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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Community Infrastructure Levy Regulations 2010**

**PART 6**

**EXEMPTIONS AND RELIEF**

**Interpretation of Part 6**

**41.**—(1) In this Part—

“apportionment assessment” means an assessment (carried out in accordance with regulation 34) of how liability to pay CIL in respect of the chargeable development should be apportioned between each material interest in the relevant land;

“by local advertisement” means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the charging authority;

“charitable institution” means—

- (a) a charity,
- (b) a trust of which all the beneficiaries are charities, or
- (c) a unit trust scheme in which all the unit holders are charities,

and for the purposes of this definition “charity” means any person or trust established for charitable purposes only;

“charitable purpose” has the same meaning as in section 2 of the Charities Act 2006<sup>(1)</sup>;

“local housing authority” has the same meaning as in section 1 of the Housing Act 1985<sup>(2)</sup>;

“material disposal” means—

- (a) a transfer of a legal estate, or
- (b) the grant of a lease for a term of more than seven years from the date of the grant; and

“State aid” means aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union<sup>(3)</sup>.

(2) For the purposes of this Part a person is eligible for charitable relief if that person is exempt from liability to pay CIL under regulation 43 or is eligible for relief from liability to pay CIL under regulation 44 or 45.

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<sup>(1)</sup> 2006 c. 50.

<sup>(2)</sup> 1985 c. 68; section 1 was amended by paragraph 5(1) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19).

<sup>(3)</sup> O.J. No. C 115, 9.5.08, p 47.