STATUTORY INSTRUMENTS

2015 No. 836

COMMUNITY INFRASTRUCTURE LEVY, ENGLAND AND WALES

The Community Infrastructure Levy (Amendment) Regulations 2015

Made - - - - 20th March 2015

Coming into force in accordance with regulation 1

A draft of these Regulations has been laid before the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008(**1**) and approved by a resolution of that House.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 205(1), 218(2) and (4)(a), 220(3), and 222(1) of the Planning Act 2008, and with the consent of the Treasury, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Infrastructure Levy (Amendment) Regulations 2015 and shall come into force on 1st April 2015.

Amendments to the Community Infrastructure Levy Regulations 2010

2. The Community Infrastructure Levy Regulations 2010(**2**) are amended in accordance with the following regulations.

Amendment to Part 1 – introductory

3. In regulation 2(1) in the definition of "clawback period", after "annex," insert—

"(aa) 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,"

Amendment to Part 6 – exemptions and reliefs

4.—(1) In regulation 49 (social housing relief)—

(**1**) 2008 c. 29.
(**2**) S.I. 2010/948 as amended by S.I. 2011/987, 2012/2975, 2013/982 and 2014/385.

(a) in paragraph (2) for "four" substitute "five";

(b) after paragraph (7) insert—

"(7A) Condition 5 is that—

(a) the dwelling is let by a person who is not a local housing authority, a private registered provider of social housing or a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following—

(i) an assured tenancy (including an assured shorthold tenancy);

(ii) an assured agricultural occupancy;

(iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988(**3**); and

(b) the following criteria are both met—

(i) the dwelling is let to a person whose needs are not adequately served by the commercial housing market; and

(ii) the rent is no more than 80 per cent of market rent (including service charges); and

(c) a planning obligation under section 106 TCPA 1990 designed to ensure compliance with both criteria at sub-paragraph (b) has been entered into in respect of the planning permission which permits the chargeable development."

(c) in paragraph (11) for the definition of "national rent regime" substitute—

""national rent regime" means the rent policy set out in the Social Rent Guidance within the Rent Standard Guidance as published by the Regulator of Social Housing in January 2015."

(2) In regulation 53 (withdrawal of social housing relief) after paragraph (4) insert—

"(4A) Where—

(a) the relevant person is liable to pay the withdrawn amount; and

(b) the dwelling in respect of which the relevant person is benefitting from social housing relief was (immediately before it ceased to be a qualifying dwelling) a qualifying dwelling which satisfied condition 5 of regulation 49,

for the purposes of regulation 87 (late payment interest), payment of the withdrawn amount is to be treated as being due on commencement of the chargeable development."

(**3**) 1988 c.50. Paragraph 12(1)(h) of Schedule 1 was amended, in relation to Wales, by, and a new paragraph 12(3) inserted by, section 137(2) of the Housing (Wales) Act 2014 (anaw. 7).