
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 10

APPEALS

Interpretation of Part 10

112.—(1) In this Part—

“appointed person” means—

- (a) in the case of an appeal under regulation 114, 115 or 116—
 - (i) a valuation officer appointed under section 61 of the Local Government Finance Act 1988(1), or
 - (ii) a district valuer within the meaning of section 622 of the Housing Act 1985(2),
- (b) in the case of an appeal under regulation 117 or 118, the Secretary of State or a person appointed by the Secretary of State, or
- (c) in the case of an appeal under regulation 119, a person appointed by the Secretary of State;

“representations period” means—

- (a) in the case of an appeal under regulation 114, 116, 117, 118 or 119, 14 days beginning with the date of the acknowledgment of receipt under regulation 120(3),
- (b) in the case of an appeal under regulation 115, such period as the appointed person may determine but not less than 14 days beginning with the date of the acknowledgment of receipt under regulation 120(3);

“review start date” means the date on which a collecting authority receives a request for review under regulation 113; and

“relevant development” means the chargeable development which is the subject of the review or appeal (as the case may be).

(2) For the purposes of this Part a person is an interested person if—

- (a) in the case of a request for review under regulation 113 or an appeal under regulation 114, the person is—
 - (i) the person who has assumed liability to pay CIL in respect of the chargeable development, or
 - (ii) the relevant person within the meaning of regulation 65(12);
- (b) in the case of an appeal under regulation 116, the person is—
 - (i) the person who claimed the charitable relief, or

(1) 1988 c. 41; section 61 was amended by paragraph 69 of Schedule 13 to the Local Government Finance Act 1992 (c. 14).

(2) 1985 c. 68; the definition of “district valuer” in section 622 was substituted by S.I. 1990/434.

- (ii) the person who has assumed liability to pay CIL in respect of the chargeable development to which the charitable relief relates.
- (3) For the purposes of this Part a person is an interested party if—
 - (a) in the case of an appeal under regulation 114 or 116, the person is—
 - (i) the charging authority,
 - (ii) the collecting authority (if it is not the charging authority), or
 - (iii) an interested person (other than the appellant);
 - (b) in the case of an appeal under regulation 115, the person is—
 - (i) a person mentioned in paragraph (2)(a), or
 - (ii) an owner of the relevant land (other than the appellant);
 - (c) in the case of an appeal under regulation 117, the person is—
 - (i) the charging authority,
 - (ii) the collecting authority (if it is not the charging authority),
 - (iii) the person who is liable for the unpaid amount, or
 - (iv) a person known to the collecting authority as an owner of the relevant land;
 - (d) in the case of an appeal under regulation 118, the person is—
 - (i) a person on whom a demand notice was served in respect of the relevant development,
 - (ii) the charging authority, or
 - (iii) the collecting authority (if it is not the charging authority);
 - (e) in the case of an appeal under regulation 119, the person is—
 - (i) the charging authority,
 - (ii) the collecting authority (if it is not the charging authority),
 - (iii) the person who is liable to pay the unpaid amount,
 - (iv) any person known to the collecting authority as an owner of the relevant land,
 - (v) any person known to the collecting authority as an occupier of the relevant land, or
 - (vi) any other person who the collecting authority considers may be materially affected by a CIL stop notice.

Review of chargeable amount

- 113.**—(1) An interested person may request a review of the calculation of a chargeable amount.
- (2) A request for review must be made—
- (a) in writing to the collecting authority; and
 - (b) before the end of the period of 28 days beginning with the day on which the liability notice stating the chargeable amount subject to the request for review was issued.
- (3) A request for review may be accompanied by written representations in connection with the review.
- (4) If a request is made in accordance with paragraph (2), the collecting authority must review the calculation.
- (5) The review must be carried out by a person senior to the person making the original calculation and who had no involvement in the original calculation.

(6) The collecting authority must consider any representations accompanying the request for review.

(7) Within 14 days of the review start date the collecting authority must notify the person requesting the review in writing of—

- (a) the decision of the review; and
- (b) the reasons for the decision.

(8) In making a decision the collecting authority may either confirm the original chargeable amount or calculate a revised chargeable amount.

(9) A person may not request a review

- (a) of the decision reached on an earlier review; or
- (b) once the relevant development has been commenced.

(10) A review under this regulation will lapse if the relevant development is commenced before the collecting authority has notified the interested person of the decision of the review.

(11) A person may not request a review under this regulation if a claim for relief has been submitted to the charging authority and the claim has not been withdrawn.

Chargeable amount: appeal

114.—(1) A person who has requested a review under regulation 113 and—

- (a) is aggrieved at the decision on the review; or
- (b) is not notified of the decision on the review within 14 days of the review start date,

may appeal to the appointed person on the ground that the revised chargeable amount or the original chargeable amount (as the case may be) has been calculated incorrectly.

(2) An appeal under this regulation must be made before the end of the period of 60 days beginning with day on which the liability notice stating the original chargeable amount was issued.

(3) A person may not appeal under this regulation if the relevant development has been commenced.

(4) An appeal under this regulation will lapse if the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.

(5) Only one appeal may be made under this regulation in respect of a given chargeable development.

(6) Where an appeal under this regulation is allowed the appointed person must calculate a revised chargeable amount.

Apportionment of liability: appeal

115.—(1) An owner of a material interest in land (O) who is aggrieved at a decision of a collecting authority on the apportionment of liability with respect to that interest may appeal to the appointed person.

(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the demand notice stating the amount payable by O is issued.

(3) Paragraphs (4) to (6) apply where an appeal under this regulation is allowed.

(4) All demand notices issued by the collecting authority in respect of the relevant development before the appeal was allowed cease to have effect.

(5) The appointed person may quash a surcharge imposed by the collecting authority on the appellant.

(6) The appointed person must reapportion liability between each material interest in the relevant land.

Charitable relief: appeal

116.—(1) An interested person who is aggrieved at the decision of a collecting authority to grant charitable relief may appeal to the appointed person on the ground that the collecting authority has incorrectly determined the value of the interest in land in respect of which the claim was allowed.

(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the date of the decision of the collecting authority on the claim for charitable relief.

(3) An appeal under this regulation will lapse if the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.

(4) Where an appeal under this regulation is allowed the appointed person may amend the amount of charitable relief granted to the appellant.

Surcharge: appeal

117.—(1) A person who is aggrieved at a decision of a collecting authority to impose a surcharge may appeal to the appointed person on any of the following grounds—

- (a) that the claimed breach which led to the imposition of the surcharge did not occur;
- (b) that the collecting authority did not serve a liability notice in respect of the chargeable development to which the surcharge relates; or
- (c) that the surcharge has been calculated incorrectly.

(2) Where the imposition of a surcharge is subject to an appeal under this regulation, no amount is payable in respect of that surcharge while the appeal is outstanding.

(3) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the surcharge is imposed.

(4) Where an appeal under this regulation is allowed the appointed person may quash or recalculate the surcharge which is the subject of the appeal.

Deemed commencement

118.—(1) A person on whom a demand notice is served which states a deemed commencement date may appeal to the appointed person on the ground that the collecting authority has incorrectly determined that date.

(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the demand notice is issued.

(3) Paragraphs (4) to (6) apply where an appeal under this regulation is allowed.

(4) All demand notices issued by the collecting authority in respect of the relevant development before the appeal was allowed cease to have effect.

(5) The appointed person must determine a revised deemed commencement date for the relevant development.

(6) The appointed person may quash a surcharge imposed by the collecting authority on the appellant.

CIL stop notices

119.—(1) A person who is aggrieved at a decision of a collecting authority to impose a CIL stop notice may appeal to the appointed person on either (or both) of the following grounds—

- (a) that the collecting authority did not serve a warning notice before imposing the CIL stop notice; or
- (b) that the chargeable development in respect of which the CIL stop notice was imposed has not commenced.

(2) A CIL stop notice which is subject to an appeal under this regulation continues to have effect while the appeal is outstanding.

(3) An appeal under this regulation must be made before the end of the period of 60 days beginning with the day on which the CIL stop notice takes effect.

(4) On an appeal under this regulation the appointed person may—

- (a) correct any defect, error or misdescription in the CIL stop notice; or
- (b) vary the terms of the CIL stop notice,

if the appointed person is satisfied that the correction or variation will not cause injustice to the appellant or any of the interested parties.

(5) Where an appeal under this regulation is allowed the appointed person may quash the CIL stop notice.

Appeal procedure

120.—(1) An appeal under this Part must—

- (a) be made in writing on a form obtained from the Secretary of State (or a form to substantially the same effect); and
- (b) include the particulars specified or referred to in the form.

(2) An appellant may withdraw an appeal at any time by giving notice in writing to the appointed person.

(3) The appointed person must, as soon as practicable after receipt of an appeal, send—

- (a) an acknowledgment of receipt to the appellant in writing, which must include—
 - (i) the reference number allocated to the appeal, and
 - (ii) the address to which written communications to the appointed person about the appeal are to be sent;
- (b) a copy of the acknowledgement mentioned in sub-paragraph (a) to each interested party together with—
 - (i) a copy of the completed appeal form, and
 - (ii) notice that written representations in relation to the appeal may be sent to the appointed person before the end of the representations period.

(4) The completed appeal form comprises the appellant's representations in relation to the appeal.

(5) Any written representations from the interested parties in relation to the appeal must be received by the appointed person before the end of the representations period.

(6) On receipt of an interested party's representations, the appointed person must, as soon as practicable, send a copy of those representations to the appellant and each of the other interested parties.

(7) The appellant and the interested parties must send any comments they have on each other's representations to the appointed person in writing within 14 days of the end of the representations period; and the appointed person must, as soon as practicable after receipt, send a copy of those comments to each of the other parties to the appeal.

(8) The appointed person must consider any representations and comments made by the appellant and interested parties.

(9) The appointed person must notify the appellant and the interested parties in writing of—

(a) the decision on the appeal; and

(b) the reasons for the decision.

Costs

121. The appointed person may make orders as to the costs of the parties to the appeal and as to the parties by whom such costs are to be paid.