
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 8

ADMINISTRATION

[^{F1}Suspension of demand notice

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

- F1** [Reg. 69A](#) inserted (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), regs. 1, **9(10)**

Changes to legislation:

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, Section 69A.