
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 9

ENFORCEMENT

CHAPTER 3

RECOVERY OF CIL

Application for liability order

97.—(1) Where the amount stated in a reminder notice is wholly or partly unpaid at the end of the period of seven days beginning with the day on which the reminder notice was served, the collecting authority may apply to a magistrates' court for an order ("liability order") against the person by whom it is payable.

(2) An application is instituted by making a complaint to a justice of the peace, and requesting the issue of a summons directed to that person to appear before the court to show why the person has not paid the outstanding amount.

(3) Section 127(1) of the Magistrates' Courts Act 1980⁽¹⁾ (limitation of time) does not apply to such an application; but no application may be instituted in respect of an outstanding amount after the period of six years beginning with the day that amount became due.

(4) Section 55(2) of the Magistrates' Courts Act 1980 (non-appearance of defendant) does not apply to any proceedings under this regulation.

(5) The court must make the liability order if it is satisfied that the amount has become payable by the defendant and has not been paid.

(6) An order made pursuant to paragraph (5) must be made in respect of an amount equal to the aggregate of—

- (a) the outstanding amount; and
- (b) an amount equal to the costs reasonably incurred by the collecting authority in obtaining the order.

(7) Where the outstanding amount is paid after an order has been applied for under paragraph (2) but before it has been made, the court must nonetheless (if so requested by the collecting authority) make the order in respect of an amount equal to the costs reasonably incurred by the authority in making the application.

(8) A single liability order may deal with one person and one such amount as is mentioned in paragraph (6) and (7) or, if the court thinks fit, may deal with more than one person and more than one such amount.

(9) No liability order may be made in pursuance of a summons issued under paragraph (2) before the end of the period of 14 days beginning with the day on which the summons was served.

(1) 1980 c. 43.

(10) The amount in respect of which a liability order is made is enforceable in accordance with this Chapter; and accordingly for the purposes of Part 3 of the Magistrates' Court Act 1980 (satisfaction and enforcement) it is not to be treated as a sum adjudged to be paid by order of the court.