
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 9

ENFORCEMENT

CHAPTER 3

RECOVERY OF CIL

Charging orders

- 103.**—(1) An application to the appropriate court may be made under this regulation where—
- (a) a magistrates' court has made one or more liability orders pursuant to regulation 97(5);
 - (b) the amount mentioned in regulation 97(6)(a) in respect of which the liability order was made, or, where more than one liability order was made, the aggregate of the amounts mentioned in regulation 97(6)(a) in respect of which each such liability order was made, is an amount the debtor is liable to pay under these Regulations; and
 - (c) at the time the application under this regulation is made at least £2000 of the amount in respect of which the liability order was made, or, where more than one liability order was made, the aggregate of the amounts in respect of which those liability orders were made, remains outstanding.
- (2) The application which may be made to the appropriate court under this regulation is an application by the authority concerned for an order imposing a charge on a relevant interest to secure the due amount.
- (3) Before making the application referred to in paragraph (2) the authority concerned must notify the debtor of its intention to do so.
- (4) The notification must be in writing and—
- (a) set out the authority's reasons for seeking a charging order;
 - (b) specify the effect of a charging order; and
 - (c) state the due amount and the steps the authority concerned will take if payment of the due amount is not forthcoming.
- (5) The notification must be sent to the debtor and any other person the authority considers may be prejudiced by the making of the charging order.
- (6) Where the charge would be imposed on land the notification must be displayed on that land.
- (7) If the authority concerned does not receive payment of the due amount within 21 days of the date of the notification, it may make the application referred to in paragraph (2).
- (8) For the purposes of this regulation—

“appropriate court” has the meaning given in section 1 of the Charging Orders Act 1979⁽¹⁾ (charging orders);

“due amount” means the aggregate of—

- (a) an amount equal to any outstanding sum which is, or forms part of, the amount in respect of which the one or more liability orders referred to in paragraph (1)(a) were made, and
- (b) an amount equal to the costs reasonably incurred by the collecting authority in obtaining the charging order;

“relevant interest” means any interest held by the debtor beneficially in any asset of a kind mentioned in section 2(2) of the Charging Orders Act 1979 (property which may be charged).

(1) 1979 c. 53; section 1 was amended by paragraphs 2, 3 and 6 of Schedule 3 to the Administration of Justice Act 1982 (c. 53) and paragraph 71 of Schedule 2 to the County Courts Act 1984 (c. 28).