
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 9

ENFORCEMENT

CHAPTER 2

CIL STOP NOTICES

Preliminary steps

- 89.**—(1) This regulation applies if—
- (a) an amount which has become payable in respect of a chargeable development has not been paid; and
 - (b) the collecting authority considers it expedient that development should stop until the amount has been paid.
- (2) The collecting authority may issue a notice warning of its intention to impose a CIL stop notice (“warning notice”) in respect of the chargeable development.
- (3) A warning notice must be served on—
- (a) the person who is liable for the unpaid amount;
 - (b) each person known to the authority as an owner of the relevant land;
 - (c) each person known to the authority as an occupier of the relevant land; and
 - (d) any other person whom the collecting authority considers may be materially affected by a CIL stop notice.
- (4) A warning notice must be in writing and must—
- (a) state the date of the notice;
 - (b) set out the authority’s reasons for issuing the warning notice;
 - (c) state the unpaid amount;
 - (d) state that payment of the unpaid amount is due in full immediately;
 - (e) state the period after which a CIL stop notice may be issued if the unpaid amount is not paid (which must not be less than three days or more than 28 days after the warning notice is issued); and
 - (f) specify the effect of, and possible consequences of failure to comply with, a CIL stop notice⁽¹⁾.
- (5) The collecting authority must display a copy of the warning notice on the relevant land.

(1) As to the consequences of failure to comply with a CIL stop notice, see regulations 93 and 94.

Service of CIL stop notice

90.—(1) This regulation applies if—

- (a) the collecting authority has issued a warning notice in respect of a chargeable development; and
- (b) the amount specified in the warning notice is unpaid (in whole or in part) at the end of the period specified in the notice.

(2) The collecting authority may serve a CIL stop notice in respect of the chargeable development.

(3) A CIL stop notice must be served on—

- (a) the person who is liable to pay the unpaid amount;
- (b) each person known to the authority an owner of the relevant land;
- (c) each person known to the authority as an occupier of the relevant land; and
- (d) any other person whom the collecting authority considers may be materially affected by the CIL stop notice.

(4) The CIL stop notice must be in writing and must—

- (a) state the date on which it is to take effect;
- (b) set out the authority’s reasons for issuing the notice;
- (c) state the unpaid amount;
- (d) state that payment of the unpaid amount is due in full immediately;
- (e) specify the relevant activity which must cease; and
- (f) specify the possible consequences of failure to comply with the notice.

(5) In paragraph (4)(e) “relevant activity” means any activity connected with the chargeable development which is specified in the CIL stop notice as an activity which the collecting authority requires to cease, and any activity carried out as part of that activity or associated with that activity.

(6) The collecting authority must display a copy of the CIL stop notice on the relevant land.

(7) A CIL stop notice does not prohibit any works on the relevant land which are necessary in the interests of health and safety.

(8) A CIL stop notice has effect from the date specified in the notice until the date it is withdrawn by the collecting authority.

Withdrawal of a CIL stop notice

91.—(1) A collecting authority may withdraw a CIL stop notice at any time (without prejudice to its power to issue another) by serving written notice to that effect on the persons served with the CIL stop notice.

(2) A collecting authority must withdraw a CIL stop notice when the unpaid amount stated in the notice is paid in full to the collecting authority.

(3) A collecting authority which withdraws a CIL stop notice must display a notice of the withdrawal on the relevant land in place of the CIL stop notice.

(4) A CIL stop notice ceases to have effect on the day the collecting authority serves notice of its withdrawal.

Registration of a CIL stop notice

92.—(1) The register kept under section 188 of TCPA 1990 (register of enforcement and stop notices) must, in addition to the information specified in subsection (1) of that section, include the

following information in respect of every CIL stop notice issued in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its location can be ascertained;
- (b) details of the relevant planning permission sufficient to enable it to be identified;
- (c) the name of the collecting authority;
- (d) the date of issue of the notice;
- (e) the date of service of the notice;
- (f) the date specified in the notice as the date on which it is to take effect; and
- (g) a statement or summary of the activity prohibited by the notice.

(2) All entries relating to a CIL stop notice must be removed from the register if the notice is withdrawn or quashed.

(3) Where a collecting authority which does not maintain a register issues a CIL stop notice it must—

- (a) supply the information specified in paragraph (1) to the authority which maintains the register for the land to which the notice relates; and
- (b) inform that authority in writing if the CIL stop notice is withdrawn or quashed.

(4) The information specified in paragraph (1) must be entered in the register as soon as practicable and in any event before the end of the period of 14 days beginning with the day on which the CIL stop notice is issued.

Offence

93.—(1) A person commits an offence if the person contravenes a CIL stop notice—

- (a) which has been served on that person; or
- (b) a copy of which has been displayed in accordance with regulation 90(6).

(2) Contravention of a CIL stop notice includes causing or permitting the contravention of the notice.

(3) An offence under this regulation may be charged by reference to a day or a longer period of time.

(4) A person may be convicted of more than one such offence in relation to the same CIL stop notice by reference to different days or periods of time.

(5) It is a defence for a person charged with an offence under this regulation to prove that—

- (a) the CIL stop notice was not served on the person; and
- (b) the person did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this regulation is liable—

- (a) on summary conviction, to a fine not exceeding £20,000; or
- (b) on conviction on indictment, to a fine.

(7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.

Injunctions

94.—(1) A collecting authority may apply to the court for an injunction if it considers it necessary or expedient for any actual or apprehended breach of a CIL stop notice to be restrained by injunction.

(2) On an application under this regulation the court may grant such an injunction as the court thinks fit for the purpose of restraining the breach.

(3) In this regulation “the court” means the High Court or a county court.