

## STATUTORY INSTRUMENTS

# 2010 No. 948

## The Community Infrastructure Levy Regulations 2010

### PART 8 **E+W**

#### ADMINISTRATION

**[<sup>F1</sup>Transitional provision: when a MDC becomes the charging authority for an area **E+W****

- 63A.**—(1) This regulation has effect when a MDC becomes the charging authority for an area.
- (2) If, before the MDC becomes the charging authority for an area, a London borough council—
- (a) had in place a charging schedule approved under section 213 of PA 2008; and
  - (b) granted planning permission for a development, or received or issued a notice of chargeable development in relation to a development under regulation 64 or 64A,
- that London borough council shall be entitled to receive the CIL for the development to which the planning permission or notice of chargeable development relates.
- (3) The London borough council—
- (a) shall remain the collecting authority for the CIL it is entitled to receive; and
  - (b) shall remain the charging authority for the CIL it is entitled to receive.

#### Textual Amendments

- F1** Regs. 63A, 63B inserted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, **9(1)**

**Transitional provision: when a MDC ceases being the charging authority for an area **E+W****

- 63B.**—(1) This regulation has effect when a MDC ceases to be the charging authority for an area.
- (2) If, before the MDC ceases to be the charging authority for an area, it—
- (a) had in place a charging schedule approved under section 213 of PA 2008; and
  - (b) granted planning permission for a development, or received or issued a notice of chargeable development in relation to a development under regulation 64 or 64A,
- it shall be entitled to receive the CIL for the development to which the planning permission or notice of chargeable development relates.
- (3) Subject to paragraphs (4) to (6), the MDC—
- (a) shall remain the collecting authority for the CIL it is entitled to receive; and
  - (b) shall remain the charging authority for the CIL it is entitled to receive.
- (4) Where—
- (a) the Mayor has made a transfer scheme under section 216(1) of the Localism Act 2011;

- (b) the property transferred under the transfer scheme includes CIL which the MDC is entitled to receive; and
- (c) the permitted recipient is a London borough council,

the permitted recipient shall act as the collecting authority for the CIL it is entitled to receive, and all references in Parts 7 (application of CIL) to 10 (appeals) of these Regulations to “collecting authority” and “charging authority” shall be read as a reference to it.

(5) Where—

- (a) the Mayor has made a transfer scheme under section 216(1) of the Localism Act 2011;
- (b) the property transferred under the transfer scheme includes CIL which the MDC is entitled to receive; and
- (c) the permitted recipient is not a London borough council,

the permitted recipient may agree with a charging authority (C) that C shall be the collecting authority for the CIL which the permitted recipient is entitled to receive, and all references in Parts 8 (administration) to 10 (appeals) of these Regulations to “collecting authority” shall be read as a reference to C.

(6) Where paragraph (5) applies the permitted recipient is a charging authority that (C) is collecting CIL on behalf of for the purposes of regulations 61 (administrative expenses) and 76 (payments to charging authorities).

(7) In this regulation, “permitted recipient” has the meaning given in section 216(4) of the Localism Act 2011.]

#### Textual Amendments

- F1** Regs. 63A, 63B inserted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, **9(1)**

#### Notice of chargeable development **E+W**

**64.**—(1) This regulation applies where planning permission is granted for development by way of a general consent.

[<sup>F2</sup>(1A) Paragraph (2) does not apply to a development—

- (a) to which regulation 42 applies; <sup>F3</sup>...

[ in relation to which no CIL is payable because an exemption for residential extensions <sup>F4</sup>(aa) was granted; or]

- (b) in relation to which the chargeable amount, calculated under regulation 40, is zero.]

(2) Before any development authorised by a general consent is commenced, a notice of chargeable development must be submitted to the collecting authority in respect of that development.

(3) The notice must—

- (a) be submitted in writing on a form published by the Secretary of State (or a form to substantially the same effect); and
- (b) include the particulars specified or referred to in the form.

[<sup>F5</sup>(4) The notice must be accompanied by a plan which identifies —

- (a) the land to which the notice relates;

[<sup>F6</sup>(b) any building that is relevant for the purpose of calculating E or  $K_R$  under regulation 40 [<sup>F7</sup>and Schedule 1];]

(d) the development which is the subject of the notice.]

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

(7) A person who submits a notice of chargeable development must notify the collecting authority in writing of any changes to the information provided in that notice before the chargeable development is commenced.

(8) A collecting authority may request a person who has submitted a notice of chargeable development to provide it with such further information, documents or materials which the collecting authority considers relevant to assist it in calculating the chargeable amount.

<sup>F9</sup>(9) .....

**Textual Amendments**

**F2** Reg. 64(1A) inserted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(1)**

**F3** Word in reg. 64(1A)(a) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(1)(a)(i)**

**F4** Reg. 64(1A)(aa) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(1)(a)(ii)**

**F5** Reg. 64(4) substituted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(2)**

**F6** Reg. 64(4)(b) substituted for reg. 64(4)(b)(c) (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(1)(b)**

**F7** Words in reg. 64(4)(b) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(5)** (with regs. 1(3), 13)

**F8** Reg. 64(5)(6) omitted (6.4.2011) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(3)**

**F9** Reg. 64(9) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(1)(c)**

**Commencement Information**

**I1** Reg. 64 in force at 6.4.2010, see **reg. 1**

**<sup>F10</sup>Preparation and service of notice of chargeable development by collecting authority **E****  
**+W**

**64A.**—(1) This regulation applies where—

- (a) planning permission for a development is granted by way of a general consent;
- (b) no notice of chargeable development has been submitted to the collecting authority under regulation 64(2) in respect of that development; and
- (c) the collecting authority is of the view that—
  - (i) the development has been commenced; and

<sup>F11</sup>(ii) in relation to the development—

- (aa) the exemption conferred by regulation 42 does not apply; or
- (bb) the exemption for residential extensions does not reduce the CIL liability to zero.]

(2) The collecting authority must prepare a notice of chargeable development which—

- (a) is in writing on a form published by the Secretary of State (or a form to substantially the same effect);
  - (b) includes the particulars specified or referred to in the form; and
  - (c) is accompanied by a plan which identifies—
    - (i) the land to which the notice relates;
    - (ii) the building which is the subject of the notice;
    - [<sup>F12</sup>(iii) where the collecting authority has sufficient information to do so, any building that is relevant for the purpose of calculating E or K<sub>R</sub> under [<sup>F13</sup>regulation 40 and Schedule 1.]]
- (3) The collecting authority must serve the notice of chargeable development on each person known to the authority as an owner of the relevant land, together with the liability notice served under regulation 65(3).]

#### Textual Amendments

- F10** Reg. 64A inserted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(5)**
- F11** Reg. 64A(1)(c)(ii) substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(2)(a)**
- F12** Reg. 64A(2)(c)(iii) substituted for reg. 64A(2)(c)(iii)(iv) (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(2)(b)**
- F13** Words in reg. 64A(2)(c)(iii) substituted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(6)** (with regs. 1(3), 13)

#### Liability notice **E+W**

- 65.**—(1) The collecting authority must issue a liability notice as soon as practicable after the day on which a planning permission first permits development.
- (2) A liability notice must—
- (a) be issued on a form published by the Secretary of State (or a form to substantially the same effect);
  - (b) include a description of the chargeable development;
  - (c) state the date on which it was issued;
  - (d) state the chargeable amount;
  - [<sup>F14</sup>(da) where the chargeable amount may be paid by way of instalments, include a copy of the charging authority's current instalment policy (if any);]
  - (e) state the amount of any [<sup>F15</sup>exemption for residential annexes or extensions,] charitable relief or relief for exceptional circumstances granted in respect of the chargeable development;
  - (f) where social housing relief [<sup>F16</sup>or an exemption for self-build housing] has been granted in respect of the chargeable development, state—
    - (i) the particulars of each person benefiting from the relief [<sup>F17</sup>or exemption], and
    - (ii) for each of those persons, the amount of relief [<sup>F18</sup>or exemption] from which the person benefits; and
  - (g) contain the other information specified in the form.

- (3) The collecting authority must serve the liability notice on—
- (a) the relevant person;
  - (b) if a person has assumed liability to pay CIL in respect of the chargeable development, that person; and
  - (c) each person known to the authority as an owner of the relevant land.
- [<sup>F19</sup>(4) The collecting authority must issue a revised liability notice in respect of a chargeable development if—
- (a) the chargeable amount or any of the particulars mentioned in paragraph 2(e) or (f) change (whether on appeal or otherwise); or
  - (b) the charging authority issue a new instalment policy which changes the instalment arrangements which relate to the chargeable development.]
- (5) A collecting authority may at any time issue a revised liability notice in respect of a chargeable development.
- (6) A liability notice issued in accordance with paragraph (4) or (5) must be served in accordance with paragraph (3).
- (7) A collecting authority may withdraw a liability notice issued by it by giving notice to that effect in writing to the persons on whom it was served.
- (8) Where a collecting authority issues a liability notice any earlier liability notice issued by it in respect of the same chargeable development ceases to have effect.
- (9) A liability notice issued in respect of a chargeable development ceases to have effect if liability to CIL would no longer arise in respect of that chargeable development.
- (10) Subject to paragraph (11), a liability notice issued in respect of a chargeable development ceases to have effect once all outstanding amounts due in respect of that chargeable development have been paid to the collecting authority.
- (11) A liability notice issued in respect of a chargeable development ceases to have effect at the end of the clawback period if—
- (a) charitable or social housing relief [<sup>F20</sup>, or an exemption for residential annexes or self-build housing,] has been granted in respect of that chargeable development; and
  - (b) no disqualifying event occurs before the end of the clawback period [<sup>F21</sup>(or, if a disqualifying event under regulation 54D(2)(b) has occurred and the collecting authority may take no further action in relation to that event)].
- (12) In this regulation “relevant person” means—
- (a) in the case of a general consent, the person who has submitted a notice of chargeable development;
  - (b) in the case of [<sup>F22</sup>phased] planning permission granted subject to a condition requiring that further approval is obtained before commencing development, the person who has applied for that approval;
  - (c) in all other cases, the person who applied for [<sup>F23</sup>[<sup>F22</sup>phased]] planning permission.

#### Textual Amendments

- F14** Reg. 65(2)(da) inserted (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(6)**
- F15** Words in reg. 65(2)(e) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **9(3)(a)**

- F16** Words in reg. 65(2)(f) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(b)(i)**
- F17** Words in reg. 65(2)(f)(i) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(b)(ii)**
- F18** Words in reg. 65(2)(f)(ii) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(b)(ii)**
- F19** Reg. 65(4) substituted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(7)**
- F20** Words in reg. 65(11)(a) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(c)**
- F21** Words in reg. 65(11)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(d)**
- F22** Word in reg. 65(12) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(3)(e)** (with reg. 14(1)(7))
- F23** Word in reg. 65(12)(c) omitted (E.) (1.9.2019) by virtue of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(7)** (with regs. 1(3), 13)

#### Commencement Information

- I2** Reg. 65 in force at 6.4.2010, see **reg. 1**

#### Local land charges **E+W**

**66.**—(1) The chargeable amount payable in respect of a chargeable development is a local land charge.

(2) Subject to paragraph (3), the chargeable amount ceases to be a local land charge once all outstanding amounts of CIL due in respect of the chargeable development have been paid to the collecting authority.

(3) The chargeable amount ceases to be a local land charge at the end of the clawback period if—

- (a) charitable or social housing relief [<sup>F24</sup>, or an exemption for residential annexes or self-building housing,] is granted in respect of the chargeable development; and
- (b) no disqualifying event occurs before the end of the clawback period [<sup>F25</sup>(or, if a disqualifying event under regulation 54D(2)(b) has occurred and the collecting authority may take no further action in relation to that event)].

(4) The chargeable amount ceases to be a local land charge if liability to CIL would no longer arise in respect of the chargeable development.

(5) For the purposes of the Local Land Charges Act 1975(1), the collecting authority is the originating authority as respects a local land charge created in accordance with this regulation.

#### Textual Amendments

- F24** Words in reg. 66(3)(a) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(4)(a)**
- F25** Words in reg. 66(3)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(4)(b)**

#### Commencement Information

- I3** Reg. 66 in force at 6.4.2010, see **reg. 1**

## Commencement notice **E+W**

67.—(1) Where planning permission is granted for a chargeable development, a commencement notice must be submitted to the collecting authority no later than the day before the day on which the chargeable development is to be commenced.

[<sup>F26</sup>(1A) This regulation does not apply to a development—

(a) to which regulation 42 applies; <sup>F27</sup>...

[ in relation to which no CIL is payable because an exemption for residential extensions <sup>F28</sup>(aa) was granted; or]

(b) in relation to which the chargeable amount, calculated under regulation 40, is zero.]

(2) A commencement notice must—

(a) be submitted in writing on a form published by the Secretary of State (or a form to substantially the same effect);

(b) identify the liability notice issued in respect of the chargeable development;

(c) state the intended commencement date of the chargeable development; and

(d) include the other particulars specified or referred to in the form.

(3) A person submitting a commencement notice must serve a copy of it on each person known to that person as an owner of the relevant land.

(4) On receiving a valid commencement notice the collecting authority must send an acknowledgment of its receipt to the person who submitted it.

(5) Where charitable or social housing relief has been granted in respect of the chargeable development, the acknowledgement must state the date on which the clawback period ends (on the assumption that the chargeable development is commenced on the intended commencement date).

[<sup>F29</sup>(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.]

(7) A person who has submitted a commencement notice may withdraw it at any time before the commencement of the chargeable development to which it relates by giving notice in writing to the collecting authority.

(8) A commencement notice is valid if it complies with the requirements of paragraph (2).

### Textual Amendments

**F26** Reg. 67(1A) inserted (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(8)**

- F27** Word in reg. 67(1A)(a) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(5)(a)**
- F28** Reg. 67(1A)(aa) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(5)(b)**
- F29** Reg. 67(6)-(6B) substituted for reg. 67(6) (29.11.2012) by The Community Infrastructure Levy (Amendment) Regulations 2012 (S.I. 2012/2975), regs. 1, **8(1)** (with reg. 10(1))

#### Commencement Information

- I4** Reg. 67 in force at 6.4.2010, see **reg. 1**

### Deemed commencement of chargeable development **E+W**

**68.** A collecting authority must determine the day on which a chargeable development was commenced (“the deemed commencement date”) if it—

- (a) has not received a commencement notice in respect of the chargeable development but has reason to believe it has been commenced; or
- (b) has received a commencement notice in respect of the chargeable development but has reason to believe that it was commenced earlier than the intended commencement date.

#### Commencement Information

- I5** Reg. 68 in force at 6.4.2010, see **reg. 1**

### Demand notice **E+W**

**69.—(1)** The collecting authority must serve a demand notice on each person liable to pay an amount of CIL in respect of a chargeable development.

(2) A demand notice must—

- (a) be issued on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) state the date on which it was issued;
- (c) identify the liability notice to which it relates;
- (d) state the intended commencement date or, where the collecting authority has determined a deemed commencement date, the deemed commencement date;
- (e) state the amount payable by the person on whom the notice is served (including any surcharges imposed in respect of or interest applied to the amount) and the day on which payment of the amount is due;
- (f) where the amount payable is to <sup>[F30]</sup>be paid by way of instalments(2), state the amount of each instalment and the day on which payment of the instalment is due; and
- (g) include the other information specified in the form.

(3) The collecting authority may at any time serve a revised demand notice on a person liable to pay an amount of CIL.

(4) The collecting authority must serve a revised demand notice on a person on whom it has served a demand notice if any of the particulars mentioned in paragraph (2)(d), (e) or (f) change (whether on appeal or otherwise).

(2) See regulation 70.



(5) Where a collecting authority serves a demand notice on a person, any earlier demand notice served on that person in respect of the same chargeable development ceases to have effect.

#### Textual Amendments

**F30** Word in reg. 69(2)(f) inserted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, 9(9)

#### Commencement Information

**I6** Reg. 69 in force at 6.4.2010, see reg. 1

#### [<sup>F31</sup>Suspension of demand notice E+W

**69A.**—(1) A person (P) who has been served with a demand notice under regulation 69(1) may request the collecting authority to make a declaration that P is not required to pay the amount of CIL stated in the demand notice until works which are part of the chargeable development are commenced on the land in which P has a material interest.

(2) A request under paragraph (1) must be made in writing and include sufficient particulars to enable the collecting authority to decide whether it is satisfied as to the matters described in paragraph (3)(a) to (e).

(3) The collecting authority must make a declaration under paragraph (1) if it is satisfied that—

- (a) P's liability under the demand notice arises because that liability has been apportioned to P under regulation 33(2) or 36(4)(b);
- (b) no works which are part of the chargeable development have been commenced on the land in which P has a material interest;
- (c) P has not agreed that any works which are part of the chargeable development may be commenced on the land in which P has a material interest;
- (d) P has not agreed, in a contract enforceable under section 2 of the Law of Property (Miscellaneous Provisions) Act 1989, to transfer all or any part of P's material interest in the land to any other person; and
- (e) in all the circumstances of the case it is reasonable that P is not required to pay the amount of CIL stated in the demand notice until works which are part of the chargeable development are commenced on the land in which P has a material interest.

(4) Where a declaration is made under paragraph (1)—

- (a) P shall not be liable for any late interest payment under regulation 87 (late payment interest);
- (b) no measures to recover CIL under Chapter 3 of Part 9 (recovery of CIL) may be taken against P; and
- (c) no measures to recover CIL under Chapter 4 of Part 9 (other enforcement provisions) may be taken against P's executor or administrator,

until a demand notice is issued under paragraph (6) or (7).

(5) Where—

- (a) a declaration is made under paragraph (1); and
- (b) works which are part of the chargeable development are subsequently commenced on the land in which P has a material interest,

P must notify the collecting authority in writing no later than the day before the day on which the works are commenced that the works are being commenced.

- (6) Where a collecting authority —
- (a) receives notice under paragraph (5), or
  - (b) has not received notice under paragraph (5), but is of the view that works which are part of the chargeable development have been commenced on the land,

it must serve a demand notice on P.

(7) Where a collecting authority is of the view that P has agreed, in a contract enforceable under section 2 of the Law of Property (Miscellaneous Provisions) Act 1989, to transfer all or any part of P's material interest in the land to any other person, it must serve a demand notice on that person.

(8) Where a collecting authority serves a demand notice on P under paragraph (6)(b), the charging authority may impose a surcharge equal to 20 per cent of the chargeable amount payable by P or £2500, whichever is the lower amount.

(9) A demand notice served under paragraph (6) or (7) must comply with the requirements of regulation 69(2).]

#### Textual Amendments

**F31** Reg. 69A inserted (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(10)**

#### [<sup>F32</sup> Instalment policies **E+W**

**69B.**—(1) A charging authority which wishes to allow persons liable to pay CIL to do so by instalments must publish on its website an instalment policy containing only the information described in paragraph (2) (“the instalment policy”).

- (2) The instalment policy must state—
- (a) the date on which it takes effect, which must be no earlier than the day after the instalment policy is published on the website;
  - (b) the number of instalment payments;
  - (c) the amount or proportion of CIL payable in any instalment;
  - (d) the time (to be calculated from the date the development is commenced) that the first instalment payment is due, and the time that any subsequent instalment payments are due; and
  - (e) any minimum amount of CIL below which CIL may not be paid by instalment.

- (3) The charging authority must—
- (a) make the instalment policy available for inspection—
    - (i) at its principal office, and
    - (ii) at such other places within its area as it considers appropriate; and
  - (b) send a copy of the instalment policy to the collecting authority (if it is not the charging authority).

(4) Subject to paragraph (5), a charging authority may bring into effect a new instalment policy at any time; any new instalment policy must comply with paragraphs (1) to (3).

(5) A new instalment policy may not take effect earlier than the period of 28 days beginning with the date on which the previous instalment policy took effect.

- (6) A charging authority which no longer wishes to have an instalment policy must—

- (a) publish on its website a notice stating the date on which the instalment policy shall cease to have effect;
  - (b) make the notice available for inspection—
    - (i) at its principal office, and
    - (ii) at such other places within its area as it considers appropriate; and
  - (c) send a copy of the notice to the collecting authority (if it is not the charging authority).
- (7) The date mentioned in paragraph (6)(a) must be no earlier than the period of 28 days beginning with the date on which the instalment policy came into effect.]

#### Textual Amendments

**F32** Regs. 69B, 70 substituted for reg. 70 (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(11)**

#### Payment periods **E+W**

- [<sup>F32</sup>70.**—(1) This regulation applies where—
- (a) a person has assumed liability to pay CIL in respect of a chargeable development (D);
  - (b) the collecting authority has received a commencement notice in respect of D; and
  - (c) the collecting authority has not determined a deemed commencement date for D.
- (2) The amount of CIL payable (A) to all charging authorities in respect of D is payable in accordance with the following paragraphs.
- (3) Where—
- (a) A is charged by both the Mayor of London and a London borough council [<sup>F33</sup>or MDC]; and
  - (b) the London borough council [<sup>F33</sup>or MDC] 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.
- (4) Where—
- (a) A is charged by both the Mayor of London and a London borough council [<sup>F33</sup>or MDC];
  - (b) the London borough council [<sup>F33</sup>or MDC] has not issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b); and
  - (c) the Mayor of London 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 the Mayor’s instalment policy.
- (5) Where—
- (a) A is charged by a London borough council [<sup>F33</sup>or MDC] but not by the Mayor of London; and
  - (b) the London borough council [<sup>F33</sup>or MDC] 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.
- [<sup>F34</sup>(5A)** Where—

- (a) A is charged by the Mayor of London but not by a London borough council [<sup>F33</sup>or MDC]; 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.]

(6) Where—

- (a) A is charged by a charging authority other than the Mayor of London or a London borough council [<sup>F33</sup>or MDC]; and
- (b) the charging authority 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.

(7) In all other cases, A is payable in full at the end of the period of 60 days beginning with the intended commencement date of D.

(8) Where an amount payable in accordance with this regulation is not received in full on or before the day on which it is due—

- (a) the unpaid balance of A becomes payable in full immediately; and
- (b) the collecting authority must send a copy of any demand notice which it serves as a result of the non-payment to each person known to the authority as an owner of the relevant land.]

[<sup>F35</sup>(9) Where—

- (a) the amount of CIL in respect of a chargeable development which is granted planning permission is payable in accordance with an instalment policy; and
- (b) a new planning permission (B) is later granted in relation to the development under section 73 of TCPA 1990,

then the amount of CIL in respect of the development granted by B is payable in accordance with that instalment policy.]

#### Textual Amendments

- F32** Regs. 69B, 70 substituted for reg. 70 (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(11)**
- F33** Words in [reg. 70\(3\)-\(6\)](#) inserted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, **9(2)**
- F34** [Reg. 70\(5A\)](#) inserted (29.11.2012) by [The Community Infrastructure Levy \(Amendment\) Regulations 2012 \(S.I. 2012/2975\)](#), regs. 1, **8(2)** (with [reg. 10\(3\)-\(5\)](#))
- F35** [Reg. 70\(9\)](#) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **7(2)** (with [regs. 1\(4\), 13](#))

#### Payment in full **E+W**

**71.**—(1) The amount of CIL payable in respect of a chargeable development (D) is due in full on the intended commencement date if—

- (a) nobody has assumed liability to pay CIL in respect of D;
- (b) the collecting authority has received a commencement notice in respect of D; and
- (c) the collecting authority has not determined a deemed commencement date for D.

(2) Where the collecting authority determines a deemed commencement for a chargeable development, the amount of CIL payable in respect of that chargeable development is due in full on the deemed commencement date.

(3) Where the collecting authority transfers liability to pay an amount to the owners of the relevant land<sup>(3)</sup>, payment of that amount is due in full immediately.

(4) Where a person is liable to pay an amount as a result of a disqualifying event, payment of that amount is due in full—

- (a) at the end of the period of seven days beginning with the day on which a demand notice requiring payment of the amount is issued, if the collecting authority receives notification of the disqualifying event; or
- (b) immediately, if the collecting authority does not receive notification of the disqualifying event.

**Commencement Information**

**I7** Reg. 71 in force at 6.4.2010, see [reg. 1](#)

**Payment: general** **E+W**

**72.**—(1) This regulation applies to CIL which is paid in money.

(2) Payment must be made to the collecting authority.

(3) Payment is deemed to have been received by the collecting authority on the day on which it receives the cleared funds.

(4) On receiving a payment the collecting authority must send an acknowledgment of receipt to the person making the payment.

**Commencement Information**

**I8** Reg. 72 in force at 6.4.2010, see [reg. 1](#)

**[<sup>F36</sup>Payment: deferral** **E+W**

**72A.**—(1) If a person (P)—

- (a) has an annual turnover not exceeding £45,000,000,
- (b) has been served with a demand notice by a collecting authority under regulation 69,
- (c) is required to pay an amount of CIL in respect of a chargeable amount (whether by instalment or otherwise) during the material period, and
- (d) is experiencing financial difficulties for reasons connected to the effects of coronavirus resulting in difficulty paying that amount,

P may make a request in writing to the collecting authority to defer payment of that CIL amount (“a deferral request”).

(2) A deferral request must be submitted to the collecting authority—

- (a) no more than 14 days before, or
- (b) on or as soon as practicable after,

(3) See regulation 36(2).

the day payment of the CIL amount is due.

- (3) The collecting authority must—
  - (a) consider a deferral request as soon as practicable after it is received, and
  - (b) subject to paragraph (6), grant or refuse to grant in writing that request as soon as practicable, and in any event before the end of the period of 40 days beginning with the day the authority receives such a request.
- (4) The collecting authority may grant a deferral request—
  - (a) if the authority considers it is appropriate in the circumstances, and
  - (b) in that case, for no more than six months beginning with the day the authority receives the request in writing.
- (5) As soon as practicable after the collecting authority grants a deferral request, that authority must serve a revised demand notice under regulation 69(3) on P, and that notice must state—
  - (a) the CIL amount payable by P (including any surcharges imposed in respect of, or interest applied to, the amount), and
  - (b) the day on which payment of the CIL amount is due taking account of any deferral which the collecting authority has granted.
- (6) In relation to CIL charged by the Mayor, the collecting authority may only grant a deferral request for that CIL amount under paragraph (3)(b) if the Mayor is of the view that it is appropriate for any CIL payment charged by the Mayor to be deferred under this regulation.
- (7) If a collecting authority grants a deferral request under paragraph (3)(b) for a CIL amount, that amount must be paid by P in accordance with the revised demand notice that is required to be served under paragraph (5).
- (8) If a collecting authority refuses to grant a deferral request under paragraph (3)(b) for a CIL amount, that amount must be paid by P in accordance with—
  - (a) the demand notice which was served under regulation 69 and applied to that amount before the deferral request was made, or
  - (b) a revised demand notice which is not served pursuant to paragraph (5), and which applies to that CIL amount at any time after the deferral request was made.
- (9) In this regulation—
  - (a) the “material period” means the period beginning with the day these Regulations come into force and ending at midnight on 31st July 2021,
  - (b) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), and
  - (c) the reference in paragraph (1)(d) to “financial difficulties” includes such difficulties which would be likely to have an unacceptable impact on the economic viability of P.

#### Textual Amendments

**F36** Regs. 72A-72C inserted (E.) (22.7.2020) by [The Community Infrastructure Levy \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/781\)](#), regs. 1(1), 3

#### Deferral: payment of surcharge and interest **E+W**

**72B.**—(1) During the period when a collecting authority is considering a deferral request under regulation 72A(3), made by a person (P) mentioned in paragraph (1) of that regulation—

- (a) a surcharge may not be imposed on P under regulation 85 (surcharge for late payment) by that collecting authority, and
  - (b) P is not required to pay interest on that amount under regulation 87 (late payment interest) and such interest does not accrue on that amount.
- (2) If a collecting authority has refused to grant a deferral request under regulation 72A(3)(b) in respect of a CIL amount—
- (a) a surcharge for late payment of that amount may not be imposed on the person (P) who made that request, and
  - (b) P is not required to pay late payment interest on that amount and such interest does not accrue on that amount,
- for 7 days beginning with the day on which the deferral request is refused.
- (3) If—
- (a) late payment interest has accrued on an amount of CIL which is the subject of a deferral request made by P under regulation 72A(1), and
  - (b) that interest accrued on a day falling within the period beginning with 21st March 2020 and ending with the day before the collecting authority receives that deferral request,
- P may request that the collecting authority credits the interest accrued against the CIL amount due under the revised demand notice that is required under regulation 72A(5) (“an interest request”).
- (4) A collecting authority may grant an interest request if it considers that is appropriate in the circumstances.
- (5) In relation to interest which has accrued on CIL charged by the Mayor, the collecting authority may only grant an interest request under paragraph (4), if the Mayor is of the view that it is appropriate for—
- (a) any CIL payment charged by the Mayor to be deferred under regulation 72A, and
  - (b) any late payment interest which has accrued on CIL charged by the Mayor to be the subject of an interest request.
- (6) If a collecting authority refuses to grant an interest request, the interest which is the subject of that request must be paid by P in accordance with regulations 87 and 88.

#### Textual Amendments

**F36** Regs. 72A-72C inserted (E.) (22.7.2020) by [The Community Infrastructure Levy \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/781\)](#), regs. 1(1), 3

#### Deferral: information **E+W**

- 72C.**—(1) A collecting authority may request, in writing, that the person (P) mentioned in regulation 72A(1) and 72B(2) supply it with such relevant information as may be specified by that authority for the purpose of—
- (a) carrying out the authority’s functions under those regulations, and
  - (b) assisting the authority to decide any request made by P under those regulations.
- (2) P must provide any information that is requested under paragraph (1), in so far as that information is in P’s possession or control, within 14 days beginning with the day on which the request in paragraph (1) is made.

(3) A collecting authority may refuse to grant a request made by P under regulation 72A(1) or 72B(2) if P fails to provide that authority with information that is requested under paragraph (1) within the time specified in paragraph (2).]

**Textual Amendments**  
**F36** Regs. 72A-72C inserted (E.) (22.7.2020) by [The Community Infrastructure Levy \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/781\)](#), regs. 1(1), 3

**Payment in kind** E+W

**73.**—(1) A charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

(2) A land payment is an acquisition of land from a person who would be liable to pay CIL in respect of a chargeable development on commencement of that chargeable development.

(3) Where CIL is paid by way of a land payment the amount of CIL paid is an amount equal to the value of the acquired land.

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

(5) A charging authority must aim to ensure that acquired land is used for a relevant purpose.

(6) A charging authority may not accept a land payment unless—

<sup>F37</sup>(a) .....

(b) the acquired land is acquired by the charging authority or a person nominated by the charging authority (with that person’s agreement);

(c) the person from whom the land will be acquired has assumed liability to pay CIL in respect of the chargeable development; and

(d) an agreement to make the land payment is entered into before the chargeable development is commenced.

(7) The agreement mentioned in paragraph (6)(d)—

(a) must be in writing and state the value of the land to be acquired; and

(b) may not form part of a planning obligation entered into under section 106 of TCPA 1990.

(8) Where a person other than the charging authority is to acquire the land, the charging authority may not enter into the agreement mentioned in paragraph (6)(d) unless it is satisfied that the person acquiring the land intends to use it for a relevant purpose.

(9) If acquired land is used for a purpose other than a relevant purpose, the charging authority must deem an appropriate cash amount held by it to be CIL.

(10) The appropriate cash amount in respect of a given land payment must be calculated by applying the following formula—

$$\frac{N \times V}{A}$$

where—

N = the area of the part of the acquired land not used for a relevant purpose;

A = the area of the acquired land; and

V = the value of the acquired land as stated in the agreement entered into in accordance with paragraph (6)(d).



(11) For the purposes of this regulation, the value of acquired land must be determined by an independent person and is the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place.

(12) The price referred to in paragraph (11) shall not be assumed to be reduced on the ground that the whole of the acquired land is to be placed on the open market at the same time.

(13) For the purposes of this regulation, land is used for a relevant purpose if it is used to provide or facilitate (in any way) the provision of infrastructure to support the development of the charging authority's area.

(14) In this regulation—

“acquired land” means land acquired by way of a land payment;

“independent person” means a person who—

(a) is appointed by a person other than the charging authority with the agreement of—

(i) the charging authority, and

(ii) the person liable to pay CIL in respect of the chargeable development, and

(b) has appropriate qualifications and experience; and

“land” includes existing buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land.

#### Textual Amendments

**F37** Reg. 73(6)(a) omitted (6.4.2011) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(12)**

#### Commencement Information

**I9** Reg. 73 in force at 6.4.2010, see [reg. 1](#)

### <sup>F38</sup> Infrastructure payments **E+W**

**73A.**—(1) If a charging authority has made infrastructure payments available in its area it may accept one or more infrastructure payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

(2) An infrastructure payment is the provision of one or more items of infrastructure by a person (P) who would be liable to pay CIL in respect of a chargeable development on commencement of that development.

(3) Where CIL is paid by way of an infrastructure payment the amount of CIL paid is an amount equal to the value of the infrastructure provided.

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

(5) A charging authority must aim to ensure that the infrastructure provided through an infrastructure payment will be used to support the development of its area.

(6) A charging authority may accept an infrastructure payment relating to infrastructure to be provided outside its area if it considers that the infrastructure will support the development of its area.

(7) A charging authority may not accept an infrastructure payment unless—

(a) it is satisfied that P—

(i) has, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed to enable P to provide the infrastructure, and

- (ii) has provided the charging authority with evidence that P has obtained, or will be likely to be able to obtain, any relevant statutory authorisations that are necessary to enable the infrastructure to be constructed;
  - (b) it is satisfied that the infrastructure to be provided—
    - (i) is relevant infrastructure, and
    - (ii) is not necessary to make the development granted permission by the relevant permission acceptable in planning terms;
  - (c) the infrastructure will be provided to the charging authority or a person nominated by the charging authority (with that person’s agreement);
  - (d) P has assumed liability to pay CIL in respect of the chargeable development; and
  - (e) an agreement to provide the infrastructure is entered into before the chargeable development mentioned in paragraph (2) is commenced.
- (8) The agreement mentioned in paragraph (7)(e) must—
- (a) be in writing;
  - (b) state the value of the infrastructure;
  - (c) state the date by which the infrastructure is to be provided and provide for payment to the charging authority of—
    - (i) the CIL cash amount, and
    - (ii) interest,in money if the infrastructure is not provided by that date, or in accordance with an agreed extension to that date; and
  - (c) must satisfy the requirements of paragraph (9).
- (9) The agreement mentioned in paragraph (7)(e) must ensure that by the time the CIL cash amount would be payable if it was being paid in money, an amount equal to the CIL cash amount must either—
- (a) have been used to provide the infrastructure; or
  - (b) be subject to an arrangement so that—
    - (i) it can only be used by P for the purposes of providing the infrastructure,
    - (ii) P cannot use that amount as a means of securing additional funding or in any other way that would benefit P,
    - (iii) any interest or other benefit received in relation to that amount from that date belong to the charging authority,
    - (iv) any funds subject to the arrangement remaining once the infrastructure has been provided belong to the charging authority, and
    - (v) if the CIL cash amount becomes payable in money, any funds subject to the arrangement are used for that purpose.
- (10) Where the infrastructure is to be provided to a person other than the charging authority, the charging authority may not enter into the agreement mentioned in paragraph (7)(e) unless it is satisfied that that person will use the infrastructure to support the development of the charging authority’s area.
- (11) For the purposes of this regulation, the value of the infrastructure provided must be determined by an independent person, and is the cost to P of providing that infrastructure (including related design costs) on the day the valuation takes place.
- (12) In this regulation—

- (a) “the CIL cash amount” means the CIL the infrastructure payment is accepted in satisfaction of;
- (b) “independent person” has the same meaning as in regulation 73(14) (payment in kind);
- (c) infrastructure is “provided to” a person if it is completed and ownership of it is transferred to that person;
- [ “relevant infrastructure” means—
- <sup>F39</sup>(d) (i) the infrastructure projects or the types of infrastructure listed by a charging authority on its infrastructure list; and  
(ii) in relation to any time before 31st December 2020, where no such list has been published, any infrastructure; and]
- (e) “relevant permission” means the planning permission which grants permission for the chargeable development mentioned in paragraph (2).

#### Textual Amendments

**F38** Regs. 73A, 73B inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **9(6)**

**F39** Reg. 73A(12)(d) substituted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **9(5)** (with reg. 13)

#### Infrastructure payments: notification requirements **E+W**

- 73B.**—(1) A charging authority which wishes to allow infrastructure payments in its area must—
- (a) issue a document which—
    - (i) gives notice that it is willing to accept infrastructure payments in its area,
    - (ii) states the date on which the charging authority will begin accepting infrastructure payments, and
    - (iii) includes a policy statement setting out the infrastructure projects, or types of infrastructure, which it will consider accepting the provision of as infrastructure payments (this may be done by reference to the charging authority’s infrastructure list);
  - (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
  - (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 allowing infrastructure payments in its area it must—
- (a) issue a document which—
    - (i) gives notice of the revised policy,
    - (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—

- (i) at its principal office; and
  - (ii) at the places at which the document mentioned in paragraph (1) was made available for inspection under paragraph (1)(c)(ii), or, if the charging authority considers that such places are no longer appropriate, such other places within its area as it considers appropriate; 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 to allow infrastructure payments in its area must—
- (a) issue a statement giving notice to that effect and stating the last day on which the charging authority will consider entering into an agreement under regulation 73A(7)(e);
  - (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.]

#### Textual Amendments

**F38** Regs. 73A, 73B inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 9(6)

#### Payment in kind <sup>F40</sup> and infrastructure payments]: further provision **E+W**

74.—(1) This regulation applies where the CIL payable in respect of a chargeable development is payable (in whole or in part) by way of one or more land <sup>F41</sup>or infrastructure] payments.

(2) References in regulations 36, 69 and 70 to an amount which is payable (however expressed) include references to a land <sup>F42</sup>or infrastructure] payment which is payable.

(3) A land payment is deemed to have been received on the day on which the land which is the subject of the payment is acquired.

<sup>F43</sup>(3A) An infrastructure payment is deemed to have been received on the day on which the funds to be used to provide that infrastructure have either been used to provide it or are subject to an arrangement made in accordance with regulation 73A(9)(b).]

(4) For the purposes of regulation 70—

(a) an instalment may be paid by way of a land payment <sup>F44</sup>, an infrastructure payment] or in money, or a combination of the <sup>F45</sup>three]; and

(b) more than one instalment may be paid by way of a given land <sup>F46</sup>or infrastructure] payment.

(5) For the purposes of regulation <sup>F47</sup>70(8)], the unpaid balance must be paid in money.

(6) Where the collecting authority has determined a deemed commencement date in respect of the chargeable development in accordance with regulation 68, the amount of CIL payable in respect of that chargeable development is due in full and must be paid in money.

(7) An agreement to make a land [<sup>F48</sup>or infrastructure] payment is void if, and to the extent that, it purports to bind a charging authority to accept a land [<sup>F48</sup>or infrastructure] payment other than in accordance with these Regulations.

#### Textual Amendments

- F40** Words in reg. 74 heading inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(a)**
- F41** Words in reg. 74(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(b)**
- F42** Words in reg. 74(2) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(c)**
- F43** Reg. 74(3A) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(d)**
- F44** Words in reg. 74(4)(a) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(e)(i)**
- F45** Word in reg. 74(4)(a) substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(e)(i)**
- F46** Words in reg. 74(4)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(e)(ii)**
- F47** Word in reg. 74(5) substituted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **9(13)**
- F48** Words in reg. 74(7) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(7)(f)**

#### Commencement Information

- I10** Reg. 74 in force at 6.4.2010, see **reg. 1**

#### [<sup>F49</sup>Abatement [<sup>F50</sup>: section 73 applications] **E+W**

**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).]

#### Textual Amendments

- F49** Reg. 74A inserted (29.11.2012) by The Community Infrastructure Levy (Amendment) Regulations 2012 (S.I. 2012/2975), regs. 1, **8(3)** (with reg. 10(1))
- F50** Words in reg. 74A heading inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(8)**

**[<sup>F51</sup>Abatement: implementation of a different planning permission E+W**

**74B.**—(1) This regulation applies where—

- (a) a chargeable development has been commenced under a planning permission (A);
- (b) a different planning permission (B) has been granted for development on all or part of the land on which the chargeable development under A is authorised to be carried out; and
- (c) the charging authority receives notice from a person who has assumed liability to pay CIL in relation to B that the chargeable development under A will cease to be carried out and that the chargeable development under B will commence.

(2) Where this regulation applies a person who has assumed liability to pay CIL in relation to B may request that the charging authority credits any CIL paid in relation to A against the amount due in relation to B.

(3) To be valid a request under paragraph (2) must be—

- (a) made before the chargeable development under B is commenced; and
- (b) accompanied by proof of the amount of CIL that has already been paid.

(4) Subject to the following paragraphs of this regulation, the charging authority must grant any valid request made under paragraph (2).

(5) This regulation does not apply where B is a planning permission granted under section 73 of TCPA 1990.

(6) Any CIL paid in relation to A can only be credited against the CIL due in relation to B to the extent that the CIL paid in relation to A relates to buildings (“relevant buildings”) that—

- (a) have not been completed when the request is made; and
- (b) are not taken into account in reducing the chargeable amount in relation to B through the operation of regulation 40 [<sup>F52</sup>and Schedule 1].

(7) Where—

- (a) B is a phased planning permission; and
- (b) the amount to be credited against the CIL due in relation to B is greater than the amount due in relation to the first phase of B commenced after a request under this regulation has been granted,

the remainder must be credited against the next phase or phases of B until there is no remainder.

(8) Paragraph (9) applies where—

- (a) a request under paragraph (2), which is a valid request, is made in respect of the amount due in relation to B;
- (b) a relevant building is completed under A after the valid request is made (whether the completion occurs before or after the chargeable development under B commences); and
- (c) a reduced amount of CIL is paid in relation to B as a result of the grant of the request under this regulation.

(9) Where this paragraph applies the person who was granted the abatement under this regulation must pay to the collecting authority an amount equal to the amount of CIL paid in relation to that relevant building which was credited against the amount due in relation to B.

(10) For the purposes of this regulation the amount payable under paragraph (9), if paid, is to be treated as CIL paid in relation to B.

(11) Abatement may be granted more than once in relation to a planning permission.

(12) Paragraph (13) applies where a request under paragraph (2) in respect of the amount due in relation to B is made within the period ending three years after the grant of A and that request is granted.

(13) Where this paragraph applies, any parts of buildings which—

- (a) were demolished under A,
- (b) were taken into account in reducing the chargeable amount in relation to A through the operation of regulation 40 <sup>[F53]</sup>and Schedule 1],
- (c) would have been taken into account under regulation 40 <sup>[F53]</sup>and Schedule 1] in relation to B had they not been demolished, and
- (d) are not otherwise taken into account under regulation 40 <sup>[F53]</sup>and Schedule 1],

are to be taken into account under regulation 40 in relation to B as if they are parts of in-use buildings that are to be demolished before the completion of the chargeable development under B (or, if B is a phased permission, in relation to the first phase of B).

(14) The difference between the amount paid in relation to A and amount due in relation to B after any abatement has been granted under this regulation is not to be treated as an overpayment for the purposes of regulation 75.]

#### Textual Amendments

- F51** Reg. 74B inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **9(9)**
- F52** Words in reg. 74B(6)(b) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(8)** (with regs. 1(3), 13)
- F53** Words in reg. 74B(13) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(9)** (with regs. 1(3), 13)

#### Overpayment **E+W**

**75.**—(1) Where a person (P) is liable to pay CIL and the amount paid by P proves to be greater than the amount for which P is liable, the collecting authority must, as soon as practicable, repay the overpayment.

(2) But the collecting authority is not required to repay an overpayment where—

- (a) it is satisfied that the amount of the overpayment is less than any reasonable administrative costs which it would incur in making the repayment; or
- (b) the overpayment is a result of a land <sup>[F54]</sup>or infrastructure] payment.

(3) Where a person is entitled to a repayment, the collecting authority must pay that person an additional amount by way of interest on the repayment at a rate which is the higher of—

- (a) 0.5% per annum; and
- (b) a percentage per annum equal to the Bank of England base rate less one percentage point.

<sup>[F55]</sup>(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.]

#### Textual Amendments

- F54** Words in [reg. 75\(2\)\(b\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **9(10)**
- F55** [Reg. 75\(4\)](#) inserted (29.11.2012) by [The Community Infrastructure Levy \(Amendment\) Regulations 2012 \(S.I. 2012/2975\)](#), regs. 1, **8(4)** (with [reg. 10\(1\)](#))

#### Commencement Information

- I11** [Reg. 75](#) in force at 6.4.2010, see [reg. 1](#)

### Payments to charging authorities **E+W**

**76.**—(1) This regulation applies where a collecting authority collects CIL on behalf of a charging authority.

[<sup>F56</sup>(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](#).]

(3) Subject to paragraph (4), X must be paid to the charging authority by the collecting authority by the end of the financial quarter in which Y is received.

(4) Where the collecting authority first collects CIL on behalf of the charging authority, X must be paid to the charging authority by the end of the first full financial quarter following the day on which the collecting authority first receives a payment of CIL charged by that charging authority.

(5) In this regulation “financial quarter” means a period of three months ending with the last day of March, June, September or December.

#### Textual Amendments

- F56** [Reg. 76\(2\)](#) substituted (29.11.2012) by [The Community Infrastructure Levy \(Amendment\) Regulations 2012 \(S.I. 2012/2975\)](#), regs. 1, **8(5)**

#### Commencement Information

- I12** [Reg. 76](#) in force at 6.4.2010, see [reg. 1](#)

### Duty to supply information to collecting authority **E+W**

**77.**—(1) The relevant person (where that person is not the collecting authority) must supply the collecting authority with the following information within 14 days of the day on which planning permission first permits a chargeable development—

- (a) sufficient information to identify the planning permission;
- (b) the name and address of the person who applied for the planning permission;
- (c) the name and address of each person known to the relevant person as an owner of the relevant land;
- (d) the address of the site to which the planning permission relates;
- (e) the date on which planning permission first permitted the chargeable development; and



- (f) any information held by the relevant person which the relevant person considers the collecting authority requires in order to calculate the chargeable amount.
- (2) In paragraph (1) “relevant person” means the person who granted planning permission.
- (3) This regulation does not apply where planning permission is granted by way of a general consent.

**Commencement Information**

**I13** Reg. 77 in force at 6.4.2010, see [reg. 1](#)

**Requests for information by collecting authority** **E+W**

**78.**—(1) A collecting authority may request, by notice given in writing, a relevant person to supply to it such relevant information as is specified in the notice.

(2) Information requested under paragraph (1) must be supplied by the person requested to supply it if it is in that person’s possession or control, and it must be so supplied within 21 days of the day on which the request is made.

(3) A relevant person may, so far as that person does not have the power to do so apart from under this regulation, supply relevant information to a collecting authority even if it is not requested to supply the information.

(4) Information is relevant information for the purposes of this regulation if it is information which the collecting authority requires for the purposes of carrying out its functions under these Regulations.

(5) In this regulation “relevant person” means—

- (a) a charging authority;
- (b) a local planning authority (within the meaning of TCPA 1990); [<sup>F57</sup>or]
- (c) the [<sup>F58</sup>Secretary of State.]
- <sup>F59</sup>(d) .....

**Textual Amendments**

**F57** Words in [reg. 78\(5\)\(b\)](#) inserted (1.4.2012) by [The Localism Act 2011\(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **10(3)(a)**

**F58** Words in [reg. 78\(5\)\(c\)](#) substituted (1.4.2012) by [The Localism Act 2011\(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **10(3)(b)**

**F59** [Reg. 78\(5\)\(d\)](#) omitted (1.4.2012) by virtue of [The Localism Act 2011\(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **10(3)(c)**

**Commencement Information**

**I14** Reg. 78 in force at 6.4.2010, see [reg. 1](#)

**Use of information by collecting authority** **E+W**

**79.**—(1) In carrying out its functions under these Regulations a collecting authority may use information obtained under any other enactment provided it does not fall within paragraph (2).

(2) Information falls within this paragraph if—

- (a) it was obtained by a committee of the authority in its capacity as a police authority; or

---

**Changes to legislation:** There are currently no known outstanding effects for the The  
Community Infrastructure Levy Regulations 2010, PART 8. (See end of Document for details)

---

(b) it was obtained by the authority in its capacity as an employer.

.....  
**Commencement Information**

**I15** Reg. 79 in force at 6.4.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 8.