
STATUTORY INSTRUMENTS

2012 No. 2975

**The Community Infrastructure Levy
(Amendment) Regulations 2012**

Amendment to Part 8 - administration

8.—(1) In regulation 67 (commencement notice) for paragraph (6) substitute—

“(6) Subject to paragraphs (6A) and (6B), where a collecting authority receives a valid commencement notice any earlier commencement notice received by it in respect of the same chargeable development ceases to have effect.

(6A) Paragraph (6B) applies where—

- (a) a commencement notice (A) has ceased to have effect under paragraph (6); and
- (b) the person who submitted A wishes to implement the planning permission to which A related.

(6B) Where this paragraph applies—

- (a) notice must be given in writing to the collecting authority that A is to have effect again before commencing the development to which A relates; and
- (b) when the collecting authority receive this notice, A is to have effect and any other commencement notices previously received by the collecting authority in respect of the chargeable development cease to have effect.”

(2) In regulation 70 (payment periods)(1) after paragraph (5) insert—

“(5A) Where—

- (a) A is charged by the Mayor of London but not by a London borough council; and
- (b) the Mayor has issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b),

A is payable in accordance with that instalment policy.”

(3) After regulation 74 (payment in kind: further provision) insert—

“Abatement

74A.—(1) This regulation applies where—

- (a) CIL has been paid in respect of a chargeable development;
- (b) a new planning permission is later granted in relation to that development under section 73 of TCPA 1990; and
- (c) the collecting authority has issued a new or revised liability notice in respect of that development because the chargeable amount has changed.

(2) Where this regulation applies a person liable to pay CIL for that chargeable development may request that the charging authority credits the CIL already paid against the amount due under the new or revised liability notice.

- (3) To be valid a request under paragraph (2) must be accompanied by proof of the amount of CIL that has already been paid.
- (4) The charging authority must grant any valid request made under paragraph (2).”
- (4) In regulation 75 (overpayment) after subsection (3) insert—
 - “(4) Paragraph (3) does not apply where—
 - (a) the overpayment is as the result of an application made under section 73 of TCPA 1990; and
 - (b) the chargeable amount was calculated correctly in relation to that application and the chargeable development it was made in relation to.”
- (5) In regulation 76 (payments to charging authorities) for paragraph (2) substitute—
 - “(2) The collecting authority must pay to a charging authority an amount (X) equal to the payments it receives (Y) in respect of CIL charged by that charging authority less—
 - (a) that part of Y which (in accordance with regulation 61(4)) the collecting authority applies to administrative expenses incurred by it in connection with collecting Y; and
 - (b) any overpayment (including interest) which the collecting authority has repaid under regulation 75.”