
STATUTORY INSTRUMENTS

2011 No. 2918

The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011

PART 2

Conditions attaching to the exercise of functions

Agreement as to payments etc

4. In relation to the function of entering into an agreement with any person as to the manner of payment of any amount, or any other matter, the contractor shall ensure that the agreement is entered into in the name of the CIL authority.

Notices and other documents

5. In relation to the function of serving any notice, or any request or other document, the contractor shall ensure that the document is served in the name of the CIL authority.

Enforcement

6. In relation to the function of taking steps by way of attachment of earnings, attachment of allowances, distress, bankruptcy, winding up, CIL stop notice, charging order or liability order, the contractor shall ensure that –

- (a) the steps are taken in the name of the CIL authority;
- (b) any instruction from the CIL authority in relation to any debtor to take no (or no further) steps is immediately complied with;
- (c) any intention to take steps to levy any amount by distress and sale of goods of any person is immediately notified in writing to the CIL authority; and
- (d) on the giving of any such instruction or receipt of any such amount, any goods of the debtor which have already been seized are not sold and are made available for collection by the debtor.

Information

7. In relation to any function which a contractor is authorised to exercise, the contractor –
- (a) shall take all necessary steps to ensure that the contractor holds lawfully at all times all information obtained, whether from the CIL authority or otherwise, in the course of exercising the function;
 - (b) subject to the provisions of Schedule 15 to the Deregulation and Contracting Out Act 1994 (restrictions on disclosure of information), shall use that information only for the purpose of lawfully exercising that function; and

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- (c) shall immediately comply with any written request made by the CIL authority for the supply of any information, including copies of any records made or held by the contractor, relating to the exercise of that function.

Assignment and sub-contracting

8. A contractor shall not make any arrangement with another person for the exercise, whether in whole or in part, by that person of any function which the contractor has been authorised to exercise by this Order, unless that person has also been authorised by the CIL authority concerned to exercise that function.