

## **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

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

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**