
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Community Infrastructure Levy
(Amendment) (England) (No. 2) Regulations 2019**

Chargeable development and chargeable amount

- 5.—(1) In regulation 9—
- (a) for paragraphs (6) to (8) substitute—

“(6) Where a planning permission is granted under section 73 of TCPA 1990, the chargeable development is the most recently commenced or re-commenced chargeable development.”;
 - (b) in paragraph (9) for “paragraph (7)” substitute “paragraph (6)”.
- (2) For regulation 40 substitute—

“**40.** The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with the provisions of Schedule 1.”.
- (3) For regulation 50 substitute—

“**50.** The amount of social housing relief for which a chargeable development is eligible (“qualifying amount”) must be calculated in accordance with paragraph 6 of Schedule 1.”.
- (4) In regulation 53(5), after “regulation 50” insert “and paragraph 6 of Schedule 1”.
- (5) In regulation 64(4)(b), after “regulation 40” insert “and Schedule 1”.
- (6) In regulation 64A(2)(c)(iii)(1), for “regulation 40;” substitute “regulation 40 and Schedule 1.”.
- (7) In regulation 65(12)(c)(2) omit “phased”.
- (8) In regulation 74B(6)(b)(3), after “regulation 40” insert “and Schedule 1”.
- (9) In regulation 74B(13), after “regulation 40”, in each place it occurs, insert “and Schedule 1”.
- (10) In regulation 128, for paragraphs (1) and (2) of regulation 128 substitute—

“(1) Subject to paragraph (2), liability to CIL charged by a charging authority does not arise in respect of development if, on the day planning permission is granted for that development, the authority has no charging schedule in effect.

(2) Where the planning permission referred to in paragraph (1) is granted for development by way of a relevant general consent, liability to CIL charged by a charging authority does not arise in respect of that development if—

 - (a) it is commenced before 6th April 2013; or
 - (b) on the day on which it is commenced, the charging authority for the area in which the development is situated has no charging schedule in effect.”.

(1) Regulation 64A was inserted by [S.I. 2011/987](#) and amended by [S.I. 2014/385](#).
(2) Regulation 65(12) was amended by [S.I. 2014/385](#).
(3) Regulation 74B was inserted by [S.I. 2014/385](#).

(11) Omit regulation 128A(4).

(12) At the end of the Community Infrastructure Levy Regulations 2010 insert as Schedule 1 the schedule set out in Schedule 1 to these Regulations.

(4) Regulation 128A was inserted by [S.I. 2012/2975](#) and amended by S.I.s [2014/385](#) and [2018/172](#).