
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Community Infrastructure Levy
(Amendment) (England) (No. 2) Regulations 2019**

Charging schedules: procedure in relation to a charging schedule ceasing to have effect

- 4.—(1) In regulation 28 omit paragraph (4).
(2) After regulation 28 insert—

“Charging schedules: procedure in relation to a charging schedule ceasing to have effect

28A.—(1) Subject to paragraph (2), a charging authority (other than the Mayor) which proposes to make a determination under section 214(3) of PA 2008 that a charging schedule is to cease to have effect must—

- (a) prepare a statement which provides—
- (i) details of the CIL receipts for the period of five years immediately preceding the date on which the statement is first published in accordance with sub-paragraph (d), or, where the charging schedule was not in effect for the whole of the five years, the period during which the charging schedule was in effect;
 - (ii) an assessment, for the period of five years beginning with the date on which it is proposed the charging schedule will cease to have effect in the area, of the potential effects of the proposal on the funding of infrastructure needs for the area; and
 - (iii) a summary of the measures (in relation to planning obligations or otherwise) the charging authority has or intends to put in place in relation to funding of infrastructure needs for the area, together with an assessment of how effective the authority considers those measures are likely to be in replacing the funding lost on the charging schedule ceasing to have effect;
- (b) make a copy of the documents referred to in sub-paragraph (a) available for inspection at its principal office;
- (c) send a copy of those documents to the consultation bodies;
- (d) publish on its website—
- (i) a statement specifying that the authority proposes to determine under section 214(3) of PA 2008 that a charging schedule is to cease to have effect;
 - (ii) a copy of the statement referred to in sub-paragraph (a); and
 - (iii) a statement specifying—
 - (aa) the period (being not less than four weeks) within which representations about the proposal may be made;
 - (bb) the address to which, and the name of the person (if any) to whom, representations about the proposal must be made;

(cc) that representations may be made in writing or by way of electronic communications;

(dd) that representations may be accompanied by a request to be notified at a specified address of the decision of the charging authority in relation to the proposal; and

(e) consider any representations made to it under this regulation.

(2) Paragraph (1) does not apply where the determination referred to in paragraph (1) is part of a proposal under which the charging authority replaces a charging schedule (A) with a new charging schedule (B) provided that A ceases to have effect on the same day B takes effect.

(3) Where paragraph (2) applies, in addition to publication of B under regulation 25 a charging authority must continue to—

(a) make a copy of A available for inspection at its principal office and at such other offices within its area as it considers appropriate; and

(b) publish A on its website.

(4) Where a charging authority makes a determination under section 214(3) of PA 2008 that a charging schedule is to cease to have effect it must—

(a) publish a statement of that fact on its website; and

(b) notify the relevant consenting authorities of that fact.”.