
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 9

ENFORCEMENT

CHAPTER 4

OTHER ENFORCEMENT PROVISIONS

Outstanding liabilities on death

108.—(1) This regulation applies where—

- (a) a person (the “deceased”) who is liable to pay CIL in respect of a chargeable development dies after that chargeable development is commenced; and
- (b) at the time of the deceased’s death an amount which the deceased was liable to pay has not been paid.

(2) The deceased’s executor or administrator is liable to pay—

- (a) the unpaid amount; and
- (b) any interest, surcharges and costs applied to the unpaid amount, or imposed on the deceased in respect of the unpaid amount,

and may deduct out of the assets and effects of the deceased any payments made (or to be made).

(3) But liability of the executor or administrator does not arise until the service on that person of a notice requiring payment of the amounts referred to in paragraph (2).

(4) Where before the deceased’s death an amount in excess of the deceased’s liability for CIL has been paid and has not been repaid under regulation 75, the deceased’s executor or administrator is entitled to the amount.

(5) The liability of the executor or administrator under this regulation is a liability in the executor or administrator’s capacity as such.

(6) Insofar as it is relevant to the executor’s or administrator’s liability under this regulation in the administration of the deceased’s estate, the executor or administrator may initiate, continue or withdraw an appeal under regulation 117, 118 or 119.

(7) Any amount which an executor or administrator is liable to pay under this regulation may be recovered from the executor or administrator by the collecting authority in accordance with the provisions in Chapter 3 of this Part.

Powers of entry

109.—(1) A person authorised in writing by a collecting authority may at any reasonable hour enter the relevant land—

- (a) to ascertain whether a chargeable development has been commenced;

- (b) to determine whether any of the powers conferred on a collecting authority by this Part should be exercised in relation to a chargeable development or the relevant land;
 - (c) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to a chargeable development or the relevant land;
 - (d) to display any notice required to be displayed on land in accordance with these Regulations; or
 - (e) where a person has submitted a notice of chargeable development, for the purposes of gathering information required by the collecting authority in order for it to calculate the chargeable amount payable in respect of the chargeable development.
- (2) Paragraph (1) is subject to the following provisions of this regulation.
- (3) A person may not enter the relevant land for the purpose mentioned in paragraph (1)(e) unless the collecting authority has first requested the information referred to in that paragraph in accordance with regulation 64(8).
- (4) A person may not enter any part of the relevant land which is used as a private dwelling unless a justice of the peace has issued a warrant authorising the person to do so.
- (5) A justice of the peace may only issue such a warrant if satisfied that there is good reason to believe that the collecting authority will not be able to enforce CIL without the warrant.
- (6) A warrant issued under paragraph (4) remains in force—
- (a) for one month; or
 - (b) until the purpose for which it is issued has been fulfilled,
- whichever is the sooner.
- (7) A person authorised in accordance with this regulation to enter the relevant land—
- (a) must, if so required, produce evidence of the person’s authority, and state the purpose of the person’s entry, before entering; and
 - (b) may take such other persons as may be necessary.
- (8) A person commits an offence if the person wilfully obstructs a person acting in the exercise of powers under this regulation.
- (9) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level three on the standard scale.

Offence for supplying false information

110.—(1) It is an offence for a person, knowingly or recklessly, to supply information which is false or misleading in a material respect to a collecting authority in response to a requirement under these Regulations.

- (2) A person guilty of an offence under this regulation is liable—
- (a) on summary conviction, to a fine not exceeding £20000; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

Prosecution of CIL offences

111. A collecting authority may prosecute proceedings for any offence under these Regulations.