
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 6

EXEMPTIONS AND RELIEF

Withdrawal of social housing relief

53.—(1) This regulation applies whenever a disqualifying event occurs before the end of the clawback period in respect of a chargeable development for which social housing relief has been granted.

(2) A disqualifying event is any change in relation to a qualifying dwelling such that it ceases to be a qualifying dwelling.

(3) The material disposal of a qualifying dwelling does not cause it to cease being a qualifying dwelling if—

- (a) the proceeds of sale are spent on a qualifying dwelling;
- (b) the proceeds of sale are transferred to the Secretary of State, the Welsh Ministers, a local housing authority or the Homes and Communities Agency;
- (c) the disposal is made to the Welsh Ministers under paragraph 15 or 27 of Schedule 1 to the Housing Act 1996; or
- (d) the disposal is made to the Regulator of Social Housing under section 167 or 253 of the Housing and Regeneration Act 2008.

(4) The relevant person is liable to pay an amount of CIL (“the withdrawn amount”) equal to the difference between the qualifying amount immediately before the disqualifying event and the qualifying amount immediately after the disqualifying event.

(5) The qualifying amounts mentioned in paragraph (4) must be calculated in accordance with regulation 50, and for the purposes of that calculation the value of E is the value of E as calculated at the time social housing relief was granted in respect of the chargeable development.

(6) The relevant person must notify the collecting authority in writing of a disqualifying event before the end of the period of 14 days beginning with the day on which it occurs.

(7) The notification must—

- (a) state the gross internal area of the dwelling which has ceased to be a qualifying dwelling; and
- (b) be accompanied by a map or plan which identifies the location of the dwelling mentioned in sub-paragraph (a).

(8) As soon as practicable after receiving notice of the disqualifying event, the collecting authority must notify the relevant person in writing of the withdrawn amount.

(9) The notification must be accompanied by an explanation of how the withdrawn amount was calculated.

(10) In this regulation “relevant person” means the person benefiting from social housing relief in respect of the dwelling which has ceased to be a qualifying dwelling.