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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 4**

**LIABILITY**

**Default of liability**

- 36.**—(1) This regulation applies where—
- (a) a person (P) assumed liability to pay CIL in respect of a chargeable development; and
  - (b) the collecting authority has been unable to recover an amount of CIL (A) payable by P.
- (2) The collecting authority may determine that liability to pay A is transferred to the owners of the relevant land.
- (3) But a collecting authority may not make a determination under paragraph (2) before it has made all reasonable effort to recover A using one or more of the provisions in Chapter 3 of Part 9.
- (4) A collecting authority which makes a determination under paragraph (2) must—
- (a) issue and serve a default of liability notice; and
  - (b) apportion liability to pay A between each material interest in the relevant land.
- (5) Regulation 34 applies for the purposes of apportioning liability in accordance with paragraph (4)(b) as if references to the chargeable amount were references to A.
- (6) The default of liability notice mentioned in paragraph (4)(a) must—
- (a) be issued on a form published by the Secretary of State (or a form to substantially the same effect);
  - (b) state the outstanding amount of CIL payable in respect of the chargeable development;
  - (c) include the other information specified in the form; and
  - (d) be served on the owner of each material interest in the relevant land.
- (7) A collecting authority which has made a determination under paragraph (2) may not impose a surcharge or serve a CIL stop notice in respect of the chargeable development to which the determination relates before the end of the period of seven days beginning with the day on which the default of liability notice is issued.