



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 4

INFRASTRUCTURE LEVY AND COMMUNITY INFRASTRUCTURE LEVY

PROSPECTIVE

137 **Infrastructure Levy: England**

[Schedule 12](#) makes provision for, and in connection with, the imposition, in England, of a charge to be known as Infrastructure Levy.

Commencement Information

II S. 137 not in force at Royal Assent, see [s. 255\(4\)](#)

PROSPECTIVE

138 **Power to designate Homes and Communities Agency as a charging authority**

In section 14 of the Housing and Regeneration Act 2008 (contents of designation orders), after subsection (6) insert—

“(6A) The order may provide that where the HCA is the local planning authority for the whole or any part of the designated area it is to be a charging authority under section 204B(3)(b) of the Planning Act 2008 (Infrastructure Levy) for the whole or any part of that area—

- (a) for all or specified purposes,
- (b) in relation to all or specified kinds of development, and

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Levelling-up and Regeneration Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) in place of any person or body who would otherwise be the charging authority for that area, for those purposes, and in relation to those kinds of development.”

Commencement Information

I2 S. 138 not in force at Royal Assent, see [s. 255\(4\)](#)

PROSPECTIVE

139 Restriction of Community Infrastructure Levy to Greater London and Wales

- (1) Part 11 of the Planning Act 2008 (Community Infrastructure Levy) is amended as follows.
- (2) In the Part heading, at the end insert “: Greater London and Wales”.
- (3) In section 205 (the levy)—
- (a) in subsection (1), after “imposition” insert “, in Greater London and Wales,”;
 - (b) in subsection (3), in the Table, omit the second entry.
- (4) In section 206 (the charge)—
- (a) in subsection (1), after “A charging authority” insert “in Greater London or Wales”;
 - (b) for subsection (3) substitute—

“(3) The Mayor of London is the charging authority for Greater London.”;
 - (c) in subsection (4)—
 - (i) in the words before paragraph (a), for “, or in the case of Greater London one of the charging authorities,” substitute “in Wales”;
 - (ii) in the words before paragraph (a), omit “, (3)(b) or (c)”;
 - (iii) in paragraph (a), at the end insert “in Wales, and”;
 - (iv) omit paragraphs (c) to (e);
 - (d) in subsection (5)—
 - (i) omit paragraph (a) (together with the “and” at the end of that paragraph);
 - (ii) in paragraph (b) omit “in relation to Wales”;
 - (e) omit subsection (6).
- (5) Omit section 207 (joint committees).
- (6) In section 223(1) (relationship with other powers), before paragraph (a) insert—
- “(za) Part 10A (Infrastructure Levy: England) (including any power conferred by IL regulations under that Part).”.

Commencement Information

I3 S. 139 not in force at Royal Assent, see [s. 255\(4\)](#)

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140 Enforcement of Community Infrastructure Levy

(1) In section 218 of the Planning Act 2008 (enforcement), for subsections (11) and (12) substitute—

“(11) Regulations under this section creating a criminal offence may not provide for—

- (a) imprisonment for a term exceeding the maximum term for summary offences, on summary conviction for an offence triable summarily only,
- (b) imprisonment for a term exceeding the general limit in a magistrates’ court, on summary conviction for an offence triable either way, or
- (c) imprisonment for a term exceeding 2 years, on conviction on indictment.

(12) In subsection (11)(a), “the maximum term for summary offences” means—

- (a) in relation to an offence committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
- (b) in relation to an offence committed after that time, 51 weeks.”

Commencement Information

I4 S. 140 not in force at Royal Assent, see [s. 255\(4\)](#)

I5 S. 140 in force at 31.1.2024 by [S.I. 2024/92, reg. 2\(h\)](#)

Status:

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Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(4)(za) inserted by 2023 asc 3, Sch. 13 para. 198(b)(i) (as inserted) by [S.I. 2024/1061 reg. 21](#)