
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 6

EXEMPTIONS AND RELIEF

[^{F1}Social housing relief

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

(2) For the purposes of this regulation a qualifying dwelling is a dwelling which satisfies at least one of the following [^{F2}six] conditions.

(3) Condition 1 is that the dwelling is let by a local housing authority on one of the following—

- (a) a demoted tenancy [^{F3}or a prohibited conduct standard contract];
- (b) an introductory tenancy [^{F4}or an introductory standard contract];
- (c) a secure tenancy [^{F5}or a secure contract];
- (d) an arrangement that would be a secure tenancy but for paragraph 4ZA or 12 of Schedule 1 to the Housing Act 1985.

(4) Condition 2 is that all of the following criteria 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;
- (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 arrangements, the annual rent payable is not more than three per cent of the value of the unsold interest; and
- (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) Condition 3 is that, in England—

- (a) the dwelling is let by a private registered provider of social housing on one of the following—
 - (i) an assured tenancy (including an assured shorthold tenancy);
 - (ii) an assured agricultural occupancy;
 - (iii) 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;

- (iv) a demoted tenancy; and
 - (b) one of the criteria described in paragraph (6) is met.
- (6) The criteria are—
- (a) the rent is—
 - (i) subject to the national rent regime, and
 - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008;
 - (b) the rent is—
 - (i) not subject to the national rent regime;
 - (ii) not regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008; and
 - (iii) no more than 80 per cent of market rent;
 - (c) the rent is—
 - (i) not subject to the national rent regime; and
 - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008 which requires the initial rent to be no more than 80 per cent of the market rent of the property (including service charges).
- (7) Condition 4 is that, in Wales—
- (a) the dwelling is let by a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following—
 - [^{F6}(i) a secure contract, a standard contract or an introductory standard contract;]
 - ^{F7}(ii)
 - [^{F8}(iii) a prohibited conduct standard contract, and]
 - ^{F9}(iv)
 - (b) the rent is no more than 80 per cent of market rent.
- [^{F10}(7A) Condition 5 is that—
- (a) the dwelling is let by a person who is not a local housing authority, a private registered provider of social housing or a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following—
 - (i) an assured tenancy (including an assured shorthold tenancy) [^{F11}, a secure contract, a standard contract or a prohibited conduct standard contract];
 - (ii) an assured agricultural occupancy;
 - (iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988; and
 - (b) the following criteria are both met—
 - (i) the dwelling is let to a person whose needs are not adequately served by the commercial housing market; and
 - (ii) the rent is no more than 80 per cent of market rent (including service charges); and
 - (c) a planning obligation under section 106 TCPA 1990 designed to ensure compliance with both criteria at sub-paragraph (b) has been entered into in respect of the planning permission which permits the chargeable development.]

[^{F12}(7B) Condition six is that, in England, the following criteria are met—

- (a) the first sale of the dwelling is for no more than 70 per cent of its 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); and
- (b) a planning obligation has been entered into prior to the first sale of the dwelling designed to ensure that any subsequent sale of the dwelling is for no more than 70 per cent of its market value.]

(8) Any claim for relief under this regulation relating to qualifying communal development must be made either—

- (a) at the same time as the claim for relief in respect of the qualifying dwellings to which the qualifying communal development in question relates; or
- (b) where the qualifying dwellings referred to in sub-paragraph (a) are granted permission through a phased planning permission, in relation to any phase of that permission.

(9) Relief under this regulation, or regulation 49A, is referred to in these Regulations as social housing relief.

(10) 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.

(11) 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 or section 143A of the Housing Act 1996 applies;

[^{F13}“introductory standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 16 of that Act);]

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

“market rent” means the rent which the lease might reasonably be expected to fetch at that time on the open market;

[^{F14}“national rent regime” means the rent policy set out in the Social Rent Guidance within the Rent Standard Guidance as published by the Regulator of Social Housing in January 2015.]

[^{F13}“prohibited conduct standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 116 of that Act);]

[^{F13}“secure contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act);]

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

[^{F13}“standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act), but does not include—

- (a) an introductory standard contract,
- (b) a prohibited conduct standard contract, or
- (c) a supported standard contract;]

[^{F13}“supported standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 143 of that Act);]

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

Textual Amendments

- F1** Reg. 49 substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(4)**
- F2** Word in reg. 49(2) substituted (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **4(a)**
- F3** Words in reg. 49(3)(a) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(a)**
- F4** Words in reg. 49(3)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(b)**
- F5** Words in reg. 49(3)(c) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(c)**
- F6** Reg. 49(7)(a)(i) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(d)**
- F7** Reg. 49(7)(a)(ii) omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(e)**
- F8** Reg. 49(7)(a)(iii) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(f)**
- F9** Reg. 49(7)(a)(iv) omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(g)**
- F10** Reg. 49(7A) inserted (1.4.2015) by The Community Infrastructure Levy (Amendment) Regulations 2015 (S.I. 2015/836), regs. 1, **4(1)(b)**
- F11** Words in reg. 49(7A)(a)(i) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(h)**
- F12** Reg. 49(7B) inserted (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **4(b)**
- F13** Words in reg. 49(11) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(i)**
- F14** Words in reg. 49(11) substituted (1.4.2015) by The Community Infrastructure Levy (Amendment) Regulations 2015 (S.I. 2015/836), regs. 1, **4(1)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, Section 49.