
STATUTORY INSTRUMENTS

2013 No. 982

**The Community Infrastructure Levy
(Amendment) Regulations 2013**

Amendment to Part 8 – administration

9.—(1) Before regulation 64 (notice of chargeable development) insert—

“Transitional provision: when a MDC becomes the charging authority for an area

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.

Transitional provision: when a MDC ceases being the charging authority for an area

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.”

(2) In regulation 70(3) to (6) (payment periods) after “London borough council” insert “or MDC” wherever it appears.