

---

STATUTORY INSTRUMENTS

---

**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 7**

**APPLICATION OF CIL**

**[<sup>F1</sup>Recovery of CIL passed in accordance with regulation 59A or 59B**

**59E.**—(1) This regulation applies to CIL receipts received by a local council in accordance with regulation 59A or 59B that the local council—

- (a) has not applied to support the development of its area within 5 years of receipt; or
- (b) has applied otherwise than in accordance with regulation 59C.

(2) The charging authority may serve a notice on the local council requiring it to repay some or all of the CIL receipts that this regulation applies to.

(3) A notice under paragraph (2) will be valid if it contains the following information—

- (a) the amount of CIL receipts to be repaid;
- (b) the reasons for requiring those receipts to be repaid; and
- (c) the date by which repayment is to be made which must be no earlier than 28 days from the day the notice is served.

(4) On receipt of a valid notice the local council must send to the charging authority any CIL receipts it has not spent up to the value set out under sub-paragraph (3)(a) within the time set out under sub-paragraph (3)(c).

(5) If the local council is unable to repay the full amount set out under sub-paragraph (3)(a) out of unspent CIL receipts, the charging authority must recover the rest of that amount out of future CIL receipts that it would otherwise have to pass to the local council in accordance with regulation 59A or 59B.

(6) If the charging authority recovers CIL receipts in accordance with paragraph (5) it must serve a notice on the local council when those receipts would otherwise be passed to the local council stating—

- (a) the amount of CIL receipts recovered; and
- (b) the amount of CIL receipts still to be recovered by the charging authority from the local council.

(7) A charging authority may withdraw a notice served under paragraph (2) at any time and if it does so any unspent CIL receipts recovered under paragraph (4) or (5) in accordance with the withdrawn notice must be returned to the local council.

(8) A charging authority and a local council may at any time vary the terms of a notice served under paragraph (2) by agreement.

(9) Part 9 (enforcement) does not apply in relation to this regulation.

- (10) CIL receipts recovered under this regulation must be used by the charging authority to support the development of the area of the local council they are recovered from by funding—
- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
  - (b) anything else that is concerned with addressing the demands that development places on an area.]

---

**Textual Amendments**

- F1** Regs. 59A-59F inserted (25.4.2013) by [The Community Infrastructure Levy \(Amendment\) Regulations 2013 \(S.I. 2013/982\)](#), regs. 1, **8(3)** (with reg. 12)

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, Section 59E.