
STATUTORY INSTRUMENTS

2011 No. 987

**The Community Infrastructure Levy
(Amendment) Regulations 2011**

Amendment to Part 8 - administration

- 9.—(1) After regulation 64(1) (notice of chargeable development), insert —
- “(1A) Paragraph (2) does not apply to a development—
- (a) to which regulation 42 applies; or
 - (b) in relation to which the chargeable amount, calculated under regulation 40, is zero.
- (2) For regulation 64(4), substitute—
- “(4) The notice must be accompanied by a plan which identifies —
- (a) the land to which the notice relates;
 - (b) any buildings in use on that land which are to be demolished before the completion of the chargeable development;
 - (c) any buildings in use on that land which will be part of the chargeable development on completion, and
 - (d) the development which is the subject of the notice.”
- (3) Paragraphs (5) and (6) of regulation 64 are omitted.
- (4) In regulation 64(9), after “submitted”, insert—
- “, or on the day the last person who is to be served with a notice of chargeable development under regulation 64A(3) is served, whichever is the later.”
- (5) After regulation 64, insert—

“Preparation and service of notice of chargeable development by collecting authority

- 64A.—**(1) This regulation applies where—
- (a) planning permission for a development is granted by way of a general consent;
 - (b) no notice of chargeable development has been submitted to the collecting authority under regulation 64(2) in respect of that development; and
 - (c) the collecting authority is of the view that—
 - (i) the development has been commenced; and
 - (ii) the exemption conferred by regulation 42 does not apply in relation to the development.
- (2) The collecting authority must prepare a notice of chargeable development which—
- (a) is in writing on a form published by the Secretary of State (or a form to substantially the same effect);
 - (b) includes the particulars specified or referred to in the form; and

- (c) is accompanied by a plan which identifies—
 - (i) the land to which the notice relates;
 - (ii) the building which is the subject of the notice;
 - (iii) where the collecting authority has sufficient information to do so, any buildings in use on that land which are to be demolished before the completion of the chargeable development; and
 - (iv) where the collecting authority has sufficient information to do so, any buildings in use on that land which will be part of the chargeable development upon completion.

(3) The collecting authority must serve the notice of chargeable development on each person known to the authority as an owner of the relevant land, together with the liability notice served under regulation 65(3).”

- (6) After regulation 65(2)(d) (liability notice), insert—

“(da) where the chargeable amount may be paid by way of instalments⁽¹⁾, include a copy of the charging authority’s current instalment policy (if any);”

- (7) For regulation 65(4), substitute—

“(4) The collecting authority must issue a revised liability notice in respect of a chargeable development if—

- (a) the chargeable amount or any of the particulars mentioned in paragraph 2(e) or (f) change (whether on appeal or otherwise); or
- (b) the charging authority issue a new instalment policy which changes the instalment arrangements which relate to the chargeable development.”

- (8) After regulation 67(1) (commencement notice), insert—

“(1A) This regulation does not apply to a development—

- (a) to which regulation 42 applies; or
- (b) in relation to which the chargeable amount, calculated under regulation 40, is zero.

- (9) In regulation 69(2)(f) (demand notice), after “payable is to” insert “be”.

- (10) After regulation 69, insert—

“Suspension of demand notice

69A.—(1) A person (P) who has been served with a demand notice under regulation 69(1) may request the collecting authority to make a declaration that P is not required to pay the amount of CIL stated in the demand notice until works which are part of the chargeable development are commenced on the land in which P has a material interest.

(2) A request under paragraph (1) must be made in writing and include sufficient particulars to enable the collecting authority to decide whether it is satisfied as to the matters described in paragraph (3)(a) to (e).

(3) The collecting authority must make a declaration under paragraph (1) if it is satisfied that—

- (a) P’s liability under the demand notice arises because that liability has been apportioned to P under regulation 33(2) or 36(4)(b);

(1) See regulation 70.

- (b) no works which are part of the chargeable development have been commenced on the land in which P has a material interest;
 - (c) P has not agreed that any works which are part of the chargeable development may be commenced on the land in which P has a material interest;
 - (d) P has not agreed, in a contract enforceable under section 2 of the Law of Property (Miscellaneous Provisions) Act 1989⁽²⁾, to transfer all or any part of P's material interest in the land to any other person; and
 - (e) in all the circumstances of the case it is reasonable that P is not required to pay the amount of CIL stated in the demand notice until works which are part of the chargeable development are commenced on the land in which P has a material interest.
- (4) Where a declaration is made under paragraph (1)—
- (a) P shall not be liable for any late interest payment under regulation 87 (late payment interest);
 - (b) no measures to recover CIL under Chapter 3 of Part 9 (recovery of CIL) may be taken against P; and
 - (c) no measures to recover CIL under Chapter 4 of Part 9 (other enforcement provisions) may be taken against P's executor or administrator,
- until a demand notice is issued under paragraph (6) or (7).
- (5) Where—
- (a) a declaration is made under paragraph (1); and
 - (b) works which are part of the chargeable development are subsequently commenced on the land in which P has a material interest,
- P must notify the collecting authority in writing no later than the day before the day on which the works are commenced that the works are being commenced.
- (6) Where a collecting authority —
- (a) receives notice under paragraph (5), or
 - (b) has not received notice under paragraph (5), but is of the view that works which are part of the chargeable development have been commenced on the land,
- it must serve a demand notice on P.
- (7) Where a collecting authority is of the view that P has agreed, in a contract enforceable under section 2 of the Law of Property (Miscellaneous Provisions) Act 1989, to transfer all or any part of P's material interest in the land to any other person, it must serve a demand notice on that person.
- (8) Where a collecting authority serves a demand notice on P under paragraph (6)(b), the charging authority may impose a surcharge equal to 20 per cent of the chargeable amount payable by P or £2500, whichever is the lower amount.
- (9) A demand notice served under paragraph (6) or (7) must comply with the requirements of regulation 69(2).”
- (11) For regulation 70, substitute—

(2) 1989 c. 34.

“Instalment policies

69B.—(1) A charging authority which wishes to allow persons liable to pay CIL to do so by instalments must publish on its website an instalment policy containing only the information described in paragraph (2) (“the instalment policy”).

(2) The instalment policy must state—

- (a) the date on which it takes effect, which must be no earlier than the day after the instalment policy is published on the website;
- (b) the number of instalment payments;
- (c) the amount or proportion of CIL payable in any instalment;
- (d) the time (to be calculated from the date the development is commenced) that the first instalment payment is due, and the time that any subsequent instalment payments are due; and
- (e) any minimum amount of CIL below which CIL may not be paid by instalment.

(3) The charging authority must—

- (a) make the instalment policy available for inspection—
 - (i) at its principal office, and
 - (ii) at such other places within its area as it considers appropriate; and
- (b) send a copy of the instalment policy to the collecting authority (if it is not the charging authority).

(4) Subject to paragraph (5), a charging authority may bring into effect a new instalment policy at any time; any new instalment policy must comply with paragraphs (1) to (3).

(5) A new instalment policy may not take effect earlier than the period of 28 days beginning with the date on which the previous instalment policy took effect.

(6) A charging authority which no longer wishes to have an instalment policy must—

- (a) publish on its website a notice stating the date on which the instalment policy shall cease to have effect;
- (b) make the notice available for inspection—
 - (i) at its principal office, and
 - (ii) at such other places within its area as it considers appropriate; and
- (c) send a copy of the notice to the collecting authority (if it is not the charging authority).

(7) The date mentioned in paragraph (6)(a) must be no earlier than the period of 28 days beginning with the date on which the instalment policy came into effect.

Payment periods

70.—(1) This regulation applies where—

- (a) a person has assumed liability to pay CIL in respect of a chargeable development (D);
- (b) the collecting authority has received a commencement notice in respect of D; and
- (c) the collecting authority has not determined a deemed commencement date for D.

(2) The amount of CIL payable (A) to all charging authorities in respect of D is payable in accordance with the following paragraphs.

(3) Where—

- (a) A is charged by both the Mayor of London and a London borough council; and

- (b) the London borough council has issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b),

A is payable in accordance with that instalment policy.

(4) Where—

- (a) A is charged by both the Mayor of London and a London borough council;
- (b) the London borough council has not issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b); and
- (c) the Mayor of London has issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b),

A is payable in accordance with the Mayor’s instalment policy.

(5) Where—

- (a) A is charged by a London borough council but not by the Mayor of London; and
- (b) the London borough council has issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b),

A is payable in accordance with that instalment policy.

(6) Where—

- (a) A is charged by a charging authority other than the Mayor of London or a London borough council; and
- (b) the charging authority has issued an instalment policy on or before the commencement date stated in the commencement notice received under paragraph (1)(b),

A is payable in accordance with that instalment policy.

(7) In all other cases, A is payable in full at the end of the period of 60 days beginning with the intended commencement date of D.

(8) Where an amount payable in accordance with this regulation is not received in full on or before the day on which it is due—

- (a) the unpaid balance of A becomes payable in full immediately; and
- (b) the collecting authority must send a copy of any demand notice which it serves as a result of the non-payment to each person known to the authority as an owner of the relevant land.”

(12) Omit paragraph (6)(a) of regulation 73 (payment in kind).

(13) In regulation 74(5) (payment in kind: further provision), for “70(6)” substitute “70(8)”.