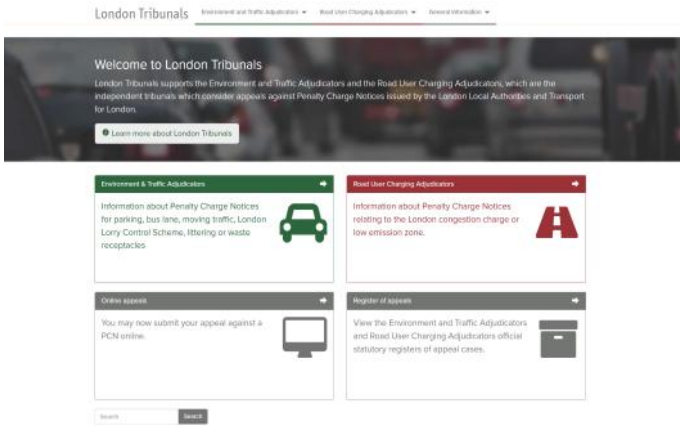
**2021-22**



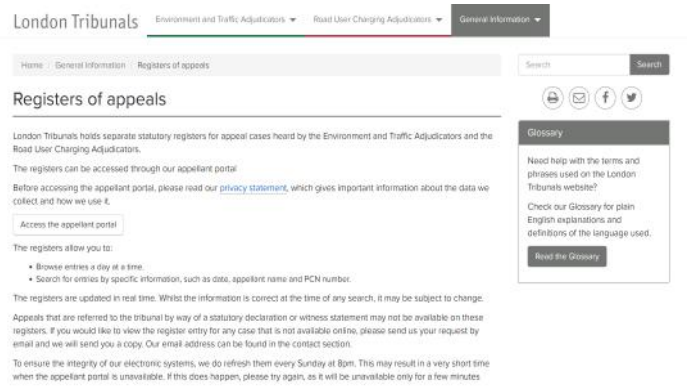
**2022-23**



## London Tribunals' website



## 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.

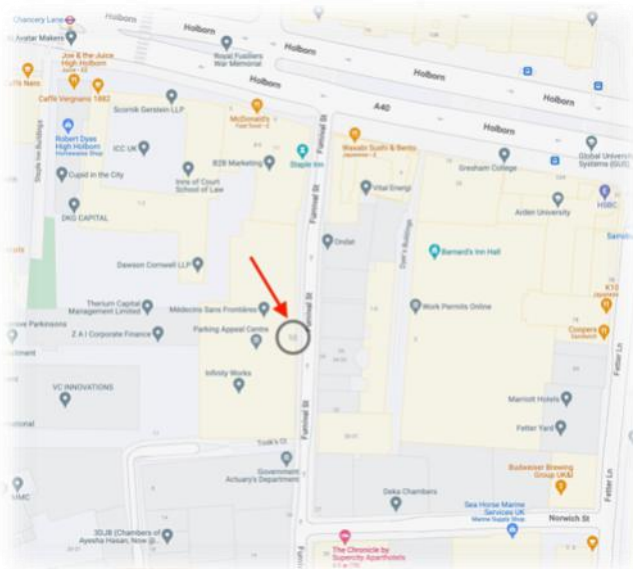
This is the official register of cases at the Road User Charging Tribunal, kept under Section 21 of the Schedule to the *Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (as amended)*.

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

The Register can be viewed online at [www.londontribunals.gov.uk/](http://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.

## Hearing Centre location

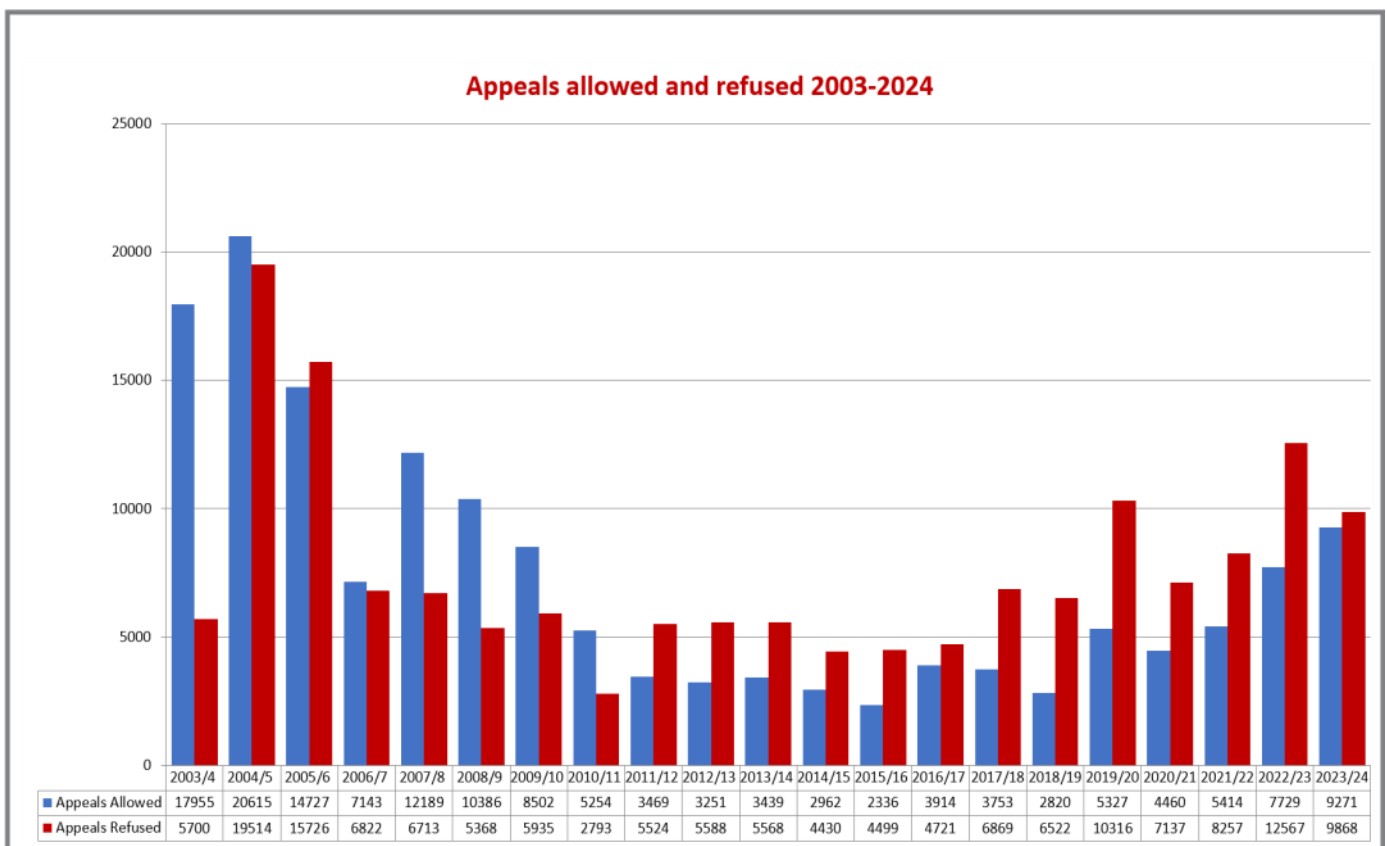
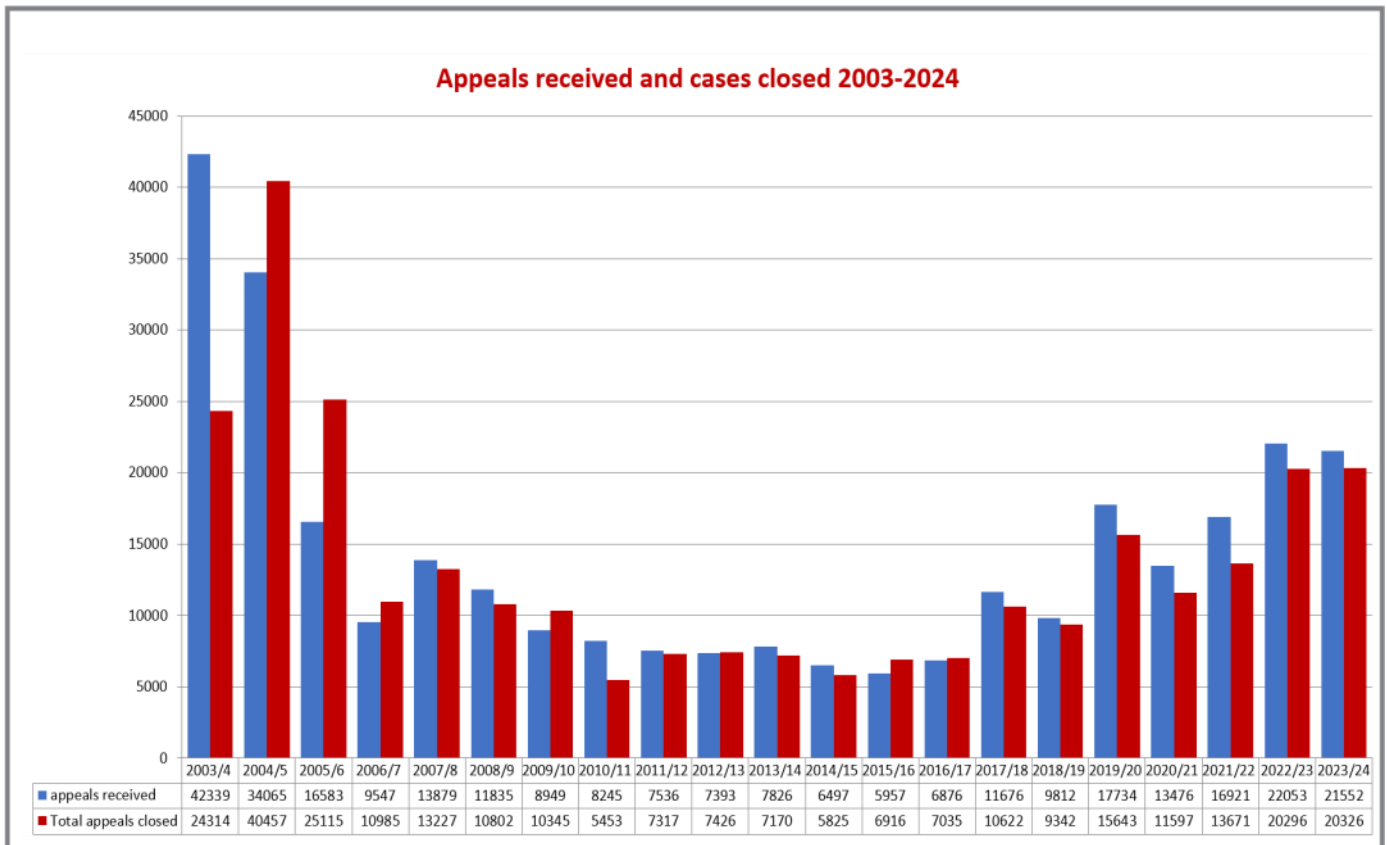


## Hearing Centre



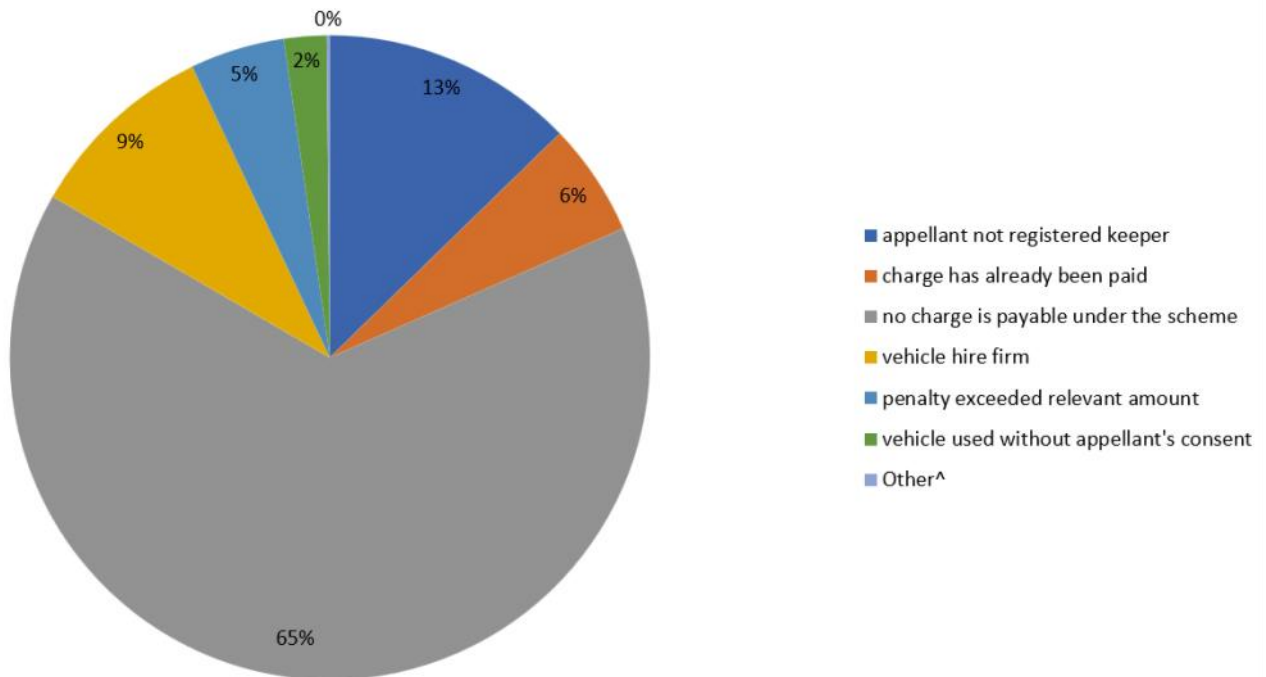


## Appendix 1 — Appeals 2003—2024

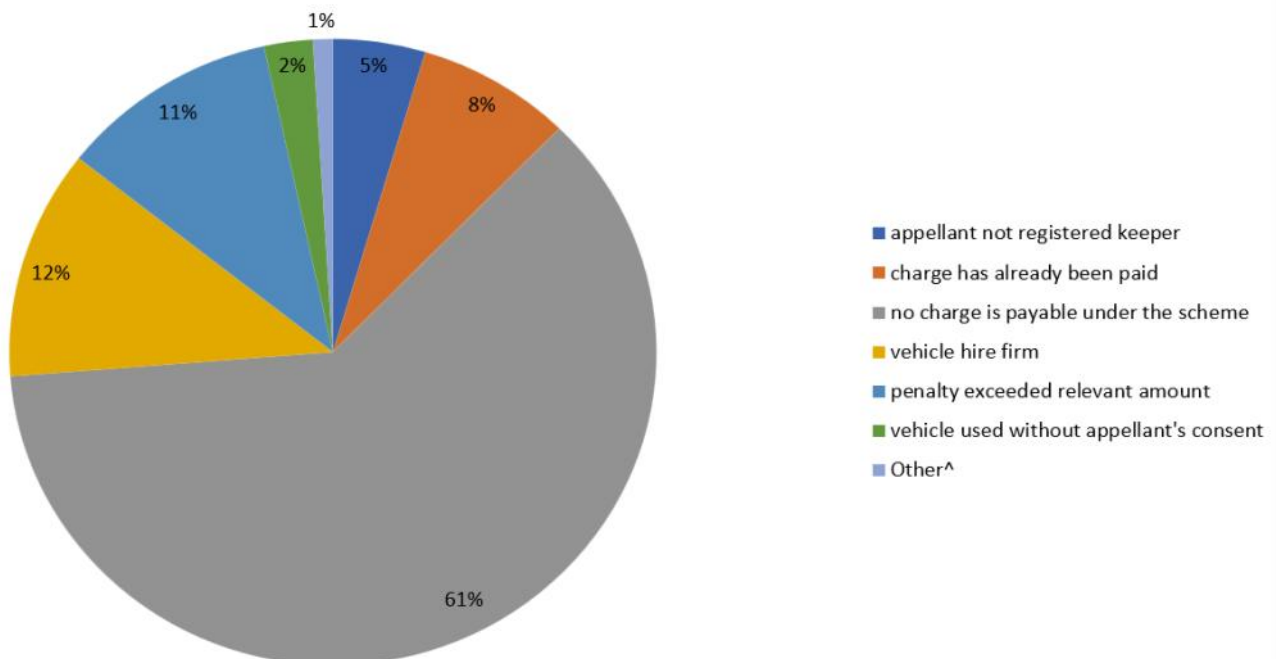


## Appendix 2 - Appeal decisions (by ground) 2023/24

### Summary of decisions by ground of appeal (allowed) 2023/24



### Summary of decisions by ground of appeal (refused) 2023/24





## Appendix 3 - Five years' Road User Charging statistics 2019-24

(see previous reports for figures prior to 2019)

Appeals	2019/20	2020/21	2021/22	2022/23	2023/24
Appeals received	17734	13476	16921	22053	21552
Total appeals closed	15643	11597	13671	20296	20326
Appeals withdrawn by appellants	749	422	410	427	319
Appeals not contested by TfL	4559	3643	4093	5713	6629
Appeals refused postal*	6941	6449	6388	10798	8391
Appeals allowed postal**	3344	3610	4088	6237	7458
Appeals refused personal*	3375	688	1869	1769	1477
Appeals allowed personal**	1983	850	1326	1492	1813
Closed administratively	0	0	0	0	0
Statutory declarations issued***					1187
Appeals adjourned	886	21	209	858	643
Review decisions	130	90	249	571	608
Costs decisions	42	107	85	41	35
Postal cases ready for adjudication at end of year	1378	842	1398	1327	845
Personal hearings scheduled	1948	1072	1427	1297	1229
% withdrawn by appellants	4.79%	3.64%	3.00%	2.10%	1.67%
% not contested by TfL	29.14%	31.41%	29.94%	28.15%	34.64%
% refused postal*	44.37%	55.61%	46.73%	53.20%	43.84%
% allowed postal**	21.38%	31.13%	29.90%	30.73%	38.97%
% refused personal*	21.58%	5.93%	13.67%	8.72%	7.72%
% allowed personal**	12.68%	7.33%	9.70%	7.35%	9.47%
% closed administratively	0.00%	0.00%	0.00%	0.00%	0.00%
% of cases allowed	34.05%	38.46%	39.60%	38.08%	48.44%
Average postal hearing (mins)	8	16.24	14.79	10.89	10.24
Average personal hearing (mins)	17	10.31	12.37	9.95	9.93
% of cases 1st considered within 56 days	88.80%	46.57%	76.24%	61.19%	88.31%
Average days delay	41	79	49	76	41
% hearings within 15 mins	89%	n/a~	n/a~	100%	100%
<b>Summary of decisions by ground of appeal (allowed)</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Appellant not registered keeper	534	725	759	1370	1183
Charge has already been paid	344	149	265	307	526
No charge is payable under the scheme	2901	2460	2876	4304	6017
Vehicle hire firm	1197	812	1109	1077	889
Penalty exceeded relevant amount	262	169	238	373	442
Vehicle used without appellant's consent	89	57	105	283	199
Other^	0	1	62	15	15
<b>Summary of decisions by ground of appeal (refused)</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Appellant not registered keeper	255	265	165	580	440
Charge has already been paid	767	344	442	971	1129
No charge is payable under the scheme	5509	3901	4762	7719	5656
Vehicle hire firm	2828	1881	1873	1490	1291
Penalty exceeded relevant amount	830	747	909	1376	918
Vehicle used without appellant's consent	122	86	99	306	310
Other^	5	0	7	125	124

\* - includes withdrawn appeals

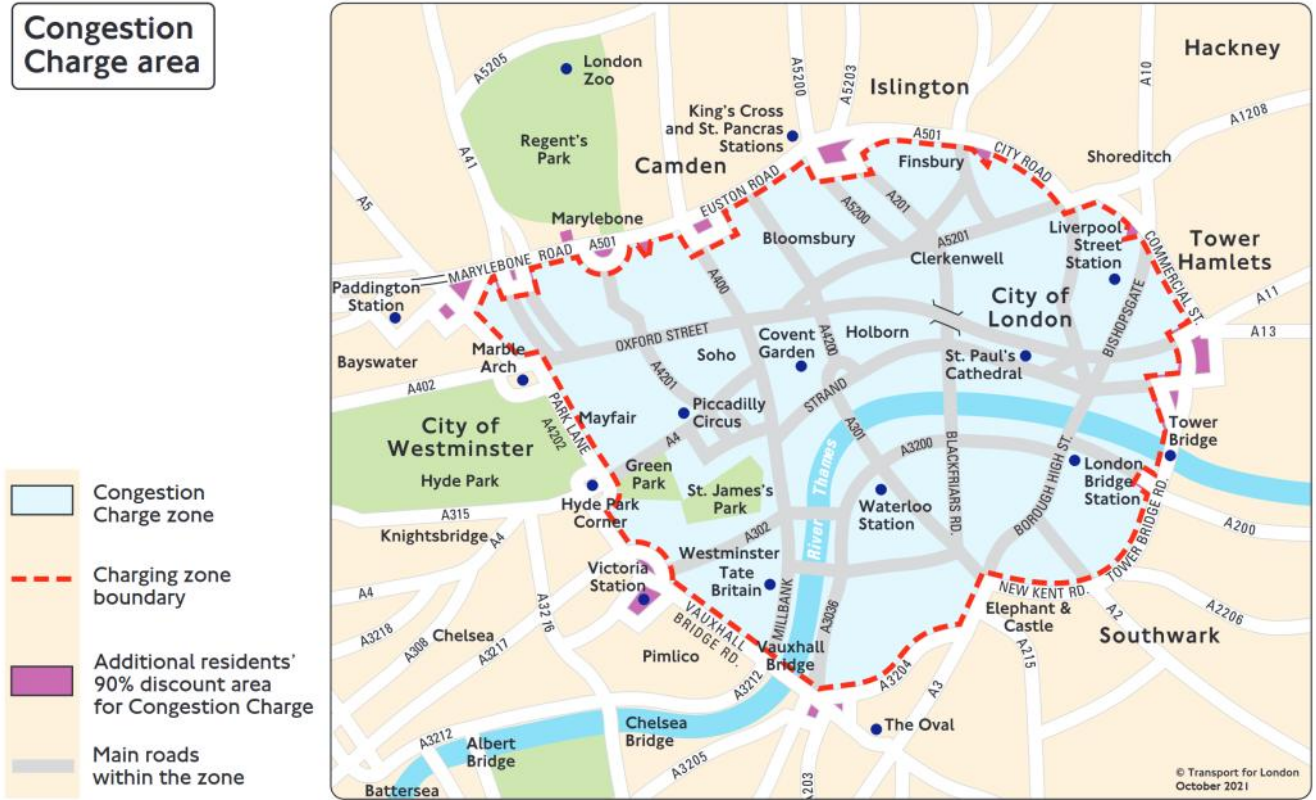
\*\* - includes appeals not contested by the Enforcement Authority

\*\*\* - not reported on prior to 2023-24

^ - Cases where the ground of appeal is not recorded

~ - Not recorded this year as adjudicators conducted telephone hearings due to the pandemic

## 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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e-mail: [queries@londontribunals.org.uk](mailto:queries@londontribunals.org.uk)  
Website: <http://londontribunals.gov.uk/>**

**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

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Fax: +44-(0) 203 334 2541

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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>