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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 9**

**ENFORCEMENT**

**CHAPTER 1**

**SURCHARGES AND INTEREST**

**Surcharge: disqualifying events**

**84.**—(1) This regulation applies where a person who is required to notify the relevant authority of a disqualifying event fails to do so before the end of the period of 14 days beginning with the day on which the disqualifying event occurs.

(2) The relevant authority may impose a surcharge equal to 20 per cent of the chargeable amount payable in respect of the chargeable development to which the disqualifying event relates, or £2500, whichever is the lower amount.

(3) Where the disqualifying event occurs before commencement of the chargeable development, the surcharge is payable on commencement of that chargeable development.

(4) In all other cases the surcharge is payable on the day that it is imposed.

(5) Where the disqualifying event occurs in relation to a grant of social housing relief, the surcharge is payable by the relevant person within the meaning of regulation 53(10).

(6) Where the disqualifying event occurs in relation to a grant of charitable relief, an owner of a material interest in the relevant land in respect of which charitable relief was granted must pay an appropriate portion of the surcharge.

(7) The appropriate portion is an amount which bears to the total surcharge the same proportion as the value of the material interest bears to the total value of all the material interests in the relevant land in respect of which charitable relief was granted.

(8) For the purposes of paragraph (7) the value of a material interest must be determined in accordance with paragraphs (4) and (5) of regulation 34.

(9) Paragraphs (10) and (11) apply where the disqualifying event occurs in relation to a grant of relief for exceptional circumstances.

(10) Where liability in respect of the chargeable development is apportioned between each material interest in the relevant land—

(a) the surcharge must be apportioned on the same basis; and

(b) the owner of a material interest must pay the part of the surcharge apportioned to that interest.

(11) In all other cases the surcharge is payable by the person liable to pay CIL in respect of the chargeable development.

(12) In this regulation “relevant authority” means—

- (a) where the disqualifying event occurs in relation to a grant of relief for exceptional circumstances, the charging authority;
- (b) in all other cases, the collecting authority.