

Swindon Borough Council Community Infrastructure Levy (CIL) Instalment Policy (Draft)

Takes effect on XXXX

Swindon Borough Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with its published Instalment Policy as set out in the following table. This Instalment Policy is published in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011) 'The CIL Regulations'.

Level of CIL Payable	Number of Instalments	Potential Instalment Policy
Under £20,000	1	No instalments - full amount payable within 60 days of commencement
£20,000 or greater but less than £75,000	1	No instalments - full amount payable within 180 days of commencement
£75,000 or greater but less than £250,000	2	25% within 120 days of commencement, and 75% within 210 days of commencement
£250,000 or greater but less than £500,000	3	25% within 120 days of commencement, 35% within 360 days of commencement, and 40% within 540 days of commencement
£500,000 or more	4	10% within 120 days of commencement, 30% within 360 days of commencement, 40% within 720 days of commencement, and 20% within 900 days of commencement

CIL Instalment Policy Advice

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. The Council has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)), and
2. The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b)) and the Council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

Surcharges

Any failure to comply with the requirements of the CIL Regulations 2010 (as amended) in any respect could result in Surcharges being applied e.g.

- If nobody has assumed liability to pay CIL prior to the commencement of the chargeable development;
- There has been a failure to submit a Commencement Notice prior to commencement;
- There has been a failure to submit a Notice of Chargeable Development prior to commencement.

Please note this list of circumstances under which surcharges may become payable provides examples only and is not exhaustive.