

*Draft Regulations laid before the House of Commons under section 222(2)(b) of the Planning Act 2008, for approval by resolution of that House.*

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DRAFT STATUTORY INSTRUMENTS

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**2019 No. 0000**

**COMMUNITY INFRASTRUCTURE  
LEVY, ENGLAND**

The Community Infrastructure Levy  
(Amendment) (England) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

A draft of these Regulations has been laid before the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008<sup>(1)</sup> and approved by resolution of that House.

The Secretary of State, in exercise of the powers conferred by sections 205(1), 216(6)(a) and 222(1)(b) of the Planning Act 2008, with the consent of Treasury, makes the following Regulations.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Community Infrastructure Levy (Amendment) (England) Regulations 2019 and come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

**Amendments to the Community Infrastructure Levy Regulations 2010**

2. The Community Infrastructure Levy Regulations 2010<sup>(2)</sup> are amended in accordance with the following regulation.

**Borrowing in relation to Mayoral CIL**

3. In regulation 60 (reimbursement of expenditure incurred and repayment of loans)—

(a) in paragraph (3), at the beginning, insert “Subject to paragraph (7A),”;

(b) after paragraph (7) insert—

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(1) 2008 c.29. Most of the functions of the Secretary of State under Part 11, in relation to Wales, were transferred to Welsh Ministers by article 44 of S.I. 2018/644. There are amendments to sections 205 and 216 not relevant to this instrument.

(2) S.I. 2010/948. Regulation 60 was amended by S.I. 2012/666. There are other amendments not relevant to this instrument.

“(7A) Until 31st March 2033, where the Greater London Authority or Transport for London<sup>(3)</sup> has borrowed money for the purposes of, or in connection with, the provision of the scheduled works within the meaning of Schedule 1 to the Crossrail Act 2008<sup>(4)</sup>, the Mayor may apply CIL to repay that money and any interest.”.

Date *Name*  
Parliamentary Under Secretary of State  
Department for Transport

We Consent

Date *Name*  
*Name*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(3) The Greater London Authority and Transport for London were established by sections 1(1) and 154(1) respectively of the Greater London Authority Act 1999 (c.29).  
(4) 2008 c.18.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Community Infrastructure Levy Regulations 2010 (“the 2010 Regulations”) provide for the imposition of a charge known as the Community Infrastructure Levy (“CIL”).

Regulation 59(2) of the 2010 Regulations provides that CIL collected by or on behalf of the Mayor of London must be spent on funding the provision, improvement, replacement, operation or maintenance of roads or other transport facilities, including, in particular, funding for the purposes of, or in connection with, scheduled works under the Crossrail Act 2008. Where the Greater London Authority or Transport for London (“the GLA”) borrows to pay for infrastructure, regulation 60(3) of the 2010 Regulations provides that the Mayor may only spend CIL on repaying such borrowing if conditions in paragraphs (4) and (5) of that regulation are both met. Those conditions require there to be at least one full financial year’s collection of CIL receipts and that the total amount of CIL spent does not exceed a percentage set by the Secretary of State in a direction given under paragraph (6).

In order to facilitate the GLA borrowing to fund the Crossrail project, regulation 3 inserts a new paragraph (7A) into regulation 60 allowing the Mayor to spend CIL received on repaying the GLA’s Crossrail borrowing as well as accrued interest, but omitting the conditions contained in paragraphs (4) and (5). This arrangement will cease to have effect on 31st March 2033.

An impact assessment was prepared for the 2010 Regulations and laid in Parliament on 10th February 2010. No formal impact assessment was produced for these Regulations as one is not required for a financial instrument.

An explanatory memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).