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STATUTORY INSTRUMENTS

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**2010 No. 948**

**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;

[<sup>F1</sup>“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

<sup>F2</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<sup>F3</sup>....

**Textual Amendments**

- F1** Words in reg. 41(1) omitted (E.) (1.9.2019) by virtue of [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(1)** (with regs. 1(4), 13)
- F2** Words in reg. 41(1) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(3)(a)** (with Sch. 3)

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(1) 2006 c. 50.

(2) 1985 c. 68; section 1 was amended by paragraph 5(1) of Schedule 8 to the [Local Government \(Wales\) Act 1994 \(c. 19\)](#).

**F3** Words in [reg. 41\(2\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(3\)\(b\)](#) (with [Sch. 3](#))

**Commencement Information**

**I1** [Reg. 41](#) in force at 6.4.2010, see [reg. 1](#)

**Exemption for minor development**

**42.**—(1) Liability to CIL does not arise in respect of a <sup>F4</sup>... development if, on completion of that development, the gross internal area of new build on the relevant land will be less than 100 square metres.

(2) But paragraph (1) does not apply where the <sup>F5</sup>... development will comprise one or more dwellings.

(3) In paragraph (1) “new build” means that part of the <sup>F6</sup>... development which will comprise new buildings and enlargements to existing buildings.

**Textual Amendments**

**F4** Word in [reg. 42\(1\)](#) revoked (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), [regs. 1, 8\(a\)](#)

**F5** Word in [reg. 42\(2\)](#) revoked (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), [regs. 1, 8\(b\)](#)

**F6** Word in [reg. 42\(3\)](#) revoked (6.4.2011) by [The Community Infrastructure Levy \(Amendment\) Regulations 2011 \(S.I. 2011/987\)](#), [regs. 1, 8\(c\)](#)

**Commencement Information**

**I2** [Reg. 42](#) in force at 6.4.2010, see [reg. 1](#)

**[<sup>F7</sup>Exemption for residential annexes or extensions**

**42A.**—(1) <sup>F8</sup>... A person (P) is exempt from liability to pay CIL in respect of development if—

- (a) P owns a material interest in a dwelling (“main dwelling”);
- (b) P occupies the main dwelling as P’s sole or main residence; and
- (c) the development is a residential annex or a residential extension.

(2) The development is a residential annex if it—

- (a) is wholly within the curtilage of the main dwelling; and
- (b) comprises one new dwelling.

(3) The development is a residential extension if it—

- (a) is an enlargement to the main dwelling; and
- (b) does not comprise a new dwelling.

(4) An exemption or relief under this regulation—

- (a) in respect of a residential annex is known as an exemption for residential annexes;
- (b) in respect of a residential extension is known as an exemption for residential extensions.

<sup>F9</sup>(5) .....

<sup>F10</sup>(6) .....

#### Textual Amendments

- F7** Regs. 42A-42C inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(1)
- F8** Words in reg. 42A(1) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(4)(a)** (with Sch. 3)
- F9** Reg. 42A(5) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(4)(b)** (with Sch. 3)
- F10** Reg. 42A(6) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(4)(b)** (with Sch. 3)

#### Exemption for residential annexes or extensions: procedure

**42B.**—(1) A person who wishes to benefit from the exemption for residential annexes or extensions must submit a claim to the collecting authority in accordance with this regulation.

(2) The claim must—

- (a) [<sup>F11</sup>subject to paragraph (3A),] be received by the collecting authority before commencement of the chargeable development;
- (b) be submitted to the collecting authority in writing on a form published by the Secretary of State (or a form substantially to the same effect);
- (c) include the particulars specified or referred to in the form; and
- (d) be accompanied by the documents specified or referred to in the form.

(3) [<sup>F12</sup>Subject to paragraph (3A),] a claim under this regulation will lapse where the chargeable development to which it relates is commenced before the collecting authority has notified the claimant of its decision on the claim.

[<sup>F13</sup>(3A) Paragraphs (2)(a) and (3) do not apply where an exemption for residential annexes or extensions has been granted in relation to a chargeable development and the annex or extension changes after the commencement of that development.]

(4) As soon as practicable after receiving a valid claim <sup>F14</sup>... the collecting authority must grant the exemption and notify the claimant in writing of the exemption granted (or the amount of relief granted, as the case may be) [<sup>F15</sup>and, in relation to an exemption for residential annexes, provide an explanation of the requirements of regulation 67(1)].

(5) A claim for an exemption for residential annexes or extensions is valid if it complies with the requirements of paragraph (2).

[<sup>F16</sup>(6) A person who is granted an exemption for residential annexes or residential extensions ceases to be eligible for that exemption if a commencement notice is not submitted to the collecting authority before the day the chargeable development is commenced.]

#### Textual Amendments

- F7** Regs. 42A-42C inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(1)
- F11** Words in reg. 42B(2)(a) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(2)(a)** (with regs. 1(4), 13)
- F12** Words in reg. 42B(3) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(2)(b)** (with regs. 1(4), 13)

- F13** Reg. 42B(3A) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(2)(c)** (with regs. 1(4), 13)
- F14** Words in reg. 42B(4) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(5)** (with Sch. 3)
- F15** Words in reg. 42B(4) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(2)(d)** (with regs. 1(4), 13)
- F16** Reg. 42B(6) omitted (E.) (1.9.2019) by virtue of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(2)(e)** (with regs. 1(4), 13)

**Withdrawal of the exemption for residential annexes**

**42C.**—(1) This regulation applies if an exemption for residential annexes is granted and a disqualifying event occurs before the end of the clawback period.

- (2) For the purposes of this regulation, a disqualifying event is—
  - (a) the use of the main dwelling for any purpose other than as a single dwelling;
  - (b) the letting of the residential annex; or
  - (c) the sale of the main dwelling or the residential annex unless they are sold at the same time to the same person.

- (3) Where this regulation applies the relevant person is liable to pay—
  - (a) an amount of CIL equal to the amount of CIL that would have been payable on commencement of the development if the exemption had not been granted; <sup>F17</sup>...

<sup>F17</sup>(b) .....

(4) The relevant person must notify the collecting authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which the disqualifying event occurs.

(5) As soon as practicable after receiving the notice of the disqualifying event, the collecting authority must notify the relevant person in writing of the amount of CIL payable under paragraph (3).

- (6) In this regulation—
  - (a) “main dwelling” and “residential annex” have the same meaning as in regulation 42A; and
  - (b) “relevant person” means the person benefitting from the exemption for residential annexes in respect of the dwelling which has ceased to qualify for the exemption.]

- Textual Amendments**
- F7** Regs. 42A-42C inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(1)**
  - F17** Reg. 42C(3)(b) and word omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(6)** (with Sch. 3)

**Exemption for charities**

**43.**—(1) An owner (C) of a material interest in the relevant land is exempt from liability to pay CIL in respect of a chargeable development if—

- (a) C is a charitable institution; and
- (b) the chargeable development will be used wholly or mainly for charitable purposes (whether of C or of C and other charitable institutions).

- (2) But paragraph (1) does not apply where—
- (a) that part of the chargeable development to be used for charitable purposes will not be occupied by or under the control of a charitable institution; [<sup>F18</sup>or]
  - (b) the material interest is owned by C jointly with a person who is not a charitable institution;  
<sup>F19</sup> ...
  - <sup>F19</sup>(c) .....
- (3) For the purposes of paragraph (1) use of a chargeable development for charitable purposes includes leaving it unoccupied.

**Textual Amendments**

- F18** Word in reg. 43(2) inserted (31.12.2020) by [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(7)(a)** (with Sch. 3)
- F19** Reg. 43(2)(c) and word omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(7)(b)** (with Sch. 3)

**Commencement Information**

- I3** Reg. 43 in force at 6.4.2010, see [reg. 1](#)

**Discretionary charitable relief: investment activities**

- 44.—**(1) An owner (C) of a material interest in the relevant land is eligible for relief from liability to pay CIL in respect of a chargeable development if—
- (a) discretionary charitable relief is available in the area in which the chargeable development will be situated;
  - (b) C is a charitable institution; and
  - (c) the whole or the greater part of the chargeable development will be held by C or by C and other charitable institutions as an investment from which the profits will be applied for charitable purposes (whether of C or of C and other charitable institutions).
- (2) Paragraph (1) is subject to the following provisions of this regulation.
- (3) Relief may not be granted under paragraph (1) if—
- (a) C intends to occupy that part of the chargeable development mentioned in paragraph (1) (c) and use it for ineligible trading activities; or
  - (b) the material interest is owned by C jointly with a person who is not a charitable institution.
- (4) In paragraph (3)(a) “ineligible trading activities” means trading activities other than the sale of goods donated to C where the proceeds of sale of the goods (after any deduction of expenses) are applied to the charitable purposes of C.
- <sup>F20</sup>(5) .....

**Textual Amendments**

- F20** Reg. 44(5) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(8)** (with Sch. 3)

**Commencement Information**

**I4** Reg. 44 in force at 6.4.2010, see [reg. 1](#)

**Other discretionary charitable relief**

<sup>F21</sup>**45.** . . . . .

**Textual Amendments**

**F21** Reg. 45 omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(9\)](#) (with [Sch. 3](#))

**Discretionary charitable relief: notification requirements**

**46.—(1)** A charging authority which wishes to make discretionary charitable relief available in its area must—

- (a) issue a document which—
  - (i) gives notice that discretionary charitable relief is available in its area and whether relief is available under regulation 44<sup>F22</sup> ...,
  - (ii) states the date on which the collecting authority will begin accepting claims for relief, and
  - (iii) includes a policy statement setting out the circumstances in which discretionary charitable relief will be granted in its area;
- (b) publish the document on its website;
- (c) make the document available for inspection—
  - (i) at its principal office, and
  - (ii) at such other places within its area as it considers appropriate; and
- (d) send a copy of the document to the collecting authority (if it is not the charging authority).

(2) Where a charging authority wishes to revise its policy on the granting of discretionary charitable relief in its area it must—

- (a) issue a document which—
  - (i) gives notice of the revised policy and whether relief is available under regulation 44<sup>F23</sup> ...,
  - (ii) states the date from which the revised policy applies, and
  - (iii) includes a revision of the policy statement mentioned in paragraph (1)(a)(iii);
- (b) publish the document on its website;
- <sup>F24</sup>(c) make the document available for inspection—
  - (i) at its principal office, and
  - (ii) at the places at which the document mentioned in paragraph (1) was made available for inspection under paragraph (1)(c)(ii), or, if the charging authority considers that any such places are no longer appropriate, such other places within its area as it considers appropriate; and]
- (d) send a copy of the document to the collecting authority (if it is not the charging authority).

(3) A charging authority which no longer wishes discretionary charitable relief to be available in its area must—

- (a) issue a statement giving notice to that effect and stating the last day on which the collecting authority will accept claims for relief;
- (b) publish the statement on its website;
- (c) make the statement available for inspection at the places at which the document mentioned in paragraph (1) was made available for inspection; and
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).

(4) The day mentioned in paragraph (3)(a) must be no earlier than the end of the period of 14 days beginning with the date on which the statement mentioned in that paragraph is published on the charging authority's website.

#### Textual Amendments

- F22** Words in [reg. 46\(1\)\(a\)\(i\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(10\)\(a\)](#) (with [Sch. 3](#))
- F23** Words in [reg. 46\(2\)\(a\)\(i\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(10\)\(b\)](#) (with [Sch. 3](#))
- F24** [Reg. 46\(2\)\(c\)](#) substituted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(2\)](#)

#### Commencement Information

- I5** [Reg. 46](#) in force at 6.4.2010, see [reg. 1](#)

### Charitable relief: procedure

**47.**—(1) A person who wishes to benefit from charitable relief must submit a claim for charitable relief to the collecting authority.

(2) A claim for charitable relief must—

- (a) <sup>[F25]</sup>subject to paragraph (3A),] be received by the collecting authority before the commencement of the chargeable development to which it relates;
- (b) be submitted in writing on a form published by the Secretary of State (or a form to substantially the same effect);
- (c) include the particulars specified or referred to in the form; and
- (d) where there is more than one material interest in the relevant land, be accompanied by an apportionment assessment.

(3) <sup>[F26]</sup>Subject to paragraph (3A),] a claim for charitable relief will lapse where the chargeable development to which it relates is commenced before the collecting authority has notified the claimant of its decision on the claim.

<sup>[F27]</sup>(3A) Paragraphs (2)(a) and (3) do not apply where charitable relief has been granted in relation to a chargeable development and the development changes after the commencement of that development.]

(4) Where a claim is accompanied by an apportionment assessment the collecting authority may either—

- (a) accept the claimant's assessment; or

(b) substitute its own assessment.

(5) As soon as practicable after receiving a valid claim, the collecting authority must notify the claimant in writing of—

(a) its decision on the claim and the reasons for the decision; and

[<sup>F28</sup>(b) where relief is granted, the amount of relief granted,

and provide an explanation of the requirements of regulation 67(1).]

(6) A claim for charitable relief is valid if it complies with the requirements of paragraph (2).

[<sup>F29</sup>(7) A person who is granted charitable relief ceases to eligible for that relief if a commencement notice is not submitted to the collecting authority <sup>F30</sup>... before the day the chargeable development is commenced.]

(8) Paragraph (9) applies where a charging authority issues a statement (in accordance with regulation 46(3)(a)) giving notice that discretionary charitable relief will no longer be available in its area.

(9) Any claim for discretionary charitable relief received by the collecting authority on or before the day mentioned in regulation 46(3)(a) in respect of a chargeable development situated in the charging authority's area must be considered by the collecting authority.

#### Textual Amendments

- F25** Words in reg. 47(2)(a) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(3)(a)** (with regs. 1(4), 13)
- F26** Words in reg. 47(3) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(3)(b)** (with regs. 1(4), 13)
- F27** Reg. 47(3A) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(3)(c)** (with regs. 1(4), 13)
- F28** Reg. 47(5)(b) and the words "and provide an explanation of the requirements of regulation 67(1)." substituted for reg. 47(5)(b) (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(3)(d)** (with regs. 1(4), 13)
- F29** Reg. 47(7) omitted (E.) (1.9.2019) by virtue of [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **6(3)(e)** (with regs. 1(4), 13)
- F30** Words in reg. 47(7) omitted (24.2.2014) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(3)**

#### Commencement Information

- I6** Reg. 47 in force at 6.4.2010, see [reg. 1](#)

#### Withdrawal of charitable relief

**48.**—(1) This regulation applies if charitable relief is granted and one of the following ("the disqualifying event") occurs before the end of the clawback period—

- (a) the owner of a relevant interest ceases to be eligible for charitable relief;
- (b) the whole of a relevant interest is transferred to a person who is not eligible for charitable relief; or
- (c) a relevant interest which is a lease is terminated before the end of its term and the owner of the reversion is not eligible for charitable relief.

(2) The charitable relief granted in respect of the relevant interest is withdrawn and the relevant person is liable to pay an amount of CIL equal to the withdrawn relief.



(3) The relevant person must notify the collecting authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which the disqualifying event occurs.

(4) In this regulation—

“relevant interest” means an interest in land in respect of which charitable relief was granted; and

“relevant person” means the owner of the relevant interest immediately before the disqualifying event occurs.

#### Commencement Information

I7 Reg. 48 in force at 6.4.2010, see [reg. 1](#)

### [<sup>F31</sup>Social housing relief

**49.**—(1) A chargeable development which comprises or is to comprise qualifying dwellings or qualifying communal development (in whole or in part) is eligible for relief from liability to CIL.

(2) For the purposes of this regulation a qualifying dwelling is a dwelling which satisfies at least one of the following [<sup>F32</sup>six] conditions.

(3) Condition 1 is that the dwelling is let by a local housing authority on one of the following—

- (a) a demoted tenancy [<sup>F33</sup>or a prohibited conduct standard contract];
- (b) an introductory tenancy [<sup>F34</sup>or an introductory standard contract];
- (c) a secure tenancy [<sup>F35</sup>or a secure contract];
- (d) an arrangement that would be a secure tenancy but for paragraph 4ZA or 12 of Schedule 1 to the Housing Act 1985.

(4) Condition 2 is that all of the following criteria are met—

- (a) the dwelling is occupied in accordance with shared ownership arrangements within the meaning of section 70(4) of the Housing and Regeneration Act 2008;
- (b) the percentage of the value of the dwelling paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed 75 per cent of the market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
- (c) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three per cent of the value of the unsold interest; and
- (d) in any given year the annual rent payable does not increase by more than the percentage increase in the retail prices index for the year to September immediately preceding the anniversary of the day on which the lease was granted plus 0.5 per cent.

(5) Condition 3 is that, in England—

- (a) the dwelling is let by a private registered provider of social housing on one of the following—
  - (i) an assured tenancy (including an assured shorthold tenancy);
  - (ii) an assured agricultural occupancy;
  - (iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988;

- (iv) a demoted tenancy; and
  - (b) one of the criteria described in paragraph (6) is met.
- (6) The criteria are—
- (a) the rent is—
    - (i) subject to the national rent regime, and
    - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008;
  - (b) the rent is—
    - (i) not subject to the national rent regime;
    - (ii) not regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008; and
    - (iii) no more than 80 per cent of market rent;
  - (c) the rent is—
    - (i) not subject to the national rent regime; and
    - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008 which requires the initial rent to be no more than 80 per cent of the market rent of the property (including service charges).
- (7) Condition 4 is that, in Wales—
- (a) the dwelling is let by a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following—
    - [<sup>F36</sup>(i) a secure contract, a standard contract or an introductory standard contract;]
    - <sup>F37</sup>(ii) .....
    - [<sup>F38</sup>(iii) a prohibited conduct standard contract, and]
    - <sup>F39</sup>(iv) .....
  - (b) the rent is no more than 80 per cent of market rent.
- [<sup>F40</sup>(7A) Condition 5 is that—
- (a) the dwelling is let by a person who is not a local housing authority, a private registered provider of social housing or a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following—
    - (i) an assured tenancy (including an assured shorthold tenancy) [<sup>F41</sup>, a secure contract, a standard contract or a prohibited conduct standard contract];
    - (ii) an assured agricultural occupancy;
    - (iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988; and
  - (b) the following criteria are both met—
    - (i) the dwelling is let to a person whose needs are not adequately served by the commercial housing market; and
    - (ii) the rent is no more than 80 per cent of market rent (including service charges); and
  - (c) a planning obligation under section 106 TCPA 1990 designed to ensure compliance with both criteria at sub-paragraph (b) has been entered into in respect of the planning permission which permits the chargeable development.]

[<sup>F42</sup>(7B) Condition six is that, in England, the following criteria are met—

- (a) the first sale of the dwelling is for no more than 70 per cent of its market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market); and
- (b) a planning obligation has been entered into prior to the first sale of the dwelling designed to ensure that any subsequent sale of the dwelling is for no more than 70 per cent of its market value.]

(8) Any claim for relief under this regulation relating to qualifying communal development must be made either—

- (a) at the same time as the claim for relief in respect of the qualifying dwellings to which the qualifying communal development in question relates; or
- (b) where the qualifying dwellings referred to in sub-paragraph (a) are granted permission through a phased planning permission, in relation to any phase of that permission.

(9) Relief under this regulation, or regulation 49A, is referred to in these Regulations as social housing relief.

(10) Social housing relief is given by deducting the qualifying amount from what would otherwise be the amount of liability to CIL that would arise in respect of the chargeable development.

(11) In this regulation—

“assured agricultural occupancy”, “assured shorthold tenancy” and “assured tenancy” have the same meanings as in Part 1 of the Housing Act 1988;

“demoted tenancy” means a tenancy to which section 20B of the Housing Act 1988 or section 143A of the Housing Act 1996 applies;

[<sup>F43</sup>“introductory standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 16 of that Act);]

“introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;

“market rent” means the rent which the lease might reasonably be expected to fetch at that time on the open market;

[<sup>F44</sup>“national rent regime” means the rent policy set out in the Social Rent Guidance within the Rent Standard Guidance as published by the Regulator of Social Housing in January 2015.]

[<sup>F43</sup>“prohibited conduct standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 116 of that Act);]

[<sup>F43</sup>“secure contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act);]

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985; and

[<sup>F43</sup>“standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 8 of that Act), but does not include—

- (a) an introductory standard contract,
- (b) a prohibited conduct standard contract, or
- (c) a supported standard contract;]

[<sup>F43</sup>“supported standard contract” has the meaning given by the Renting Homes (Wales) Act 2016 (see section 143 of that Act);]

“unsold interest” means the freehold interest or the leasehold interest owned by the person providing the dwelling.]

### Textual Amendments

- F31** Reg. 49 substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(4)**
- F32** Word in reg. 49(2) substituted (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **4(a)**
- F33** Words in reg. 49(3)(a) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(a)**
- F34** Words in reg. 49(3)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(b)**
- F35** Words in reg. 49(3)(c) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(c)**
- F36** Reg. 49(7)(a)(i) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(d)**
- F37** Reg. 49(7)(a)(ii) omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(e)**
- F38** Reg. 49(7)(a)(iii) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(f)**
- F39** Reg. 49(7)(a)(iv) omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(g)**
- F40** Reg. 49(7A) inserted (1.4.2015) by The Community Infrastructure Levy (Amendment) Regulations 2015 (S.I. 2015/836), regs. 1, **4(1)(b)**
- F41** Words in reg. 49(7A)(a)(i) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(h)**
- F42** Reg. 49(7B) inserted (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **4(b)**
- F43** Words in reg. 49(11) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907), reg. 1(2), **Sch. 1 para. 27(i)**
- F44** Words in reg. 49(11) substituted (1.4.2015) by The Community Infrastructure Levy (Amendment) Regulations 2015 (S.I. 2015/836), regs. 1, **4(1)(c)**

### [<sup>F45</sup>Discretionary social housing relief

- 49A.**—(1) A chargeable development is eligible for relief from liability to CIL if—
- discretionary social housing relief is available in the area in which the chargeable development will be situated; and
  - the development comprises or is to comprise qualifying dwellings or qualifying communal development (in whole or in part).

[  
<sup>F46</sup>(2) For the purposes of this regulation a dwelling is a qualifying dwelling if criteria (a), (b) and (c) are met in relation to it—

- (a) criterion (a) is that the dwelling is sold for no more than 80 per cent of its market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
  - (b) criterion (b) is that the dwelling is sold in accordance with any policy published by the charging authority under regulation 49B(1)(a)(iii); and
  - (c) criterion (c) is that at least one of the following requirements is met—
    - (i) a planning obligation has been entered into prior to the first sale of the dwelling designed to ensure that any subsequent sale of the dwelling is for no more than 80% of its market value; or
    - (ii) the liability to pay CIL in relation to the dwelling remains with the person granted discretionary social housing relief.]
- (3) Any claim for relief under this regulation relating to qualifying communal development must be made either—
- (a) at the same time as the claim for relief in respect of the qualifying dwellings to which the qualifying communal development in question relates; or
  - (b) where the qualifying dwellings referred to in sub-paragraph (a) are granted permission through a phased planning permission, in relation to any phase of that permission.
- (4) Social housing relief is given by deducting the qualifying amount from what would otherwise be the amount of liability to CIL that would arise in respect of the chargeable development.

#### Textual Amendments

**F45** Regs. 49A-49C inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(5)

**F46** Reg. 49A(2) substituted (E.) (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), 5

#### Discretionary social housing relief: notification requirements

**49B.—**(1) A charging authority which wishes to make discretionary social housing relief available in its area must—

- (a) issue a document which—
    - (i) gives notice that discretionary social housing relief is available in its area,
    - (ii) states the date on which the collecting authority will begin accepting claims for relief, and
    - (iii) to the extent that the charging authority is responsible for allocating the housing to be granted relief, includes a policy statement setting out how that housing is to be allocated in its area;
  - (b) publish the document on its website;
  - (c) make the document available for inspection—
    - (i) at its principal office, and
    - (ii) at such other places within its area as it considers appropriate; and
  - (d) send a copy of the document to the collecting authority (if it is not the charging authority).
- (2) Where a charging authority wishes to revise its policy on the allocation of the relevant housing in its area it must—
- (a) issue a document which—

- (i) gives notice of the revised policy,
  - (ii) states the date from which the revised policy applies, and
  - (iii) includes a revision of the policy statement mentioned in paragraph (1)(a)(iii);
- (b) publish the document on its website;
- (c) make the document available for inspection—
- (i) at its principal office, and
  - (ii) at the places at which the document mentioned in paragraph (1) was made available for inspection under paragraph (1)(c)(ii), or, if the charging authority considers that any such places are no longer appropriate, such other places within its area as it considers appropriate; and
- (d) send a copy of the document to the collecting authority (if it is not the charging authority).
- (3) A charging authority which no longer wishes discretionary social housing relief to be available in its area must—
- (a) issue a statement giving notice to that effect and stating the last day on which the collecting authority will accept claims for relief;
  - (b) publish the statement on its website;
  - (c) make the statement available for inspection—
    - (i) at its principal office, and
    - (ii) at the places at which the document mentioned in paragraph (1) was made available for inspection under paragraph (1)(c)(ii), or, if the charging authority considers that any such places are no longer appropriate, such other places within its area as it considers appropriate; and
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).
- (4) The day mentioned in paragraph (3)(a) must be no earlier than the end of the period of 14 days beginning with the day on which the statement mentioned in that paragraph is published on the charging authority's website.

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#### Textual Amendments

**F45** Regs. 49A-49C inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, 7(5)

#### Social housing relief: qualifying communal development

**49C.**—(1) For the purposes of this regulation, qualifying communal development is the amount of communal development (calculated in accordance with paragraph (4)) which is for the benefit of the occupants of more than one qualifying dwelling.

(2) Subject to paragraph (3), development is communal development if it is development for the benefit of the occupants of more than one qualifying dwelling, whether or not it is also for the benefit of the occupants of relevant development.

(3) Development is not communal development if it is—

- (a) wholly or partly made up of one or more dwellings;
- (b) wholly or mainly for use by the general public;
- (c) wholly or mainly for the benefit of occupants of development which is not relevant development; or

(d) to be used wholly or mainly for commercial purposes.

(4) The gross internal area of any communal development that is qualifying communal development must be calculated by applying the following formula—

$$\frac{X \times A}{B}$$

where—

X = the gross internal area of the communal development;

A = the gross internal area of the qualifying dwellings to which the communal development relates; and

B = the gross internal area of the qualifying dwellings and the relevant development, provided that the communal development is for the benefit of those dwellings and that relevant development.

(5) In this regulation, “relevant development” means development which is granted permission by the same planning permission as the qualifying dwellings in question, but which does not include the qualifying dwellings or the communal development.]

#### Textual Amendments

**F45** Regs. 49A-49C inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(5)**

#### [<sup>F47</sup>Social housing relief: qualifying amount **W**

**50.**—(1) The amount of social housing relief for which a chargeable development is eligible (“the qualifying amount”) must be calculated in accordance with this regulation.

(2) The qualifying amount is an amount equal to the aggregate of the qualifying amounts at each of the relevant rates.

(3) The relevant rates are the rates, taken from the relevant charging schedules, at which, but for social housing relief, CIL would be chargeable in respect of the parts of the chargeable development which will comprise—

- (a) qualifying dwellings; or
- (b) qualifying communal development.

(4) The qualifying amount at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_p}{I_c}$$

where—

A = the deemed net area chargeable at rate R;

$I_p$  = the index figure for the year in which planning permission was granted; and

$I_c$  = the index figure for the year in which the charging schedule containing rate R took effect.

(5) Paragraph (6) of regulation 40 applies to determine the index figure for a given year.

(6) Paragraphs (7) to (10) of regulation 40 apply for the purpose of calculating A with the following modifications—

- (a) for  $G_R$ , substitute  $Q_R$ , and

- (b) for  $K_R$ , substitute  $K_{QR}$

where—

$Q_R$  = the gross internal areas of the part of the chargeable development which will comprise the qualifying dwellings or qualifying communal development, and in respect of which, but for social housing relief, CIL would be chargeable at rate R; and

$K_{QR}$  = the aggregate of the gross internal areas of the following—

- (i) relevant retained parts of in-use buildings; and
- (ii) for other relevant buildings, relevant retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development.

- (7) Where—

- (a) social housing relief has been granted in relation to a development; and
- (b) planning permission is granted under section 73 of TCPA 1990 in respect of that development; and
- (c) the amount of social housing relief calculated in accordance with this regulation that the development is eligible for has not changed as a result of the planning permission referred to in sub-paragraph (b),  
anything done in relation to an application for social housing relief made under regulation 51 (social housing relief: procedure) in relation to the development referred to in sub-paragraph (a) is to be treated as if it was done in relation to development that the planning permission referred to in sub-paragraph (b) relates to.

- (8) In this regulation—

- (a) a reference to part of a chargeable development which will comprise qualifying dwellings includes a reference to part of a chargeable development which comprises qualifying dwellings;
- (b) “relevant retained part” means part of a building which will be—
  - (i) on the relevant land on completion of the chargeable development (excluding new build),
  - (ii) part of the chargeable development on completion, and
  - (iii) chargeable at rate R but for social housing relief;
- (c) “building”, “in-use building”, “new build”, “relevant building” and “relevant charging schedules” have the same meaning as in regulation 40.]

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**Extent Information**

- E1** This version of this provision applies to Wales only; a separate version has been created for England only

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**Textual Amendments**

- F47** Reg. 50 substituted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(6)** (with reg. 14(3)(7))



**E**

<sup>F102</sup>50. The amount of social housing relief for which a chargeable development is eligible (“qualifying amount”) must be calculated in accordance with paragraph 6 of Schedule 1.]

**Extent Information**

**E2** This version of this provision applies to England only; a separate version has been created for Wales only

**Textual Amendments**

**F102** Reg. 50 substituted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **5(3)** (with regs. 1(3), 13)

**Social housing relief: procedure**

**51.**—(1) A person wishing to benefit from social housing relief must submit a claim in accordance with this regulation.

(2) The claimant must—

- (a) assume liability to pay CIL in respect of the chargeable development for which relief is claimed; and
- (b) be an owner of the relevant land.

(3) The claim must—

- (a) be submitted to the collecting authority in writing on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) <sup>F48</sup>subject to paragraph (4A),] be received by the collecting authority before commencement of the chargeable development;
- (c) include the particulars specified or referred to in the form; and
- (d) be accompanied by—
  - (i) a relief assessment, and
  - (ii) evidence that the chargeable development qualifies for social housing relief (by reference to the conditions mentioned in regulation 49<sup>F49</sup>, the criteria mentioned in regulation 49A(2) or regulation 49C)].

(4) <sup>F50</sup>Subject to paragraph (4A), a claim] for social housing relief will lapse where the chargeable development to which the claim relates is commenced before the collecting authority has notified the claimant of its decision on the claim.

<sup>F51</sup>(4A) Paragraphs (3)(b) and (4) do not apply where the provision of qualifying dwellings or qualifying communal development in respect of a chargeable development changes after the commencement of that development.]

(5) As soon as practicable after receiving a valid claim for social housing relief, the collecting authority must notify the claimant in writing of—

- (a) its decision on the claim and the reasons for the decision; and
- <sup>F52</sup>(b) if relief is granted, the qualifying amount,

and provide an explanation of the requirements of regulation 67(1).]

(6) If social housing relief is granted in respect of the chargeable development the claimant is deemed to benefit from an amount of relief equal to the qualifying amount.

(7) A chargeable development ceases to be eligible for social housing relief if, before that chargeable development is commenced—

- [<sup>F53</sup>(a) a commencement notice is not submitted to the collecting authority;]
- (b) the claimant’s assumption of liability is withdrawn or otherwise ceases to have effect; or
- (c) the claimant transfers liability to another person in accordance with regulation 32.

(8) In this regulation “relief assessment” means an assessment of the extent to which the chargeable development is eligible for social housing relief which—

- (a) identifies the qualifying dwellings and the gross internal area of those dwellings; <sup>F54</sup> ...
- [<sup>F55</sup>(aa) identifies the qualifying communal development (if any) and the gross internal area of that development; and]
- (b) includes a calculation of the qualifying amount.

[<sup>F56</sup>(9) Paragraph (10) applies where a charging authority issues a statement (in accordance with regulation 49B(3)(a)) giving notice that discretionary social housing relief will no longer be available in its area.

(10) Any claim for discretionary social housing relief received by the collecting authority on or before the day mentioned in regulation 49B(3)(a) in respect of a chargeable development situated in the charging authority’s area must be considered by the collecting authority.]

#### Textual Amendments

- F48** Words in [reg. 51\(3\)\(b\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(a\)\(i\)](#)
- F49** Words in [reg. 51\(3\)\(d\)\(ii\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(a\)\(ii\)](#)
- F50** Words in [reg. 51\(4\)](#) substituted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(b\)](#)
- F51** [Reg. 51\(4A\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(c\)](#)
- F52** [Reg. 51\(5\)\(b\)](#) and the words "and provide an explanation of the requirements of regulation 67(1)." substituted for [reg. 51\(5\)\(b\) \(E.\)](#) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), [regs. 1, 6\(4\)\(a\)](#) (with [regs. 1\(4\), 13](#))
- F53** [Reg. 51\(7\)\(a\)](#) omitted (E.) (1.9.2019) by virtue of [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), [regs. 1, 6\(4\)\(b\)](#) (with [regs. 1\(4\), 13](#))
- F54** Word in [reg. 51\(8\)\(a\)](#) omitted (24.2.2014) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(d\)\(i\)](#)
- F55** [Reg. 51\(8\)\(aa\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(d\)\(ii\)](#)
- F56** [Reg. 51\(9\)\(10\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(7\)\(e\)](#)

#### Commencement Information

- I8** [Reg. 51](#) in force at 6.4.2010, see [reg. 1](#)

### Social housing relief: disposal of land before occupation

**52.**—(1) This regulation applies where—

- (a) social housing relief has been granted in respect of a chargeable development;

- (b) an owner (O) of the relevant land makes a material disposal of land on which qualifying dwellings [<sup>F57</sup>or qualifying communal development] will be situated to another person (P1); and
  - (c) the disposal is made before those qualifying dwellings are made available for occupation [<sup>F58</sup>or that qualifying communal development is made available for use].
- (2) P1 is deemed to benefit from an amount of social housing relief equal to the qualifying amount for the qualifying dwellings [<sup>F59</sup>or qualifying communal development] which will be situated on the land O disposed of to P1.
- (3) The qualifying amount mentioned in paragraph (2) must be calculated in accordance with regulation 50, and for the purposes of that calculation—
- (a) the value of  $Q_R$  is the gross internal area of the part of the chargeable development—
    - (i) which will comprise qualifying dwellings [<sup>F60</sup>or qualifying communal development] and be situated on the land O disposed of to P1, and
    - (ii) in respect of which, but for social housing relief, CIL would be chargeable at rate R; and
  - (b) the value of E is the value of E as calculated at the time social housing relief was granted in respect of the chargeable development.
- (4) The person (P2) who, before O disposed of the land, benefited from social housing relief in respect of the part of the chargeable development situated on that land is deemed to benefit from an amount of relief equal to the residual amount.
- (5) The residual amount is the difference between the amount of social housing relief from which P2 benefited before O disposed of the land and the amount from which P1 is deemed to benefit calculated in accordance with paragraph (2).
- (6) O must notify the collecting authority in writing of the disposal as soon as practicable after it occurs.
- (7) The notification must—
- (a) state the gross internal area of the qualifying dwellings [<sup>F61</sup>or qualifying communal development] which will be situated on the land which has been disposed of;
  - (b) be accompanied by a map or plan which identifies the location of those dwellings [<sup>F62</sup>or development (as the case may be)]; and
  - (c) state the name and address of O, P1 and (if P2 is not O) P2.
- (8) O must send a copy of the notification to P1 and (if P2 is not O) P2.
- (9) On receiving the notification the collecting authority must send an acknowledgment of receipt to O, P1 and (if P2 is not O) P2.

#### Textual Amendments

- F57** Words in reg. 52(1)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(a)(i)
- F58** Words in reg. 52(1)(c) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(a)(ii)
- F59** Words in reg. 52(2) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(b)
- F60** Words in reg. 52(3)(a)(i) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(c)

- F61** Words in reg. 52(7)(a) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(d)(i)
- F62** Words in reg. 52(7)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(8)(d)(ii)

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**Commencement Information**

- I9** Reg. 52 in force at 6.4.2010, see [reg. 1](#)

**Withdrawal of social housing relief**

**53.**—(1) This regulation applies whenever a disqualifying event occurs before the end of the clawback period in respect of a chargeable development for which social housing relief has been granted.

(2) A disqualifying event is any change in relation to a qualifying dwelling [<sup>F63</sup>or qualifying communal development] such that it ceases to be a qualifying dwelling [<sup>F63</sup>or qualifying communal development].

(3) The material disposal of a qualifying dwelling [<sup>F64</sup>or qualifying communal development] does not cause it to cease being a qualifying dwelling [<sup>F64</sup>or qualifying communal development] if—

- (a) the proceeds of sale are spent on a qualifying dwelling [<sup>F64</sup>or qualifying communal development] ;
- (b) the proceeds of sale are transferred to the Secretary of State, the Welsh Ministers, a local housing authority [<sup>F65</sup>, the Greater London Authority] or the Homes and Communities Agency;
- (c) the disposal is made to the Welsh Ministers under paragraph 15 or 27 of Schedule 1 to the Housing Act 1996; <sup>F66</sup> ...
- (d) the disposal is made to the Regulator of Social Housing under section 167 or 253 of the Housing and Regeneration Act [<sup>F67</sup>2008; <sup>F68</sup>...]
- <sup>F69</sup>(da) the disposal is a first sale of a dwelling in respect of which social housing relief has been granted under regulation 49 on the basis that the dwelling satisfies condition six in that regulation, and the first sale meets the criteria set out in paragraph (7B) of that regulation; or]
- <sup>F70</sup>(e) discretionary social housing relief has been granted in relation to the dwelling or qualifying communal development, and the dwelling or development (as the case may be) is disposed of in accordance with regulation 49A(2).]

(4) The relevant person is liable to pay an amount of CIL (“the withdrawn amount”) equal to the difference between the qualifying amount immediately before the disqualifying event and the qualifying amount immediately after the disqualifying event.

<sup>F71</sup>(4A) Where—

- (a) the relevant person is liable to pay the withdrawn amount; and
- (b) the dwelling in respect of which the relevant person is benefitting from social housing relief was (immediately before it ceased to be a qualifying dwelling) a qualifying dwelling which satisfied condition 5 of regulation 49,

for the purposes of regulation 87 (late payment interest), payment of the withdrawn amount is to be treated as being due on commencement of the chargeable development.]

(5) The qualifying amounts mentioned in paragraph (4) must be calculated in accordance with regulation 50<sup>F72</sup>and paragraph 6 of Schedule 1], and for the purposes of that calculation the value

of E is the value of E as calculated at the time social housing relief was granted in respect of the chargeable development.

(6) The relevant person must notify the collecting authority in writing of a disqualifying event before the end of the period of 14 days beginning with the day on which it occurs.

(7) The notification must—

(a) state the gross internal area of the dwelling which has ceased to be a qualifying dwelling [<sup>F73</sup>(if any)]; <sup>F74</sup>...

[<sup>F75</sup>(aa) state the gross internal area of the development which has ceased to be qualifying communal development (if any); and]

(b) be accompanied by a map or plan which identifies the location of the dwelling mentioned in sub-paragraph (a) [<sup>F76</sup>or the development mentioned in sub-paragraph (aa)].

(8) As soon as practicable after receiving notice of the disqualifying event, the collecting authority must notify the relevant person in writing of the withdrawn amount.

(9) The notification must be accompanied by an explanation of how the withdrawn amount was calculated.

(10) In this regulation “relevant person” means the person benefiting from social housing relief in respect of the dwelling which has ceased to be a qualifying dwelling [<sup>F77</sup>, or the development which has ceased to be qualifying communal development].

#### Textual Amendments

- F63** Words in [reg. 53\(2\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(a\)](#)
- F64** Words in [reg. 53\(3\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(b\)\(i\)](#)
- F65** Words in [reg. 53\(3\)\(b\)](#) inserted (1.4.2012) by [The Localism Act 2011 \(Housing and Regeneration Functions in Greater London\) \(Consequential, Transitional and Saving Provisions\) \(No. 2\) Order 2012 \(S.I. 2012/702\)](#), [art. 1, Sch. 1 para. 2](#) (with [Sch. 2](#))
- F66** Word in [reg. 53\(3\)\(c\)](#) omitted (24.2.2014) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(b\)\(ii\)](#)
- F67** Words in [reg. 53\(3\)\(d\)](#) substituted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(b\)\(iii\)](#)
- F68** Word in [reg. 53\(3\)\(d\)](#) omitted (E.) (16.11.2020) by virtue of [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2020 \(S.I. 2020/1226\)](#), [regs. 1\(2\), 6\(a\)](#)
- F69** [Reg. 53\(3\)\(da\)](#) inserted (E.) (16.11.2020) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2020 \(S.I. 2020/1226\)](#), [regs. 1\(2\), 6\(b\)](#)
- F70** [Reg. 53\(3\)\(e\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(b\)\(iv\)](#)
- F71** [Reg. 53\(4A\)](#) inserted (1.4.2015) by [The Community Infrastructure Levy \(Amendment\) Regulations 2015 \(S.I. 2015/836\)](#), [regs. 1, 4\(2\)](#)
- F72** Words in [reg. 53\(5\)](#) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), [regs. 1, 5\(4\)](#) (with [regs. 1\(3\), 13](#))
- F73** Words in [reg. 53\(7\)\(a\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(c\)\(i\)](#)
- F74** Word in [reg. 53\(7\)\(a\)](#) omitted (24.2.2014) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(c\)\(i\)](#)
- F75** [Reg. 53\(7\)\(aa\)](#) inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), [regs. 1, 7\(9\)\(c\)\(ii\)](#)

- F76** Words in reg. 53(7)(b) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(9)(c)(iii)
- F77** Words in reg. 53(10) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(9)(d)

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**Commencement Information**

- I10** Reg. 53 in force at 6.4.2010, see [reg. 1](#)

**Social housing relief: information notice**

**54.**—(1) A collecting authority may serve an information notice on—

- (a) a person claiming social housing relief;
- (b) a person who has made a material disposal of land in accordance with regulation 52; or
- (c) a person required to notify the collecting authority of a disqualifying event in accordance with regulation 53(6).

(2) The information notice may require the person to give such information, documents or materials as are specified in the notice, and which are in the person's possession or control, which the collecting authority considers relevant to assist it in—

- (a) determining the extent to which a chargeable development is eligible for social housing relief; and
- (b) calculating the qualifying amount in respect of the chargeable development.

(3) An information notice must inform the person on whom it is served of the possible consequences of a failure to comply with the notice(3).

(4) A requirement of the information notice is complied with by giving the required information to the collecting authority in writing or sending the required documents or materials to the collecting authority (as the case may be) before the end of the period of 14 days beginning with the day on which the notice is served.

(5) A reference in this regulation to a chargeable development includes a reference to part of a chargeable development.

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**Commencement Information**

- I11** Reg. 54 in force at 6.4.2010, see [reg. 1](#)

**[<sup>F78</sup>Exemption for self-build housing**

**54A.**—(1) <sup>F79</sup>... A person (P) is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing or self-build communal development.

(2) Self-build housing is a dwelling built by P (including where built following a commission by P) and occupied by P as P's sole or main residence.

(3) The amount of any self-build communal development that P can claim the exemption in relation to is to be determined in accordance with paragraphs (4) to (6).

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(3) As to the consequences of failure to comply with an information notice, see regulation 86.

(4) Subject to paragraph (5), development is self-build communal development if it is for the benefit of the occupants of more than one dwelling that is self-build housing, whether or not it is also for the benefit of the occupants of relevant development.

(5) Development is not self-build communal development if it is—

- (a) wholly or partly made up of one or more dwellings;
- (b) wholly or mainly for use by the general public;
- (c) wholly or mainly for the benefit of occupants of development which is not relevant development; or
- (d) to be used wholly or mainly for commercial purposes.

(6) The amount of any self-build communal development that P can claim the exemption in relation to must be calculated by applying the following formula—

$$\frac{X \times A}{B}$$

where—

X = the gross internal area of the self-build communal development;

A = the gross internal area of the dwelling in relation to which P is claiming the exemption for self-build housing; and

B = the gross internal area of the self-build housing and relevant development, provided that the self-build communal development is for the benefit of that housing and that relevant development.

(7) In this regulation, “relevant development” means development which is authorised by the same planning permission as the self-build housing in question, but which does not include the self-build housing or the self-build communal development.

(8) In order to claim the exemption in relation to self-build communal development, P must assume liability to pay CIL in respect of that development (and may do so jointly in respect of the chargeable development) and either claim the exemption—

- (a) at the same time as P claims the exemption in respect of the self-build housing; or
- (b) where the self-build housing is granted permission through a phased planning permission, in relation to any phase of that permission.

(9) An exemption or relief under this regulation is known as an exemption for self-build housing.

F80(10) .....

F81(11) .....

#### Textual Amendments

**F78** Regs. 54A-54D inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(10)**

**F79** Words in [reg. 54A\(1\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(11)(a)** (with Sch. 3)

**F80** [Reg. 54A\(10\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(11)(b)** (with Sch. 3)

**F81** [Reg. 54A\(11\)](#) omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(11)(b)** (with Sch. 3)

### Exemption for self-build housing: procedure

**54B.**—(1) A person who wishes to benefit from the exemption for self-build housing must submit a claim to the collecting authority in accordance with this regulation.

(2) The claim must—

(a) be made by a person who—

(i) intends to build, or commission the building of, a new dwelling, and intends to occupy the dwelling as their sole or main residence for the duration of the clawback period, and

(ii) has assumed liability to pay CIL in respect of the new dwelling, whether or not they have also assumed liability to pay CIL in respect of other development;

(b) [<sup>F82</sup>subject to paragraph (3A),] be received by the collecting authority before commencement of the chargeable development;

(c) be submitted to the collecting authority in writing on a form published by the Secretary of State (or a form substantially to the same effect);

(d) include the particulars specified or referred to in the form; and

(e) where more than one person has assumed liability to pay CIL in respect of the chargeable development, clearly identify the part of the development that the claim relates to.

(3) [<sup>F83</sup>Subject to paragraph (3A),] a claim under this regulation will lapse where the chargeable development to which it relates is commenced before the collecting authority has notified the claimant of its decision on the claim.

[<sup>F84</sup>(3A) Paragraphs (2)(b) and (3) do not apply where an exemption for self-build housing has been granted in relation to a chargeable development and the provision of self-build housing or self-build communal development changes after the commencement of that development.]

(4) As soon as practicable after receiving a valid claim <sup>F85</sup>... the collecting authority must grant the exemption and notify the claimant in writing of the exemption granted (or the amount of relief granted, as the case may be) [<sup>F86</sup>and provide an explanation of the requirements of regulation 67(1)].

(5) A claim for an exemption for self-build housing is valid if it complies with the requirements of paragraph (2).

[<sup>F87</sup>(6) A person who is granted an exemption for self-build housing ceases to be eligible for that exemption if a commencement notice is not submitted to the collecting authority before the day the chargeable development is commenced.]

#### Textual Amendments

- F78** Regs. 54A-54D inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(10)**
- F82** Words in reg. 54B(2)(b) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(5)(a)** (with regs. 1(4), 13)
- F83** Words in reg. 54B(3) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(5)(b)** (with regs. 1(4), 13)
- F84** Reg. 54B(3A) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(5)(c)** (with regs. 1(4), 13)
- F85** Words in reg. 54B(4) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(12)** (with Sch. 3)
- F86** Words in reg. 54B(4) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(5)(d)** (with regs. 1(4), 13)



**F87** Reg. 54B(6) omitted (E.) (1.9.2019) by virtue of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **6(5)(e)** (with regs. 1(4), 13)

### Exemption for self-build housing: completion of development

**54C.**—(1) A person (P) granted an exemption for self-build housing in respect of development (D) must comply with this regulation.

(2) Within six months of the date of the compliance certificate for D, P must submit a form to the collecting authority confirming that D is self-build housing or self-build communal development (as the case may be).

(3) The form referred to in paragraph (2) must—

- (a) be submitted in writing on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form; and
- (c) be accompanied by the documents specified or referred to in the form.

### Textual Amendments

**F78** Regs. 54A-54D inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(10)**

### Withdrawal of the exemption for self-build housing

**54D.**—(1) This regulation applies if an exemption for self-build housing is granted and a disqualifying event occurs before the end of the clawback period.

(2) For the purposes of this regulation, a disqualifying event is—

- (a) any change in relation to the self-build housing or self-build communal development which is the subject of the exemption such that it ceases to be self-build housing or self-build communal development;
- (b) a failure to comply with regulation 54C;
- (c) the letting out of a whole dwelling or building that is self-build housing or self-build communal development;
- (d) the sale of the self-build housing; or
- (e) the sale of the self-build communal development.

(3) Subject to paragraphs (5) and (6), where this regulation applies the exemption for self-build housing granted in respect of the self-build housing or self-build qualifying development is withdrawn and the relevant person is liable to pay—

- (a) an amount of CIL equal to the amount of CIL that would have been payable on commencement of the development if the exemption had not been granted; <sup>F88</sup> ...

<sup>F88</sup>(b) .....

(4) The relevant person must notify the collecting authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which the disqualifying event occurs.

(5) The collecting authority must notify the relevant person at least 28 days before taking any action in relation to a disqualifying event under paragraph (2)(b), informing them of the date after which they intend to take any such action.

(6) If the relevant person submits to the collecting authority a form which complies with the requirements of regulation 54C(3) before the date mentioned in paragraph (5), the exemption is not withdrawn and the collecting authority may take no further action in relation to that disqualifying event.

(7) As soon as practicable after receiving the notice of the disqualifying event (or the expiry of the period in paragraph (5), as the case may be) the collecting authority must notify the relevant person in writing of the amount of CIL payable under paragraph (3).

(8) In this regulation “relevant person” means the person benefitting from the exemption for self-build housing in respect of the dwelling or communal development which has ceased to qualify for the exemption.]

**Textual Amendments**

- F78** Regs. 54A-54D inserted (24.2.2014) by [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(10)**
- F88** Reg. 54D(3)(b) and word omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 2 para. 11(13)** (with Sch. 3)

**Discretionary relief for exceptional circumstances**

**55.**—(1) A charging authority may grant relief (“relief for exceptional circumstances”) from liability to pay CIL in respect of a chargeable development (D) if—

- (a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and
- (b) the charging authority considers it expedient to do so.

(2) Paragraph (1) is subject to the following provisions of this regulation.

(3) A charging authority may only grant relief for exceptional circumstances if—

- (a) it has made relief for exceptional circumstances available in its area;
- (b) a planning obligation under section 106 of TCPA 1990(4) has been entered into in respect of the planning permission which permits D; and
- (c) the charging authority—

<sup>F89</sup>(i) . . . . .

(ii) considers that to require payment of the CIL charged by it in respect of D would have an unacceptable impact on the economic viability of D, <sup>F90</sup>...

<sup>F90</sup>(iii) . . . . .

(4) The Mayor may not grant relief for exceptional circumstances in respect of a chargeable development unless a claim for that relief is referred to the Mayor by a London borough council [<sup>F91</sup>or MDC] in accordance with regulation 58(3).

**Textual Amendments**

- F89** Reg. 55(3)(c)(i) omitted (24.2.2014) by virtue of [The Community Infrastructure Levy \(Amendment\) Regulations 2014 \(S.I. 2014/385\)](#), regs. 1, **7(11)**

(4) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 and amended by section 33 of the [Greater London Authority Act 2007 \(c. 24\)](#) and section 174 of the Planning Act 2008.

- F90** Reg. 55(3)(c)(iii) and word omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(14)** (with Sch. 3)
- F91** Words in reg. 55(4) inserted (25.4.2013) by The Community Infrastructure Levy (Amendment) Regulations 2013 (S.I. 2013/982), regs. 1, **7(1)**

**Commencement Information**

- I12** Reg. 55 in force at 6.4.2010, see **reg. 1**

**Exceptional circumstances: notification requirements**

**56.**—(1) A charging authority which wishes to make relief for exceptional circumstances available in its area must—

- (a) issue a statement which—
  - (i) gives notice that relief for exceptional circumstances is available in its area, and
  - (ii) states the date on which the charging authority will begin accepting claims for relief for exceptional circumstances;
- (b) publish the statement on its website;
- (c) make the statement available for inspection—
  - (i) at its principal office, and
  - (ii) at such other places within its area as it considers appropriate; and
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).

(2) A charging authority which no longer wishes relief for exceptional circumstances to be available in its area must—

- (a) issue a statement giving notice to that effect and stating the last day on which it will accept claims for relief for exceptional circumstances;
- (b) publish the statement on its website;
- <sup>F92</sup>(c) make the document available for inspection—
  - (i) at its principal office, and
  - (ii) at the places at which the document mentioned in paragraph (1) was made available for inspection under paragraph (1)(c)(ii), or, if the charging authority considers that any such places are no longer appropriate, such other places within its area as it considers appropriate; and]
- (d) send a copy of the statement to the collecting authority (if it is not the charging authority).

(3) The day mentioned in paragraph (2)(a) must be no earlier than the end of the period of 14 days beginning with the day on which the statement mentioned in that paragraph is published on the charging authority's website.

**Textual Amendments**

- F92** Reg. 56(2)(c) substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **7(12)**

**Commencement Information**

- I13** Reg. 56 in force at 6.4.2010, see **reg. 1**

**Exceptional circumstances: procedure**

- 57.—(1) Relief for exceptional circumstances must be claimed in accordance with this regulation.
- (2) This regulation is subject to regulation 58 in the case of a chargeable development situated in the area of a London borough council [<sup>F93</sup>or MDC].
- (3) The person claiming relief (“the claimant”) must be an owner of a material interest in the relevant land.
- (4) A claim for relief must—
- (a) be submitted to the charging authority in writing on a form published by the Secretary of State (or a form to substantially the same effect);
  - (b) be received by the charging authority before commencement of the chargeable development;
  - (c) include the particulars specified or referred to in the form; and
  - (d) be accompanied by—
    - <sup>F94</sup>(i) . . . . .
    - (ii) an assessment carried out by an independent person of the economic viability of the chargeable development,
    - (iii) an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development,
    - (iv) where there is more than one material interest in the relevant land, an apportionment assessment, and
    - (v) a declaration that the claimant has complied with paragraph (6).
- (5) For the purposes of paragraph (4)(d) an independent person is a person who—
- (a) is appointed by the claimant with the agreement of the charging authority; and
  - (b) has appropriate qualifications and experience.
- <sup>F95</sup>(6) The claimant must—
- (a) send a copy of the completed claim form to the owners of the other material interests in the relevant land (if any);
  - (b) notify those owners that the particulars referred to in paragraph 4(d) are available on request; and
  - (c) send a copy of those particulars to any owners who ask for them.]
- (7) As soon as practicable after receiving a claim for relief, the charging authority must notify the claimant in writing of its decision on the claim and (where relief is granted) the amount of relief granted [<sup>F96</sup>and provide an explanation of the requirements of regulation 67(1)].
- (8) Where relief is granted the charging authority must send a copy of the decision to—
- (a) the collecting authority (if it is not the charging authority); and
  - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (9) A claim for relief for exceptional circumstances will lapse where the chargeable development to which it relates is commenced before the charging authority has notified the claimant of its decision on the claim.
- (10) A chargeable development ceases to be eligible for relief for exceptional circumstances if there is a disqualifying event.

- (11) A disqualifying event occurs if—
- (a) before the chargeable development is commenced—
    - (i) charitable or social housing relief [<sup>F97</sup>or an exemption for self-build housing or residential annexes or extensions] is granted in respect of the chargeable development, or
    - (ii) an owner of a material interest in the relevant land makes a material disposal of that interest; or
  - (b) at the end of the period of 12 months beginning with the day on which the charging authority issues its decision on the claim, the chargeable development has not been commenced.
- (12) Where a disqualifying event occurs an owner of a material interest in the relevant land must—
- (a) notify the charging authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which it occurs; and
  - (b) send a copy of the notification to the owners of the other material interests in the relevant land (if any).
- (13) On receipt of the notification the charging authority must send a copy to—
- (a) the collecting authority (if it is not the charging authority); and
  - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (14) Paragraph (15) applies where a charging authority issues a statement (in accordance with regulation 56(2)(a)) giving notice that relief for exceptional circumstances will no longer be available in its area.
- (15) Any claim for relief for exceptional circumstances received by the charging authority on or before the day mentioned in regulation 56(2)(a) must be considered by the charging authority.

#### Textual Amendments

- F93** Words in reg. 57(2) inserted (25.4.2013) by The Community Infrastructure Levy (Amendment) Regulations 2013 (S.I. 2013/982), regs. 1, 7(2)
- F94** Reg. 57(4)(d)(i) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(13)(a)
- F95** Reg. 57(6) substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(13)(b)
- F96** Words in reg. 57(7) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, 6(6) (with regs. 1(4), 13)
- F97** Words in reg. 57(11)(a)(i) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, 7(13)(c)

#### Commencement Information

- I14** Reg. 57 in force at 6.4.2010, see reg. 1

#### Exceptional circumstances: procedure in London

**58.**—(1) Regulation 57 applies to a claim for relief for exceptional circumstances in respect of a chargeable development situated in the area of a London borough council [<sup>F98</sup>or MDC (“the local charging authority”)] subject to the following modifications.

(2) A claim for relief for exceptional circumstances must be submitted to the [F99]local charging authority].

(3) As soon as practicable after receiving a claim for relief, the [F99]local charging authority] must refer the claim to the Mayor if the Mayor has made relief for exceptional circumstances available in the Mayor's area, and the [F99]local charging authority] either—

- (a) has not made relief for exceptional circumstances available in its area, or
- (b) considers that, despite the amount of relief that it proposes to grant in respect of the chargeable development, to require payment of any remaining CIL charged by it or any CIL charged by the Mayor (or both) would still have an unacceptable impact on the economic viability of the chargeable development.

(4) A [F99]local charging authority] refers a claim to the Mayor by—

- (a) sending to the Mayor a copy of the claim form and the particulars mentioned in regulation 57(4)(d); and
- (b) where the [F99]local charging authority] proposes to grant relief, informing the Mayor in writing of the amount of that relief.

(5) If a claim is referred to the Mayor in accordance with paragraph (3) the Mayor must, as soon as practicable after receiving the referral—

- (a) decide whether to grant relief on the amount of CIL chargeable by the Mayor in respect of the chargeable development; and
- (b) notify the [F99]local charging authority] in writing of the Mayor's decision and the amount of relief (if any) granted.

(6) As soon as practicable after receiving the Mayor's decision, the [F99]local charging authority] must notify the claimant in writing of the decision on the claim and the amount of any relief granted (including, where relevant, any separate decisions and amounts in respect of relief granted by the [F99]local charging authority] and the Mayor) [F100] and provide an explanation of the requirements of regulation 67(1)].

(7) Where relief is granted the [F99]local charging authority] must send a copy of the decision to—

- (a) the Mayor;
- (b) the collecting authority (if it is not the borough);
- (c) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).

(8) Notification of a disqualifying event must be submitted to the [F99]local charging authority], and the [F99]local charging authority] must send a copy of that notification to—

- (a) the collecting authority (if it is not the [F99]local charging authority]); and
- (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).

#### **Textual Amendments**

**F98** Words in [reg. 58\(1\)](#) substituted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, [7\(3\)\(a\)](#)

**F99** Words in [reg. 58\(2\)-\(8\)](#) substituted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, [7\(3\)\(b\)](#)

**F100** Words in [reg. 58\(6\)](#) inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, [6\(7\)](#) (with regs. 1(4), 13)

#### Commencement Information

**I15** Reg. 58 in force at 6.4.2010, see [reg. 1](#)

#### [<sup>F101</sup>Carry over of relief in relation to certain section 73 permissions

**58ZA.**—(1) Where—

- (a) any relevant relief has been granted in relation to a development (D);
- (b) planning permission (B) is later granted under section 73 of TCPA 1990 in respect of that development; and
- (c) the amount of the relevant relief calculated in accordance with this Part of the Regulations that the development is eligible for has not changed as a result of B,

anything done in relation to an application for the relevant relief made in relation to D is to be treated as if it was done in relation to the development that B relates to.

(2) In this regulation “relevant relief” means—

- (a) an exemption for residential annexes or extensions;
- (b) an exemption for self-build housing;
- (c) charitable relief;
- (d) social housing relief.]

#### Textual Amendments

**F101** Reg. 58ZA inserted (E.) (1.9.2019) by [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **7(1)** (with regs. 1(4), 13)

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 6.