
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 6 E+W

EXEMPTIONS AND RELIEF

Interpretation of Part 6 E+W

41.—(1) In this Part—

“apportionment assessment” means an assessment (carried out in accordance with regulation 34) of how liability to pay CIL in respect of the chargeable development should be apportioned between each material interest in the relevant land;

“by local advertisement” means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the charging authority;

“charitable institution” means—

- (a) a charity,
- (b) a trust of which all the beneficiaries are charities, or
- (c) a unit trust scheme in which all the unit holders are charities,

and for the purposes of this definition “charity” means any person or trust established for charitable purposes only;

“charitable purpose” has the same meaning as in section 2 of the Charities Act 2006(1);

“local housing authority” has the same meaning as in section 1 of the Housing Act 1985(2);

“material disposal” means—

- (a) a transfer of a legal estate, or
- (b) the grant of a lease for a term of more than seven years from the date of the grant; and

“State aid” means aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union(3).

(2) For the purposes of this Part a person is eligible for charitable relief if that person is exempt from liability to pay CIL under regulation 43 or is eligible for relief from liability to pay CIL under regulation 44 or 45.

Commencement Information

II Reg. 41 in force at 6.4.2010, see [reg. 1](#)

(1) 2006 c. 50.

(2) 1985 c. 68; section 1 was amended by paragraph 5(1) of Schedule 8 to the [Local Government \(Wales\) Act 1994](#) (c. 19).

(3) O.J. No. C 115, 9.5.08, p 47.

Status: Point in time view as at 06/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 6. (See end of Document for details)

Exemption for minor development **E+W**

42.—(1) Liability to CIL does not arise in respect of a chargeable development if, on completion of that development, the gross internal area of new build on the relevant land will be less than 100 square metres.

(2) But paragraph (1) does not apply where the chargeable development will comprise one or more dwellings.

(3) In paragraph (1) “new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

Commencement Information

I2 Reg. 42 in force at 6.4.2010, see [reg. 1](#)

Exemption for charities **E+W**

43.—(1) An owner (C) of a material interest in the relevant land is exempt from liability to pay CIL in respect of a chargeable development if—

- (a) C is a charitable institution; and
- (b) the chargeable development will be used wholly or mainly for charitable purposes (whether of C or of C and other charitable institutions).

(2) But paragraph (1) does not apply where—

- (a) that part of the chargeable development to be used for charitable purposes will not be occupied by or under the control of a charitable institution;
- (b) the material interest is owned by C jointly with a person who is not a charitable institution; or
- (c) exemption of C from liability to pay CIL would constitute a State aid.

(3) For the purposes of paragraph (1) use of a chargeable development for charitable purposes includes leaving it unoccupied.

Commencement Information

I3 Reg. 43 in force at 6.4.2010, see [reg. 1](#)

Discretionary charitable relief: investment activities **E+W**

44.—(1) An owner (C) of a material interest in the relevant land is eligible for relief from liability to pay CIL in respect of a chargeable development if—

- (a) discretionary charitable relief is available in the area in which the chargeable development will be situated;
- (b) C is a charitable institution; and
- (c) the whole or the greater part of the chargeable development will be held by C or by C and other charitable institutions as an investment from which the profits will be applied for charitable purposes (whether of C or of C and other charitable institutions).

(2) Paragraph (1) is subject to the following provisions of this regulation.

(3) Relief may not be granted under paragraph (1) if—

(a) C intends to occupy that part of the chargeable development mentioned in paragraph (1) (c) and use it for ineligible trading activities; or

(b) the material interest is owned by C jointly with a person who is not a charitable institution.

(4) In paragraph (3)(a) “ineligible trading activities” means trading activities other than the sale of goods donated to C where the proceeds of sale of the goods (after any deduction of expenses) are applied to the charitable purposes of C.

(5) A collecting authority may not grant relief under paragraph (1) if it is satisfied that to do so would constitute a State aid which is required to be notified to and approved by the European Commission.

Commencement Information

I4 Reg. 44 in force at 6.4.2010, see [reg. 1](#)

Other discretionary charitable relief **E+W**

45.—(1) This regulation applies where—

(a) the exemption of a charitable institution (C) from liability to pay CIL in respect of a chargeable development would constitute a State aid; and

(b) C would otherwise be exempt from liability in respect of that development under regulation [43](#).

(2) C is eligible for relief from liability to pay CIL in respect of the chargeable development if—

(a) discretionary charitable relief is available in the area in which the chargeable development will be situated; and

(b) the collecting authority is satisfied that the aid in question does not need to be notified to and approved by the European Commission.

Commencement Information

I5 Reg. 45 in force at 6.4.2010, see [reg. 1](#)

Discretionary charitable relief: notification requirements **E+W**

46.—(1) A charging authority which wishes to make discretionary charitable relief available in its area must—

(a) issue a document which—

(i) gives notice that discretionary charitable relief is available in its area and whether relief is available under regulation [44](#) or [45](#) (or both),

(ii) states the date on which the collecting authority will begin accepting claims for relief, and

(iii) includes a policy statement setting out the circumstances in which discretionary charitable relief will be granted in its area;

(b) publish the document on its website;

(c) make the document available for inspection—

(i) at its principal office, and

(ii) at such other places within its area as it considers appropriate; and

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- (d) send a copy of the document to the collecting authority (if it is not the charging authority).
- (2) Where a charging authority wishes to revise its policy on the granting of discretionary charitable relief in its area it must—
- (a) issue a document which—
 - (i) gives notice of the revised policy and whether relief is available under regulation 44 or 45 (or both),
 - (ii) states the date from which the revised policy applies, and
 - (iii) includes a revision of the policy statement mentioned in paragraph (1)(a)(iii);
 - (b) publish the document on its website;
 - (c) make the document available for inspection at the places at which the document mentioned in paragraph (1) was made available for inspection; and
 - (d) send a copy of the document to the collecting authority (if it is not the charging authority).
- (3) A charging authority which no longer wishes discretionary charitable relief to be available in its area must—
- (a) issue a statement giving notice to that effect and stating the last day on which the collecting authority will accept claims for relief;
 - (b) publish the statement on its website;
 - (c) make the statement available for inspection at the places at which the document mentioned in paragraph (1) was made available for inspection; and
 - (d) send a copy of the statement to the collecting authority (if it is not the charging authority).
- (4) The day mentioned in paragraph (3)(a) must be no earlier than the end of the period of 14 days beginning with the date on which the statement mentioned in that paragraph is published on the charging authority's website.

Commencement Information

I6 Reg. 46 in force at 6.4.2010, see [reg. 1](#)

Charitable relief: procedure **E+W**

- 47.**—(1) A person who wishes to benefit from charitable relief must submit a claim for charitable relief to the collecting authority.
- (2) A claim for charitable relief must—
- (a) be received by the collecting authority before the commencement of the chargeable development to which it relates;
 - (b) be submitted in writing on a form published by the Secretary of State (or a form to substantially the same effect);
 - (c) include the particulars specified or referred to in the form; and
 - (d) where there is more than one material interest in the relevant land, be accompanied by an apportionment assessment.
- (3) A claim for charitable relief will lapse where the chargeable development to which it relates is commenced before the collecting authority has notified the claimant of its decision on the claim.
- (4) Where a claim is accompanied by an apportionment assessment the collecting authority may either—
- (a) accept the claimant's assessment; or

- (b) substitute its own assessment.
- (5) As soon as practicable after receiving a valid claim, the collecting authority must notify the claimant in writing of—
 - (a) its decision on the claim and the reasons for the decision; and
 - (b) where relief is granted, the amount of relief granted.
- (6) A claim for charitable relief is valid if it complies with the requirements of paragraph (2).
- (7) A person who is granted charitable relief ceases to be eligible for that relief if a commencement notice is not submitted to the collecting authority on or before the day the chargeable development is commenced.
- (8) Paragraph (9) applies where a charging authority issues a statement (in accordance with regulation 46(3)(a)) giving notice that discretionary charitable relief will no longer be available in its area.
- (9) Any claim for discretionary charitable relief received by the collecting authority on or before the day mentioned in regulation 46(3)(a) in respect of a chargeable development situated in the charging authority's area must be considered by the collecting authority.

Commencement Information

17 Reg. 47 in force at 6.4.2010, see [reg. 1](#)

Withdrawal of charitable relief **E+W**

- 48.**—(1) This regulation applies if charitable relief is granted and one of the following (“the disqualifying event”) occurs before the end of the clawback period—
- (a) the owner of a relevant interest ceases to be eligible for charitable relief;
 - (b) the whole of a relevant interest is transferred to a person who is not eligible for charitable relief; or
 - (c) a relevant interest which is a lease is terminated before the end of its term and the owner of the reversion is not eligible for charitable relief.
- (2) The charitable relief granted in respect of the relevant interest is withdrawn and the relevant person is liable to pay an amount of CIL equal to the withdrawn relief.
- (3) The relevant person must notify the collecting authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which the disqualifying event occurs.
- (4) In this regulation—
- “relevant interest” means an interest in land in respect of which charitable relief was granted; and
 - “relevant person” means the owner of the relevant interest immediately before the disqualifying event occurs.

Commencement Information

18 Reg. 48 in force at 6.4.2010, see [reg. 1](#)

Social housing relief **E+W**

49.—(1) A chargeable development which comprises or is to comprise qualifying dwellings (in whole or in part) is eligible for relief from liability to CIL.

(2) A qualifying dwelling is a dwelling which satisfies at least one of the following two conditions.

(3) Condition 1 is that the dwelling is let by a private registered provider of social housing, a registered social landlord (within the meaning of Part 1 of the Housing Act 1996(4)) or a local housing authority on one of the following—

- (a) an assured tenancy (excluding an assured shorthold tenancy);
- (b) an assured agricultural occupancy;
- (c) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988(5);
- (d) a demoted tenancy;
- (e) an introductory tenancy;
- (f) a secure tenancy;
- (g) an arrangement that would be a secure tenancy but for paragraph 4ZA(6) or 12 of Schedule 1 to the Housing Act 1985;
- (h) an intermediate rent basis.

(4) Condition 2 is that all of the following conditions are met—

- (a) the dwelling is occupied in accordance with shared ownership arrangements within the meaning of section 70(4) of the Housing and Regeneration Act 2008(7);
- (b) the percentage of the value of the dwelling paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed 75 per cent of the market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
- (c) on the day on which a lease is granted under the shared ownership arrangement, the annual rent payable is not more than three per cent of the value of the unsold interest;
- (d) in any given year the annual rent payable does not increase by more than the percentage increase in the retail prices index for the year to September immediately preceding the anniversary of the day on which the lease was granted plus 0.5 per cent.

(5) Relief under this regulation is referred to in these Regulations as social housing relief.

(6) Social housing relief is given by deducting the qualifying amount from what would otherwise be the amount of liability to CIL that would arise in respect of the chargeable development.

(7) In this regulation—

“assured agricultural occupancy”, “assured shorthold tenancy” and “assured tenancy” have the same meanings as in Part 1 of the Housing Act 1988;

“demoted tenancy” means a tenancy to which section 20B of the Housing Act 1988(8) or section 143A of the Housing Act 1996(9) applies;

“introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;

(4) 1996 c. 52; Part 1 was amended by sections 61 to 63 of the Housing and Regeneration Act 2008 so as to restrict its application to Wales.

(5) 1988 c. 50; Paragraph 12ZA was inserted by section 297(2) of the Housing and Regeneration Act 2008.

(6) Paragraph 4ZA was inserted by section 297(1) of the Housing and Regeneration Act 2008.

(7) 2008 c. 17.

(8) Section 20B was inserted by section 15(1) of the [Anti-social Behaviour Act 2003](#) (c. 38).

(9) Section 143A was inserted by paragraph 1 of Schedule 1 to the [Anti-social Behaviour Act 2003](#).

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985; and

“unsold interest” means the freehold interest or the leasehold interest owned by the person providing the dwelling.

(8) For the purposes of this regulation, a dwelling is let on an intermediate rent basis if it is let on an assured shorthold tenancy under which the rent is not more than 80 per cent of the market rent (where the market rent of a lease at any time is the rent which the lease might reasonably be expected to fetch at that time on the open market).

Commencement Information

I9 Reg. 49 in force at 6.4.2010, see [reg. 1](#)

Social housing relief: qualifying amount **E+W**

50.—(1) The amount of social housing relief for which a chargeable development is eligible (“the qualifying amount”) must be calculated in accordance with this regulation.

(2) The qualifying amount is an amount equal to the aggregate of the qualifying amounts at each of the relevant rates.

(3) The relevant rates are the rates at which, but for social housing relief, CIL would be chargeable in respect of the part of the chargeable development which will comprise qualifying dwellings.

(4) The relevant rates must be taken from the charging schedules which are in effect—

(a) at the time planning permission first permits the chargeable development; and

(b) in the area in which the chargeable development is or will be situated.

(5) The qualifying amount at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times N_R \times I_P}{I_C}$$

where—

N_R = the deemed net area chargeable at rate R;

I_P = the index figure for the year in which planning permission was granted; and

I_C = the index figure for the year in which the charging schedule containing rate R took effect.

(6) The value of N_R in paragraph (5) must be calculated by applying the following formula—

$$\frac{Q_R \times N}{Q}$$

where—

Q_R = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings, and in respect of which, but for social housing relief, CIL would be chargeable at rate R;

Q = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings; and

N = the deemed net area of the part of the chargeable development which will comprise qualifying dwellings.

(7) The value of N in paragraph (6) must be calculated by applying the following formula—

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$$Q - \left(\frac{Q \times E}{C} \right)$$

where—

- Q = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings;
- E = an amount equal to the aggregate of the gross internal areas of all buildings which—
- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use, and
 - (b) are to be demolished before completion of the chargeable development; and
- C = the gross internal area of the chargeable development.

(8) The index referred to in paragraph (5) has the same meaning as in regulation 40.

(9) A reference in this regulation to part of a chargeable development which will comprise qualifying dwellings includes a reference to part of a chargeable development which comprises qualifying dwellings.

(10) For the purposes of this regulation, a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

(11) In this regulation “building” has the same meaning as in regulation 40.

Commencement Information

I10 Reg. 50 in force at 6.4.2010, see [reg. 1](#)

Social housing relief: procedure **E+W**

51.—(1) A person wishing to benefit from social housing relief must submit a claim in accordance with this regulation.

(2) The claimant must—

- (a) assume liability to pay CIL in respect of the chargeable development for which relief is claimed; and
- (b) be an owner of the relevant land.

(3) The claim must—

- (a) be submitted to the collecting authority in writing on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) be received by the collecting authority before commencement of the chargeable development;
- (c) include the particulars specified or referred to in the form; and
- (d) be accompanied by—
 - (i) a relief assessment, and
 - (ii) evidence that the chargeable development qualifies for social housing relief (by reference to the conditions mentioned in regulation 49).

(4) A claim for social housing relief will lapse where the chargeable development to which the claim relates is commenced before the collecting authority has notified the claimant of its decision on the claim.

(5) As soon as practicable after receiving a valid claim for social housing relief, the collecting authority must notify the claimant in writing of—

- (a) its decision on the claim and the reasons for the decision; and
- (b) if relief is granted, the qualifying amount.

(6) If social housing relief is granted in respect of the chargeable development the claimant is deemed to benefit from an amount of relief equal to the qualifying amount.

(7) A chargeable development ceases to be eligible for social housing relief if, before that chargeable development is commenced—

- (a) a commencement notice is not submitted to the collecting authority;
- (b) the claimant's assumption of liability is withdrawn or otherwise ceases to have effect; or
- (c) the claimant transfers liability to another person in accordance with regulation 32.

(8) In this regulation “relief assessment” means an assessment of the extent to which the chargeable development is eligible for social housing relief which—

- (a) identifies the qualifying dwellings and the gross internal area of those dwellings; and
- (b) includes a calculation of the qualifying amount.

Commencement Information

III1 Reg. 51 in force at 6.4.2010, see [reg. 1](#)

Social housing relief: disposal of land before occupation **E+W**

52.—(1) This regulation applies where—

- (a) social housing relief has been granted in respect of a chargeable development;
- (b) an owner (O) of the relevant land makes a material disposal of land on which qualifying dwellings will be situated to another person (P1); and
- (c) the disposal is made before those qualifying dwellings are made available for occupation.

(2) P1 is deemed to benefit from an amount of social housing relief equal to the qualifying amount for the qualifying dwellings which will be situated on the land O disposed of to P1.

(3) The qualifying amount mentioned in paragraph (2) must be calculated in accordance with regulation 50, and for the purposes of that calculation—

- (a) the value of Q_R is the gross internal area of the part of the chargeable development—
 - (i) which will comprise qualifying dwellings and be situated on the land O disposed of to P1, and
 - (ii) in respect of which, but for social housing relief, CIL would be chargeable at rate R; and
- (b) the value of E is the value of E as calculated at the time social housing relief was granted in respect of the chargeable development.

(4) The person (P2) who, before O disposed of the land, benefited from social housing relief in respect of the part of the chargeable development situated on that land is deemed to benefit from an amount of relief equal to the residual amount.

(5) The residual amount is the difference between the amount of social housing relief from which P2 benefited before O disposed of the land and the amount from which P1 is deemed to benefit calculated in accordance with paragraph (2).

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- (6) O must notify the collecting authority in writing of the disposal as soon as practicable after it occurs.
- (7) The notification must—
- (a) state the gross internal area of the qualifying dwellings which will be situated on the land which has been disposed of;
 - (b) be accompanied by a map or plan which identifies the location of those dwellings; and
 - (c) state the name and address of O, P1 and (if P2 is not O) P2.
- (8) O must send a copy of the notification to P1 and (if P2 is not O) P2.
- (9) On receiving the notification the collecting authority must send an acknowledgment of receipt to O, P1 and (if P2 is not O) P2.

Commencement Information

I12 Reg. 52 in force at 6.4.2010, see [reg. 1](#)

Withdrawal of social housing relief **E+W**

53.—(1) This regulation applies whenever a disqualifying event occurs before the end of the clawback period in respect of a chargeable development for which social housing relief has been granted.

(2) A disqualifying event is any change in relation to a qualifying dwelling such that it ceases to be a qualifying dwelling.

(3) The material disposal of a qualifying dwelling does not cause it to cease being a qualifying dwelling if—

- (a) the proceeds of sale are spent on a qualifying dwelling;
- (b) the proceeds of sale are transferred to the Secretary of State, the Welsh Ministers, a local housing authority or the Homes and Communities Agency;
- (c) the disposal is made to the Welsh Ministers under paragraph 15 or 27 of Schedule 1 to the Housing Act 1996; or
- (d) the disposal is made to the Regulator of Social Housing under section 167 or 253 of the Housing and Regeneration Act 2008.

(4) The relevant person is liable to pay an amount of CIL (“the withdrawn amount”) equal to the difference between the qualifying amount immediately before the disqualifying event and the qualifying amount immediately after the disqualifying event.

(5) The qualifying amounts mentioned in paragraph (4) must be calculated in accordance with regulation 50, and for the purposes of that calculation the value of E is the value of E as calculated at the time social housing relief was granted in respect of the chargeable development.

(6) The relevant person must notify the collecting authority in writing of a disqualifying event before the end of the period of 14 days beginning with the day on which it occurs.

(7) The notification must—

- (a) state the gross internal area of the dwelling which has ceased to be a qualifying dwelling; and
- (b) be accompanied by a map or plan which identifies the location of the dwelling mentioned in sub-paragraph (a).

(8) As soon as practicable after receiving notice of the disqualifying event, the collecting authority must notify the relevant person in writing of the withdrawn amount.

(9) The notification must be accompanied by an explanation of how the withdrawn amount was calculated.

(10) In this regulation “relevant person” means the person benefiting from social housing relief in respect of the dwelling which has ceased to be a qualifying dwelling.

Commencement Information

I13 Reg. 53 in force at 6.4.2010, see [reg. 1](#)

Social housing relief: information notice **E+W**

54.—(1) A collecting authority may serve an information notice on—

- (a) a person claiming social housing relief;
- (b) a person who has made a material disposal of land in accordance with regulation 52; or
- (c) a person required to notify the collecting authority of a disqualifying event in accordance with regulation 53(6).

(2) The information notice may require the person to give such information, documents or materials as are specified in the notice, and which are in the person’s possession or control, which the collecting authority considers relevant to assist it in—

- (a) determining the extent to which a chargeable development is eligible for social housing relief; and
- (b) calculating the qualifying amount in respect of the chargeable development.

(3) An information notice must inform the person on whom it is served of the possible consequences of a failure to comply with the notice(10).

(4) A requirement of the information notice is complied with by giving the required information to the collecting authority in writing or sending the required documents or materials to the collecting authority (as the case may be) before the end of the period of 14 days beginning with the day on which the notice is served.

(5) A reference in this regulation to a chargeable development includes a reference to part of a chargeable development.

Commencement Information

I14 Reg. 54 in force at 6.4.2010, see [reg. 1](#)

Discretionary relief for exceptional circumstances **E+W**

55.—(1) A charging authority may grant relief (“relief for exceptional circumstances”) from liability to pay CIL in respect of a chargeable development (D) if—

- (a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and
- (b) the charging authority considers it expedient to do so.

(2) Paragraph (1) is subject to the following provisions of this regulation.

(3) A charging authority may only grant relief for exceptional circumstances if—

(10) As to the consequences of failure to comply with an information notice, see regulation 86.

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- (a) it has made relief for exceptional circumstances available in its area;
 - (b) a planning obligation under section 106 of TCPA 1990⁽¹¹⁾ has been entered into in respect of the planning permission which permits D; and
 - (c) the charging authority—
 - (i) considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of D,
 - (ii) considers that to require payment of the CIL charged by it in respect of D would have an unacceptable impact on the economic viability of D, and
 - (iii) is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.
- (4) The Mayor may not grant relief for exceptional circumstances in respect of a chargeable development unless a claim for that relief is referred to the Mayor by a London borough council in accordance with regulation 58(3).

Commencement Information

I15 Reg. 55 in force at 6.4.2010, see [reg. 1](#)

Exceptional circumstances: notification requirements **E+W**

56.—(1) A charging authority which wishes to make relief for exceptional circumstances available in its area must—

- (a) issue a statement which—
 - (i) gives notice that relief for exceptional circumstances is available in its area, and
 - (ii) states the date on which the charging authority will begin accepting claims for relief for exceptional circumstances;
- (b) publish the statement on its website;
- (c) make the statement available for inspection—
 - (i) at its principal office, and
 - (ii) at such other places within its area as it considers appropriate; and
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).

(2) A charging authority which no longer wishes relief for exceptional circumstances to be available in its area must—

- (a) issue a statement giving notice to that effect and stating the last day on which it will accept claims for relief for exceptional circumstances;
- (b) publish the statement on its website;
- (c) make the statement available for inspection at the places at which the statement mentioned in paragraph (1)(a) was made available; and
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).

(3) The day mentioned in paragraph (2)(a) must be no earlier than the end of the period of 14 days beginning with the day on which the statement mentioned in that paragraph is published on the charging authority's website.

⁽¹¹⁾ Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 and amended by section 33 of the [Greater London Authority Act 2007 \(c. 24\)](#) and section 174 of the Planning Act 2008.

Commencement Information

I16 Reg. 56 in force at 6.4.2010, see [reg. 1](#)

Exceptional circumstances: procedure **E+W**

- 57.**—(1) Relief for exceptional circumstances must be claimed in accordance with this regulation.
- (2) This regulation is subject to regulation [58](#) in the case of a chargeable development situated in the area of a London borough council.
- (3) The person claiming relief (“the claimant”) must be an owner of a material interest in the relevant land.
- (4) A claim for relief must—
- (a) be submitted to the charging authority in writing on a form published by the Secretary of State (or a form to substantially the same effect);
 - (b) be received by the charging authority before commencement of the chargeable development;
 - (c) include the particulars specified or referred to in the form; and
 - (d) be accompanied by—
 - (i) an assessment carried out by an independent person of the cost of complying with the planning obligation mentioned in regulation [55\(3\)\(b\)](#),
 - (ii) an assessment carried out by an independent person of the economic viability of the chargeable development,
 - (iii) an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development,
 - (iv) where there is more than one material interest in the relevant land, an apportionment assessment, and
 - (v) a declaration that the claimant has complied with paragraph (6).
- (5) For the purposes of paragraph (4)(d) an independent person is a person who—
- (a) is appointed by the claimant with the agreement of the charging authority; and
 - (b) has appropriate qualifications and experience.
- (6) The claimant must send a copy of the completed claim form and the particulars referred to in paragraph (4)(d) to the owners of the other material interests in the relevant land (if any).
- (7) As soon as practicable after receiving a claim for relief, the charging authority must notify the claimant in writing of its decision on the claim and (where relief is granted) the amount of relief granted.
- (8) Where relief is granted the charging authority must send a copy of the decision to—
- (a) the collecting authority (if it is not the charging authority); and
 - (b) the person by whom the planning obligation mentioned in regulation [55\(3\)\(b\)](#) is enforceable (if that person is not the collecting authority or the charging authority).
- (9) A claim for relief for exceptional circumstances will lapse where the chargeable development to which it relates is commenced before the charging authority has notified the claimant of its decision on the claim.

Status: Point in time view as at 06/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 6. (See end of Document for details)

- (10) A chargeable development ceases to be eligible for relief for exceptional circumstances if there is a disqualifying event.
- (11) A disqualifying event occurs if—
- (a) before the chargeable development is commenced—
 - (i) charitable or social housing relief is granted in respect of the chargeable development, or
 - (ii) an owner of a material interest in the relevant land makes a material disposal of that interest; or
 - (b) at the end of the period of 12 months beginning with the day on which the charging authority issues its decision on the claim, the chargeable development has not been commenced.
- (12) Where a disqualifying event occurs an owner of a material interest in the relevant land must—
- (a) notify the charging authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which it occurs; and
 - (b) send a copy of the notification to the owners of the other material interests in the relevant land (if any).
- (13) On receipt of the notification the charging authority must send a copy to—
- (a) the collecting authority (if it is not the charging authority); and
 - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (14) Paragraph (15) applies where a charging authority issues a statement (in accordance with regulation 56(2)(a)) giving notice that relief for exceptional circumstances will no longer be available in its area.
- (15) Any claim for relief for exceptional circumstances received by the charging authority on or before the day mentioned in regulation 56(2)(a) must be considered by the charging authority.

Commencement Information

I17 Reg. 57 in force at 6.4.2010, see [reg. 1](#)

Exceptional circumstances: procedure in London **E+W**

58.—(1) Regulation 57 applies to a claim for relief for exceptional circumstances in respect of a chargeable development situated in the area of a London borough council (“the borough”) subject to the following modifications.

- (2) A claim for relief for exceptional circumstances must be submitted to the borough.
- (3) As soon as practicable after receiving a claim for relief, the borough must refer the claim to the Mayor if the Mayor has made relief for exceptional circumstances available in the Mayor’s area, and the borough either—
 - (a) has not made relief for exceptional circumstances available in its area, or
 - (b) considers that, despite the amount of relief that it proposes to grant in respect of the chargeable development, to require payment of any remaining CIL charged by it or any CIL charged by the Mayor (or both) would still have an unacceptable impact on the economic viability of the chargeable development.
- (4) A borough refers a claim to the Mayor by—

- (a) sending to the Mayor a copy of the claim form and the particulars mentioned in regulation 57(4)(d); and
 - (b) where the borough proposes to grant relief, informing the Mayor in writing of the amount of that relief.
- (5) If a claim is referred to the Mayor in accordance with paragraph (3) the Mayor must, as soon as practicable after receiving the referral—
- (a) decide whether to grant relief on the amount of CIL chargeable by the Mayor in respect of the chargeable development; and
 - (b) notify the borough in writing of the Mayor’s decision and the amount of relief (if any) granted.
- (6) As soon as practicable after receiving the Mayor’s decision, the borough must notify the claimant in writing of the decision on the claim and the amount of any relief granted (including, where relevant, any separate decisions and amounts in respect of relief granted by the borough and the Mayor).
- (7) Where relief is granted the borough must send a copy of the decision to—
- (a) the Mayor;
 - (b) the collecting authority (if it is not the borough);
 - (c) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (8) Notification of a disqualifying event must be submitted to the borough, and the borough must send a copy of that notification to—
- (a) the collecting authority (if it is not the borough); and
 - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).

Commencement Information

I18 Reg. 58 in force at 6.4.2010, see [reg. 1](#)

Status:

Point in time view as at 06/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 6.