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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 1**

**INTRODUCTORY**

**Citation and commencement**

1. These Regulations may be cited as the Community Infrastructure Levy Regulations 2010 and shall come into force on 6th April 2010.

**Commencement Information**

**II** Reg. 1 in force at 6.4.2010, see [reg. 1](#)

**Interpretation**

2.—(1) In these Regulations—

“PA 2008” means the Planning Act 2008;

“PCPA 2004” means the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>;

“TCPA 1990” means the Town and Country Planning Act 1990<sup>(2)</sup>;

[<sup>F1</sup>“acquired land” has the meaning given in regulation 73;

“annual infrastructure funding statement” has the meaning given in regulation 121A;]

“Bank of England base rate” means—

(a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or

(b) where an order under section 19 of the Bank of England Act 1998<sup>(3)</sup> (reserve powers) is in force, any equivalent rate determined by the Treasury under that section;

“chargeable amount” has the meaning given in regulation 40;

“chargeable development” has the meaning given in regulation 9;

“charging schedule” means a document issued in accordance with section 211(1) of PA 2008;

“charitable relief” means an exemption under regulation 43 or discretionary charitable relief;

“CIL” means Community Infrastructure Levy;

[<sup>F1</sup>“CIL expenditure” includes—

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(1) 2004 c. 5.

(2) 1990 c. 8.

(3) 1998 c. 11.

- (a) the value of any acquired land on which development (within the meaning in TCPA 1990) consistent with a relevant purpose has been commenced or completed, and
- (b) CIL receipts transferred by a charging authority to another person to spend on infrastructure (including money transferred to such a person which it has not yet spent), but excludes CIL receipts which are allocated but not spent;

“CIL receipts” means—

- (a) for a charging authority—
  - (i) CIL collected by that authority (including the value of any acquired land and the value of infrastructure under an infrastructure payment), but does not include CIL collected on behalf of the charging authority by another public authority but which that authority has not yet paid to the charging authority; and
  - (ii) CIL recovered by that authority in accordance with regulation 59E, but does not include CIL not yet paid to the charging authority by the parish council;
- (b) for a parish council, CIL passed to it under regulations 59(4), 59A(2) or 59B, but does not include funds not yet paid to the parish council by the charging authority in accordance with regulation 59D;]

“CIL stop notice” means a notice served under regulation 90;

[<sup>F2</sup>“clawback period” means—

- (a) in relation to the exemption for residential annexes, the period of three years beginning with the date of the compliance certificate relating to the residential annex,
- (aa) [<sup>F3</sup>in relation to social housing relief, where condition 5 of regulation 49 is satisfied, the period of seven years beginning with the date on which the qualifying dwelling is first let,]
- (ab) [<sup>F4</sup>in relation to social housing relief granted in respect of a dwelling which satisfies the criteria set out in condition six of regulation 49, the period beginning with the day on which the chargeable development is commenced and ending with the day on which that qualifying dwelling is first sold in accordance with that condition,
- (ac) in relation to social housing relief granted in respect of a dwelling under regulation 49A where the criterion in regulation 49A(2)(c)(i) is satisfied, the period beginning with the day on which the chargeable development is commenced and ending with the day on which that qualifying dwelling is first sold in accordance with that regulation,]
- (b) in relation to the exemption for self-build housing, the period of three years beginning with the date of the compliance certificate relating to the relevant dwelling, and
- (c) for all other purposes, the period of seven years beginning with the day on which a chargeable development is commenced;

“collecting authority” has the meaning given in regulation 10;

“commencement notice” means a notice submitted under regulation 67;

[<sup>F5</sup>“compliance certificate” means a certificate given under [<sup>F6</sup>either]—

- (a) regulation 17 (completion certificates) of the Building Regulations 2010; [<sup>F7</sup>or]
- (aa) [<sup>F8</sup>regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, or]
- (b) section 51 (final certificates) of the Building Act 1984]

“deemed commencement date” has the meaning given in regulation 68;

“default of liability notice” means a notice issued under regulation 36;

- “demand notice” means a notice issued under regulation 69<sup>F9</sup> or 69A];
- “discretionary charitable relief” means relief under regulation 44<sup>F10</sup> ...;
- “disqualifying event” has the meaning given in regulations [<sup>F11</sup>42C,]48, 53<sup>F12</sup>, 54D], and 57;
- [<sup>F13</sup>“draft infrastructure list” has the meaning given in regulation 11;]
- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling [<sup>F14</sup>(other than for the purposes of Part 7)];
- “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(4);
- [<sup>F15</sup>“exemption for residential annexes” has the meaning given in regulation 42A(4)(a);
- “exemption for residential extensions” has the meaning given in regulation 42A(4)(b);
- “exemption for self-build housing” means an exemption under regulation 54A;]
- “financial year” means any period of twelve months ending with 31st March;
- [<sup>F16</sup>“first sale” of a dwelling means the first material disposal of that particular dwelling other than in circumstances where regulation 52 applies,]
- “general consent” has the meaning given in regulation 5(3);
- “infrastructure” has the meaning given in section 216(2) of PA 2008 as amended by regulation 63;
- [<sup>F17</sup>[<sup>F18</sup> “infrastructure list” means a list published by a charging authority for the purposes of paragraph (a) of the definition of “relevant infrastructure” in regulation 123(4);]
- [<sup>F18</sup>“infrastructure list”—
- (a) before 31st December 2020, means the list, if any, published by a charging authority of the infrastructure projects or types of infrastructure which it intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies);
- (b) on or after 31st December 2020, has the meaning given in regulation 121A;]
- “infrastructure payment” has the meaning given in regulation 73A;]
- “information notice” means a notice served under regulation 35 or 54;
- “intended commencement date” means the intended commencement date of a chargeable development as specified in a commencement notice submitted under regulation 67;
- [<sup>F19</sup>“instalment policy” means a document issued under regulation 69B(1) or (4).]
- “land payment” has the meaning given in regulation 73;
- “liability notice” means a notice issued under regulation 65;
- “liability transfer notice” means a notice submitted under regulation 32;
- “material interest” has the meaning given in regulation 4(2);
- “Mayor” means the Mayor of London;
- [<sup>F20</sup>“MDC” means a Mayoral development corporation which is a local planning authority for the purposes of section 206(5)(a) of PA 2008.]
- “notice of chargeable development” means a notice submitted under regulation 64;
- “outline planning permission” has the same meaning as in section 92(1) of TCPA 1990;
- “owner” must be construed in accordance with section 209(7)(a) of PA 2008 and regulation 4;

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(4) 2000 c. 7; section 15(1) was amended by paragraph 158 of Schedule 17 to the [Communications Act 2003 \(c. 21\)](#).

[<sup>F21</sup>“phased planning permission” means a planning permission which expressly provides for development to be carried out in phases;]

[<sup>F1</sup>“planning obligation” except in regulation 122, means a planning obligation under section 106 of TCPA 1990;]

“planning permission” has the meaning given for the purposes of Part 11 of PA 2008 in regulation 5, and “grant” of planning permission must be construed accordingly;

“planning permission granted for a limited period” has the same meaning as in TCPA 1990;

“qualifying amount” means an amount calculated in accordance with regulation 50;

[<sup>F22</sup>“qualifying communal development” must be construed in accordance with regulation 49C;]

“qualifying dwelling” must be construed in accordance with regulations 49[<sup>F23</sup>, 49A] and 53(3);

[<sup>F24</sup>“relevant land” means—

- (a) where planning permission is granted for development by way of a general consent, the land identified in the plan submitted to the collecting authority in accordance with regulation 64(4)(a),
- (b) where planning permission is granted for development by way of a general consent, and no notice of chargeable development is submitted under regulation 64(2), the land identified in the plan prepared by the collecting authority and served in accordance with regulation 64A(3),
- (c) where <sup>F25</sup>... planning permission is granted which [<sup>F26</sup>expressly] permits development to be implemented in phases, the land to which the phase relates, and
- (d) in all other cases, the land to which the planning permission relates.]

[<sup>F1</sup>“relevant purpose” has the meaning given in regulation 73(13);]

“relief” means [<sup>F27</sup>an exemption for residential annexes or extensions, an exemption for self-build housing,] charitable relief, social housing relief or relief for exceptional circumstances;

“relief for exceptional circumstances” means relief under regulation 55;

“reserved matters” has the same meaning as in section 92(1) of TCPA 1990;

“retail prices index” means—

- (a) the general index of retail prices (for all items) published by the Statistics Board(<sup>5</sup>), or
- (b) if that index is not published for a relevant month, any substituted index or index figures published by that Board;

[<sup>F28</sup>“self-build housing” and “self-build communal development” must be construed in accordance with regulation 54A;]

“social housing relief” means relief under regulation 49[<sup>F29</sup>or 49A];

[<sup>F30</sup>“subsequent sale” of a dwelling means a sale of that particular dwelling after its first sale,]

“surcharge” means a surcharge imposed under Chapter 1 of Part 9;

“the Crown” includes—

- (a) the Duchy of Lancaster,
- (b) the Duchy of Cornwall,
- (c) the Speaker of the House of Lords,

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(5) The Statistics Board was established by section 1 of the [Statistics and Registration Service Act 2007](#) (c. 18).

- (d) the Speaker of the House of Commons,
  - (e) the Corporate Officer of the House of Lords, and
  - (f) the Corporate Officer of the House of Commons; and
- “warning notice” means a notice served under regulation 89.

(2) References in these Regulations to development, unless otherwise stated or the reference is to the development of a charging authority’s area, must be construed in accordance with section 209(1) of PA 2008 and regulation 6.

<sup>F31</sup>(3) .....

(4) In these Regulations—

- (a) references to commencement of development must be construed in accordance with regulation 7;
- (b) references to the time at which planning permission first permits development must be construed in accordance with regulation 8;
- (c) references to a building or development situated on land include references to a building or development situated in, under or over that land; and
- (d) references to an assumption of liability are references to an assumption of liability made in accordance with regulation 31.

(5) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to notices, representations, forms or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(6) References in these Regulations to an amount which has become payable and which has not been paid (however expressed) include references to—

- (a) any surcharge imposed in respect of, and any interest applied to, that amount; and
- (b) an amount forming part of a larger sum which has become payable and the other part of which has been paid.

(7) For the purposes of these Regulations gross internal area must be measured in square metres.]

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **9(1)(a)** (with reg. 13)
- F2** Words in reg. 2(1) substituted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(a)**
- F3** Words in reg. 2(1) inserted (1.4.2015) by The Community Infrastructure Levy (Amendment) Regulations 2015 (S.I. 2015/836), regs. 1, **3**
- F4** Words in reg. 2(1) inserted (E.) (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **3(a)**
- F5** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(b)**
- F6** Word in reg. 2(1) omitted (E.) (1.10.2023) by virtue of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **64(2)(a)** (with Sch. 3 Pt. 1)

- F7** Word in reg. 2(1) omitted (E.) (1.10.2023) by virtue of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **64(2)(b)** (with Sch. 3 Pt. 1)
- F8** Words in reg. 2(1) inserted (E.) (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **64(2)(b)** (with Sch. 3 Pt. 1)
- F9** Words in reg. 2(1) inserted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **3(a)**
- F10** Words in reg. 2(1) omitted (31.12.2020) by virtue of The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1470), reg. 1(2), **Sch. 2 para. 11(2)** (with Sch. 3)
- F11** Word in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(c)**
- F12** Word in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(c)**
- F13** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(d)**
- F14** Words in reg. 2(1) inserted (25.4.2013) by The Community Infrastructure Levy (Amendment) Regulations 2013 (S.I. 2013/982), regs. 1, **3(a)**
- F15** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(e)**
- F16** Words in reg. 2(1) inserted (E.) (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **3(b)**
- F17** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(f)**
- F18** Words in reg. 2(1) substituted (E.) (1.9.2019) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (S.I. 2019/1103), regs. 1, **9(1)(b)** (with reg. 13)
- F19** Words in reg. 2(1) inserted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **3(b)**
- F20** Words in reg. 2(1) inserted (25.4.2013) by The Community Infrastructure Levy (Amendment) Regulations 2013 (S.I. 2013/982), regs. 1, **3(b)**
- F21** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(g)** (with reg. 14(1)(7))
- F22** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(h)**
- F23** Word in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(i)**
- F24** Words in reg. 2(1) substituted (6.4.2011) by The Community Infrastructure Levy (Amendment) Regulations 2011 (S.I. 2011/987), regs. 1, **3(c)**
- F25** Word in reg. 2(1) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(j)** (with reg. 14(1)(7))
- F26** Word in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(j)** (with reg. 14(1)(7))
- F27** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(k)**
- F28** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(l)**
- F29** Words in reg. 2(1) inserted (24.2.2014) by The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(1)(m)**
- F30** Words in reg. 2(1) inserted (E.) (16.11.2020) by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2020 (S.I. 2020/1226), regs. 1(2), **3(c)**
- F31** Reg. 2(3) omitted (24.2.2014) by virtue of The Community Infrastructure Levy (Amendment) Regulations 2014 (S.I. 2014/385), regs. 1, **3(2)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 1. (See end of Document for details)*

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**Commencement Information**

**I2** Reg. 2 in force at 6.4.2010, see [reg. 1](#)

**Community Infrastructure Levy**

**3.** There shall be a charge to be known as Community Infrastructure Levy (charged in accordance with section 205 of PA 2008).

**Commencement Information**

**I3** Reg. 3 in force at 6.4.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, PART 1.