

EXPLANATORY NOTES

LANDFILL DISPOSALS TAX (WALES) ACT 2017

INTRODUCTION

SUMMARY AND BACKGROUND

APPLICATION OF THE ACT

GENERAL OVERVIEW OF THE ACT

COMMENTARY ON SECTIONS

PART 1 – OVERVIEW

PART 2 – THE TAX AND TAXABLE DISPOSALS

Chapter 1 – Landfill Disposals Tax

Chapter 2 – Taxable Disposals

Sections 3 to 5 - Taxable disposals; disposal of material by way of landfill; and authorised landfill sites and environmental permits

Section 6 – Disposal of material as waste

Section 7 - Disposal of material as waste: person responsible for disposal

Section 8 - Landfill site activities to be treated as taxable disposals

Chapter 3 – Exempt Disposals

Sections 9 to 12 - Exemptions: general; multiple disposals of material at same site; pet cemeteries; and power to modify exemptions

PART 3 - TAXABLE DISPOSALS MADE AT AUTHORISED LANDFILL SITES

Chapter 1 – Persons Chargeable to Tax

Chapter 2 – Tax Chargeable on Taxable Disposals

Calculation of tax chargeable

Section 14 – Calculation of tax chargeable on taxable disposal

Qualifying materials and qualifying mixtures of materials

Section 15 – Qualifying material

Section 16 – Qualifying mixtures of materials

Section 17 – Qualifying mixtures of materials: fines

Taxable weight of material

Sections 18 to 20 – Calculation of taxable weight of material, Calculation of taxable weight of material by operator and Determination of weight of material by operator

Section 21 – Discount in respect of water content of material

Sections 22 and 23 – Calculation of taxable weight of material by WRA including in cases of non-compliance

Section 24 – Reviews and appeals relating to method for determining weight of material

Section 25 – Power to modify provision relating to taxable weight of material

Chapter 3 – Relief from Tax

Section 26 – Reliefs: general

Section 27 – Material removed from bed of river, sea or other water

Section 28 – Material resulting from mining and quarrying

Sections 29 to 31 – Using material in approved site restoration work, Site restoration work: procedure on application for approval and Site restoration work: variation of approval

Section 32 - Refilling open-cast mines and quarries

Section 33 – Power to modify reliefs

Chapter 4 – Tax Collection and Management

Sections 34 to 38 – Registration

Sections 39 to 41 – Accounting for tax

Payment, recovery and repayment of tax

Section 42 - Payment of tax

Section 43 – Duty to maintain landfill disposals tax summary

Section 44 – Postponement of recovery

Section 45 - No requirement to discharge or repay tax unless all tax paid

PART 4 – TAXABLE DISPOSALS MADE AT PLACES OTHER THAN AUTHORISED LANDFILL SITES

These notes refer to the Landfill Disposals Tax (Wales) Act 2017 (c.3)

Chapter 1 - Tax Chargeable on Taxable Disposals

Section 46 – Calculation of tax chargeable on taxable disposal

Chapter 2 – Procedure for Charging Tax

Section 47 – The charging condition

Section 48 – Power to issue preliminary notice

Sections 49 and 50 – Power to issue charging notice after issuing preliminary notice and without issuing preliminary notice

Section 51 – Payment of tax

Section 52 – Power to make further provision

Section 53 - Late payment interest

PART 5 - SUPPLEMENTARY PROVISION

Chapter 1 – Tax Credits

Section 54 – Power to make provision for tax credits

Chapter 2 - Non-Disposal Areas

Section 55 – Designation of Non-Disposal Area

Section 56 – Duties of operator in relation to non-disposal area

Section 57 - Duty to keep and preserve records

Section 58 – Reviews and appeals relating to non-disposal areas

Chapter 3 – Investigation and Information

Section 59 - Powers of inspection

Section 60 – Disclosure of information to WRA

Chapter 4 – Penalties under this Act

Sections 61 to 63 – Penalties relating to the calculation of taxable weight of material

Sections 64 to 67 - Penalties relating to registration

Penalties relating to non-disposal areas

Section 68 - Penalties relating to non-disposal areas

Section 69 – Assessment of penalties under section 68

General

Sections 72 – Liability of personal representatives

These notes refer to the Landfill Disposals Tax (Wales) Act 2017 (c.3)

Section 73 – Power to make regulations about penalties

Chapter 5 - Additional penalties under the Tax Collection and Management (Wales) Act 2016

Sections 74 to 76 - penalties for multiple failures to make tax returns; failure to pay tax on time and; multiple failures to pay tax on time

Chapter 6 – Special Cases

Corporate groups

Sections 77 and 78 Designation of group of companies and Conditions for designation as member of group

Section 79 – Variation or cancellation of designation

Section 80 – Reviews and appeals relating to designation of groups of companies

Partnerships and unincorporated bodies

Sections 82 to 84 – Registration and changes in membership of, duties and liabilities of and power to make further provision about partnerships and unincorporated bodies

Change in persons carrying on landfill business

Sections 85 and 86 – Death, incapacity and insolvency and Power to make further provision about death, incapacity and insolvency

Section 87 – Power to make provisions about transfers of businesses as going concerns

Chapter 7 - Miscellaneous

Further provision relating to the tax

Section 88 – Adjustment of contracts

Section 89 – Power to impose secondary liability on controllers of authorised landfill sites

Section 90 - Minor and Consequential Amendments to the Tax Collection and Management (Wales) Act 2016

Section 91 – Welsh Ministers’ exercise of powers and duties under this Act

Landfill Disposals Tax Communities Scheme

Section 92 – Landfill Disposals Tax Communities Scheme

PART 6 – FINAL PROVISIONS

Section 93 Power to make consequential and transitional etc. provision

These notes refer to the Landfill Disposals Tax (Wales) Act 2017 (c.3)

Sections 94 to 98 – Regulations under this Act: general; Regulations changing tax rates; Interpretation; Coming into force and; Short title

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES