

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

**Visitor Accommodation (Register and Levy)
Etc. (Wales) Bill**
[AS INTRODUCED]

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Schedule 1 - Amendments to the Tax Collection and Management (Wales) Act 2016

Visitor Accommodation (Register and Levy) Etc. (Wales) Bill

[AS INTRODUCED]

An Act of Senedd Cymru to establish a register of persons that provide visitor accommodation at premises in Wales; to grant principal councils the power to introduce a levy on overnight stays in visitor accommodation in their areas; to make miscellaneous amendments to the Tax Collection and Management (Wales) Act 2016; and for connected purposes.

5 **Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

PART 1

OVERVIEW OF ACT AND KEY TERMS USED IN ACT

Overview

10 **1 Overview of this Act**

- (1) This Part of this Act contains (in addition to this overview) a definition of “visitor accommodation” and of “visitor accommodation provider”.
- (2) Part 2 of this Act requires the Welsh Ministers to keep a register of visitor accommodation providers.
- 15 (3) Part 3 of this Act grants principal councils in Wales the power to introduce in their areas a levy on overnight stays in visitor accommodation, and gives the Welsh Revenue Authority functions relating to the collection and management of the levy.
- (4) Part 4 of this Act –
- (a) makes provision about guidance on this Act issued by the Welsh Ministers,
- 20 (b) grants the Welsh Ministers a power to extend this Act so that it applies in relation to berths and moorings provided for vessels, and
- (c) contains general provision.

Key terms

25 **2 Visitor accommodation**

- (1) In this Act, “visitor accommodation” means –
- (a) accommodation in a hotel, guesthouse or bed and breakfast accommodation, or other similar accommodation;
- (b) accommodation in a youth hostel or bunkhouse, or other similar accommodation;
- (c) a pitch or area –
- 30 (i) provided for camping;

- (ii) provided for a mobile home that is not permanently or semipermanently situated in one place;
- (d) accommodation (other than accommodation mentioned in paragraph (c)) at a campsite, caravan site, holiday park or holiday resort, or at another similar place;
- 5 (e) accommodation (other than accommodation mentioned in the preceding paragraphs) –
 - (i) in a mobile home, vessel or other vehicle that is permanently or semipermanently situated in one place, and
 - 10 (ii) that is made available (whether permanently or from time to time), on a short-term basis, for the purposes of business or leisure travel or educational trips;
- (f) self-catering accommodation (other than accommodation mentioned in the preceding paragraphs) that is made available (whether permanently or from time to time), on a short-term basis, for the purposes of business or leisure travel or educational trips;
- 15 (g) any other kind of accommodation that is made available (whether permanently or from time to time), on a short-term basis, for the purposes of business or leisure travel or educational trips.

(2) But accommodation described in subsection (1) is not visitor accommodation if it is –

- 20 (a) on a Gypsy and Traveller site;
- (b) in a mobile home, vessel or other vehicle that is not permanently or semipermanently situated in one place.

(3) For the purposes of subsection (1), accommodation is made available on a short-term basis if it is made available for stays of 31 nights or less.

25 (4) In this section –

“Gypsy and Traveller site” (*“safle Sipsiwn a Theithwyr”*) means land wholly or mainly used for the stationing of mobile homes providing accommodation for –

- (a) people of a nomadic habit of life, whatever their race or origin, including –
 - 30 (i) people who, on grounds only of their own or their family’s or dependant’s educational needs or old age, have ceased to travel temporarily or permanently;
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such);

(b) any other people with a cultural tradition of nomadism or of living in a mobile home;

35 “mobile home” (*“cartref symudol”*) means any structure designed or adapted for human habitation that is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle designed or adapted for human habitation, but does not include –

- 40 (a) a tent;

- (b) railway rolling stock that is for the time being on rails forming part of a railway system;
- (c) an aeroplane;
- (d) a vessel.

- 5 (5) The Welsh Ministers may by regulations amend this section to –
- (a) provide that a type of accommodation, or accommodation of a particular description, is or is not visitor accommodation;
 - (b) vary the description of a type of accommodation.

3 Visitor accommodation provider

- 10 (1) This section applies for the purposes of this Act.
- (2) A person is a visitor accommodation provider (“VAP”) if that person –
- (a) in the course of trade or business,
 - (b) provides, or offers to provide, visitor accommodation at premises in Wales, and
 - (c) is an occupier of the premises at which the visitor accommodation is provided.
- 15 (3) A person provides visitor accommodation if that person enters into a contract under which, or in consequence of which, one or more people are entitled to reside for one or more nights in or at the accommodation.
- (4) In subsection (3), “contract” does not include a contract of service, contract of apprenticeship, or contract for services under which a person entitled to reside in or at the
- 20 visitor accommodation provides services to the VAP.
- (5) In subsections (2) and (3), “person” includes two or more persons acting in partnership (as well as two or more persons acting as an unincorporated body, or a body corporate).

PART 2

REGISTER OF VISITOR ACCOMMODATION PROVIDERS

4 Duty to maintain a register of visitor accommodation providers

- 25 (1) The Welsh Ministers must keep a register of visitor accommodation providers (“the register”).
- (2) An entry in the register must contain the following information –
- (a) the name of the visitor accommodation provider (“VAP”) to which the entry relates,
 - 30 (b) any trading name used by the VAP,
 - (c) the proper address of the VAP,
 - (d) a statement of whether the VAP is an individual, a partnership, a body corporate or an unincorporated body,

(e) the name and address (including the county or county borough) of the premises at which the VAP provides or offers to provide visitor accommodation, and

(f) the type of visitor accommodation that the VAP provides, or offers to provide, at those premises.

5 (3) The register may contain any other information the Welsh Ministers consider appropriate.

(4) In subsection (2), “proper address” means –

(a) in the case of a registered partnership, a body corporate or an unincorporated body, the address of the registered or principal office of the partnership or body, and

(b) in any other case, the last known address of the person.

10 (5) The Welsh Ministers may by regulations amend subsection (2) so as to add, vary or remove a description of information specified in that subsection.

5 **Duty of visitor accommodation providers to be registered**

(1) A VAP must be registered under this Part in respect of each premises in Wales at which the VAP provides, or offers to provide, visitor accommodation.

15 (2) The Welsh Ministers may by regulations make provision for the purposes of exempting a VAP of a description specified in the regulations from the requirement under subsection (1) to register.

(3) Regulations under subsection (2) may –

(a) specify a description of VAP by reference to –

20 (i) the type of visitor accommodation provided by the VAP;

(ii) the nature or content of the contracts under which the accommodation is provided;

(iii) the nature, status, or any particular characteristic of the VAP;

25 (iv) the nature, status, or any particular characteristic of any person to whom the VAP provides accommodation;

(v) any other matter;

(b) amend this Act.

6 **Publication of information in the register**

30 The Welsh Ministers may publish, in such manner as they consider appropriate, information that is derived from the register.

7 **Registration: powers to make supplementary etc. provision**

The Welsh Ministers may by regulations make provision about the register and registration requirements, including (among other things) provision about –

(a) the application of this Part to partnerships and unincorporated bodies;

35 (b) the procedures for registration (including variation and cancellation of registration);

(c) authorising or requiring disclosure of information contained in the register;

- (d) enforcement of this Part, including provision for –
 - (i) offences or penalties relating to failures to comply with any requirements in or under this Part;
 - (ii) either or both of reviews and appeals.

PART 3

VISITOR LEVY

CHAPTER 1

APPLICATION, OPERATION AND RATES OF LEVY

Principal council's power to introduce visitor levy in its area

5
10 **8 Power of principal council to introduce levy on overnight stays in visitor accommodation**

- (1) A principal council may (in accordance with Chapter 4) introduce a levy on overnight stays in visitor accommodation in its area.
- (2) A levy that is payable by virtue of this Part is to be known as a “visitor levy” (and is referred to in this Act as “the levy”).
- (3) References in this Chapter to “visitor accommodation” (except in section 13(4)) are to visitor accommodation provided at premises in the area of a principal council that has introduced the levy.
- (4) The levy is to be collected and managed on behalf of a principal council by the Welsh Revenue Authority, in accordance with this Act and the Tax Collection and Management (Wales) Act 2016 (anaw 6).

Application and operation of the levy

15
20 **9 Overnight stays in visitor accommodation**

- (1) For the purposes of this Part, an overnight stay in visitor accommodation takes place if –
 - (a) one or more people are entitled, under a contract, to reside for one or more nights in or at visitor accommodation,
 - (b) the accommodation is provided to those people in the course of trade or business carried on by the visitor accommodation provider,
 - (c) the accommodation is not the sole or main residence of any of those people, and
 - (d) any of those people enters the accommodation in pursuance of the contract.
- (2) But an overnight stay in visitor accommodation does not take place if –
 - (a) the contract entitles one or more particular individuals to reside in or at the visitor accommodation (whether or not with any other person), and every particular individual is entitled under the contract to reside there –
 - (i) for more than 31 nights (whether or not those nights are consecutive), and

(ii) on every night on which the contract grants an entitlement to reside at that accommodation;

(b) the accommodation—

(i) is provided under section 4 (accommodation) or Part 6 (support for asylum-seekers, etc.) of the Immigration and Asylum Act 1999 (c. 33);

(ii) is provided by, or on behalf of the Secretary of State in connection with a requirement imposed under section 3(6) (general provisions) of the Bail Act 1976 (c. 63);

(iii) is provided under Part 1 (arrangements for the provision of probation services) of the Offender Management Act 2007 (c. 21) for the probation purposes (within the meaning of section 1 of that Act);

(iv) relates to facilities provided under paragraph 9 of Schedule 10 (immigration bail) to the Immigration Act 2016 (c. 19) for the accommodation of a person at an address specified in an immigration bail condition.

(3) In this section, “contract” does not include a contract of service, contract of apprenticeship, or a contract for services under which a person entitled to reside in or at the visitor accommodation provides services to the visitor accommodation provider.

(4) The visitor accommodation provider, in respect of an overnight stay in visitor accommodation, is the visitor accommodation provider that—

(a) provides the accommodation in or at which the stay takes place, and

(b) is an occupier of the premises at which that accommodation is provided.

(5) The Welsh Ministers may by regulations amend this section for the purposes of adding, removing or changing descriptions of circumstances in which an overnight stay in visitor accommodation does or does not take place.

10 Liability to pay the levy

(1) The person liable to pay the levy on an overnight stay in visitor accommodation is the visitor accommodation provider.

(2) Liability to pay the levy on an overnight stay in visitor accommodation arises when a person enters the visitor accommodation in pursuance of the contract that entitled the person to reside in or at the accommodation.

11 Calculating the amount of levy that is payable

The amount of levy payable in respect of an overnight stay in visitor accommodation is calculated by—

(a) multiplying—

(i) the number of people entitled to reside in or at the accommodation under the contract, by

(ii) the number of nights those people are entitled to reside in or at the accommodation under the contract, then

(b) multiplying the resulting number by the levy rate that applies in relation to the accommodation (see section 12).

Levy rates

12 Rates of the levy

(1) The rates of the levy are as follows –

- (a) the lower rate is £0.75,
- (b) the higher rate is £1.25, and
- (c) the nil rate is £0,

but this is subject to the introduction of a premium by a principal council (see section 14).

(2) The Welsh Ministers may by regulations amend subsection (1)(a) or (b) to set the amount of either or both of –

- (a) the lower rate of the levy;
- (b) the higher rate of the levy.

13 Determining which rate applies

(1) The lower rate of the levy applies in relation to an overnight stay in visitor accommodation that is –

- (a) a pitch or area provided for camping, or
- (b) a dormitory or other room or area normally provided on the basis that it may be shared with other people residing in that dormitory or other room or area under a different contract.

(2) The higher rate of the levy applies in relation to an overnight stay in all other visitor accommodation, except visitor accommodation that is subject to the nil rate of the levy.

(3) The nil rate of the levy applies in relation to an overnight stay in visitor accommodation arranged by or provided on behalf of a principal council (as a local housing authority) under Part 2 of the Housing (Wales) Act 2014 (anaw 7) (homelessness).

(4) The Welsh Ministers may by regulations amend subsection (1), (2) or (3) to –

- (a) add a type of visitor accommodation or accommodation of a particular description;
- (b) vary a description of visitor accommodation or of a type of visitor accommodation;
- (c) remove a type of visitor accommodation or accommodation of a particular description.

(5) The Welsh Ministers may by regulations make provision about –

- (a) the documents or other information that can be relied on to prove that the nil rate or the lower rate applies to a particular overnight stay in visitor accommodation;
- (b) the making of arrangements for and relating to the issuing of vouchers for the purpose of proving that the nil rate applies to a particular overnight stay in visitor accommodation.

14 Adding a premium to the levy rate

(1) A principal council may, in relation to its area (and in accordance with Chapter 4), add an additional amount to either or both of –

- (a) the lower rate of the levy;
 - (b) the higher rate of the levy.
- (2) An amount added to the levy by virtue of subsection (1) is referred to in this Act as a premium.
- 5 (3) The Welsh Ministers may by regulations specify the maximum amount a principal council may add to either or both of—
- (a) the lower rate;
 - (b) the higher rate.

Repayment of amount equivalent to the levy

10 **15 Application for repayment of amount equivalent to the levy**

- (1) A person that, under a contract, provided consideration in respect of an overnight stay in visitor accommodation may apply to the Welsh Revenue Authority (“WRA”) for repayment of a sum equivalent to the levy payable in respect of all or part of that stay if—
- 15 (a) a person stayed overnight in the visitor accommodation under the contract because that person was unable to reside in their sole or main residence due to a risk to their health, safety or welfare;
 - (b) the visitor accommodation was provided to a person because that person was, at the time of the stay, otherwise homeless (within the meaning of section 55 of the Housing (Wales) Act 2014 (anaw 7));
 - 20 (c) a person who stayed overnight in the visitor accommodation under the contract was—
 - (i) in receipt of a disability benefit, and
 - (ii) accompanied on the overnight stay by another person, whether or not that person stayed in or at the accommodation under a different contract.
- 25 (2) An application under subsection (1) must be made within 30 days of the last day a person was entitled under the contract to reside in or at the visitor accommodation.
- (3) Where more than one person provided consideration in respect of an overnight stay in visitor accommodation, those persons may jointly make an application under subsection (1).
- 30 (4) WRA must, if it grants the application—
- (a) repay an amount equivalent to the amount of levy payable in respect of the stay, or
 - (b) where WRA considers that payment should not be made—
 - (i) in respect of every person who stayed overnight in the visitor accommodation under the contract;
 - 35 (ii) in respect of every night in which one or more people stayed overnight in the visitor accommodation under the contract,
- repay an amount equivalent to the amount of levy payable in respect of each person and each night in relation to which WRA considers payment should be made.

(5) In subsection (1)(c)(i), “disability benefit” means –

- (a) a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992 (c. 4) or section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7);
- (b) a personal independence payment under the Welfare Reform Act 2012 (c. 5) or Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1));
- (c) an attendance allowance under section 64 of the Social Security Contributions and Benefits Act 1992 or section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (d) a constant attendance allowance under section 104 of the Social Security Contributions and Benefits Act 1992 or section 104 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) an adult disability payment under the Disability Assistance for Working Age People (Scotland) Regulations 2022 (S.S.I. 2022/54) or the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217);
- (f) a child disability payment under the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (S.S.I. 2021/174);
- (g) an armed forces independence payment under article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517);
- (h) a constant attendance allowance under –
 - (i) article 14 or 43 of the Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686);
 - (ii) article 8 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606);
- (i) a mobility supplement under –
 - (i) article 25A or 48A of the Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686);
 - (ii) article 20 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606).

(6) The Welsh Ministers may by regulations amend this section for the purposes of –

- (a) adding, removing or changing descriptions of circumstances in which a person may make an application to WRA under subsection (1);
- (b) amending the definition of “disability benefit”.

CHAPTER 2

ACCOUNTING FOR, AND PAYMENT OF, THE LEVY

Returns

16 Duty to make levy return in respect of accounting period

- (1) A visitor accommodation provider (“VAP”) must make a return to WRA, relating to the levy in respect of each accounting period.

- (2) A VAP must make a return in respect of each accounting period regardless of whether any overnight stays in visitor accommodation have taken place in the accommodation they provide during the accounting period to which the return relates.
- (3) The return must contain –
- 5 (a) an assessment of the amount of levy payable by the VAP in respect of the accounting period, and
- (b) either –
- 10 (i) a declaration by the VAP that the information contained in the return, and in any document that accompanies the return, is true and complete to the best of the VAP’s knowledge, or
- (ii) if the VAP authorises an agent or other third party (see section 36) to complete the return on the VAP’s behalf, a certification by the agent or other third party that the VAP has made a declaration to that effect.
- (4) The return must be made on or before the filing date for the return.
- 15 (5) The filing date for the return –
- (a) in the case of annual returns, is 30 April in the financial year following the financial year to which the return relates;
- (b) in the case of quarterly returns, is one month after the end of the accounting period to which the return relates.
- 20 (6) In this Chapter, a reference to a “visitor accommodation provider” is to a visitor accommodation provider that provides, or offers to provide, visitor accommodation at premises in the area of a principal council that has introduced the levy.

17 Annual or quarterly return

- 25 (1) A VAP may make an annual return in respect of a financial year (but may choose to make quarterly returns) if –
- (a) the VAP expects that the amount of levy the VAP will be liable to pay, in respect of that year, will not exceed £1,000, and
- 30 (b) the VAP (if the VAP made a return in respect of the preceding financial year, or any part of that year) was not liable to pay an amount of levy exceeding £1,000 in respect of the preceding financial year.
- (2) A VAP that may not, or that chooses not to, make an annual return in respect of a financial year must make quarterly returns.
- (3) The Welsh Ministers may by regulations –
- 35 (a) amend subsection (1)(a) and (b) to change the figure specified in those paragraphs;
- (b) make provision about information that a VAP may or must provide to WRA if the VAP wishes to make an annual return.
- (4) A change to the frequency with which a return is made may take effect only at the start of a financial year.

- (5) Subsections (1) and (2) are subject to section 120D of the Tax Collection and Management (Wales) Act 2016 (anaw 6) (prohibition on changing frequency of returns where VAP has a penalty point).

18 Meaning of “accounting period”: annual returns

- 5 (1) This section applies in relation to a VAP that decides under section 17 to make an annual return in respect of a financial year.
- (2) The accounting period is the financial year, subject to subsection (3).
- (3) Where the VAP commences leviable operations, the VAP’s first accounting period –
- 10 (a) begins on the date the VAP commences leviable operations, and
- (b) ends with the end of the financial year during which the accounting period began.
- (4) For the purpose of this section and section 19, a person commences leviable operations –
- (a) on the date that person first provides or offers to provide visitor accommodation in an area where the levy has been introduced (whether or not that person provided visitor accommodation in that area, or elsewhere, before that date), or
- 15 (b) where that person previously provided or offered to provide visitor accommodation in an area where the levy has been introduced and then ceased to do so, on the date that person recommences providing or offering to provide visitor accommodation in an area where the levy has been introduced.
- (5) In subsection (4), “person” includes two or more persons acting in partnership (as well as two or more persons acting as an unincorporated body, or a body corporate).
- 20

19 Meaning of “accounting period”: quarterly returns

- (1) This section applies in relation to a VAP that decides or is required under section 17 to make quarterly returns.
- (2) The accounting period is a calendar quarter, subject to subsection (3).
- 25 (3) Where the VAP commences leviable operations, the VAP’s first accounting period –
- (a) begins on the date the VAP commences leviable operations, and
- (b) ends with the end of the calendar quarter during which the accounting period began.
- (4) In this section, “calendar quarter” means a period of 3 months ending with 31 March, 30 June, 30 September or 31 December.
- 30

Payment

20 Payment of the levy

- (1) A VAP that makes a return must pay to WRA the amount of levy set out in the return in accordance with section 16(3)(a).
- (2) Any levy payable in connection with a return must be paid to WRA on or before the filing date for the return (see section 16(5)).
- (3) See the following provisions of the Tax Collection and Management (Wales) Act 2016 (anaw 6) for provision about the payment of amounts of the levy in other circumstances –
- section 42(4A) (amount payable as a result of a correction made to a return by WRA);
 - section 45(4) (amount payable as a result of an amendment made to a return during an enquiry);
 - section 50(4) (amount payable as a result of an amendment made to a return on the completion of an enquiry);
 - section 52(5) (amount payable in accordance with a WRA determination);
 - section 61(2) (amount payable in accordance with a WRA assessment).

Collection and management of the levy by WRA

21 Collection and management of the levy by WRA

Schedule 1 amends the Tax Collection and Management (Wales) Act 2016 to make –

- (a) provision about WRA’s functions in relation to the levy, and
- (b) other miscellaneous amendments to that Act.

CHAPTER 3

USE OF PROCEEDS OF LEVY BY PRINCIPAL COUNCILS

22 Principal council account for proceeds of the levy

- (1) A principal council that has introduced the levy must maintain a separate account for the proceeds of the levy.
- (2) In this Chapter, “proceeds of the levy” means the amount paid to a principal council by WRA under section 24A of the Tax Collection and Management (Wales) Act 2016 (payments of net proceeds of visitor levy to principal councils).

23 Use of proceeds of the levy for destination management and improvement

- (1) A principal council must use the proceeds of the levy for the purposes of destination management and improvement in its area.
- (2) For the purposes of this section and section 24, destination management and improvement includes –
- (a) mitigating the impact of visitors;
 - (b) maintaining and promoting use of the Welsh language;

- (c) promoting and supporting the sustainable economic growth of tourism and other kinds of travel;
- (d) providing, maintaining and improving infrastructure, facilities and services for use by visitors (whether or not they are also for use by local people).

5 **24 Report on use of proceeds of the levy**

- (1) A principal council must publish a report, in respect of each financial year in which the levy has effect in its area, on the proceeds of the levy.
- (2) The report must include information about –
 - 10 (a) the amount of levy collected in the financial year in question in respect of the principal council’s area, and the proceeds of the levy for that year, and
 - (b) how the proceeds of the levy for the financial year in question have been or will be used by the council, and how that use is for the purposes of destination management and improvement in the council’s area (see section 23).
- (3) The principal council must publish the report –
 - 15 (a) as soon as reasonably practicable after 30 June in the financial year following the financial year to which the report relates, and
 - (b) in any event no later than the end of the financial year following the financial year to which the report relates.
- (4) The Welsh Ministers may by regulations amend this section –
 - 20 (a) to make provision about the content of a report under this section;
 - (b) to change –
 - (i) the number of reports that must be published in respect of a financial year;
 - (ii) the frequency of publication of reports;
 - (iii) the date by which a report must be published.

25 **CHAPTER 4**

INTRODUCING, CHANGING OR ABOLISHING THE LEVY

25 **25 Consultation before introducing, changing or abolishing the levy**

- (1) This section and section 26 set out the steps a principal council must take before introducing, changing or abolishing the levy in its area.
- 30 (2) References in this Chapter to changing the levy are to introducing, changing or removing a premium.
- (3) The principal council must –
 - (a) notify WRA of its proposal to introduce, change or abolish the levy (as the case may be),
 - 35 (b) publish a report setting out its proposal, including –

- (i) where it proposes to introduce the levy, an estimate of the proceeds of the levy in respect of the first full financial year after the levy is introduced and an estimate of the costs it is likely to incur in connection with the proposal;
- (ii) where it proposes to change the levy, an estimate of the proceeds of the levy in respect of the first full financial year after the levy is changed;
- (iii) where it proposes to abolish the levy, a statement setting out the anticipated effect of the abolition of the levy on the council's revenue in respect of the first full financial year after the levy is abolished,
- (c) send that report to WRA, and
- (d) consult the mandatory consultees, and such other persons as it considers appropriate, on its proposal.
- (4) For the purposes of subsection (3)(d), the "mandatory consultees" are—
- (a) local people,
- (b) the council for a community in the principal council's area,
- (c) the public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2)) for the principal council's area,
- (d) the principal council for an area that is contiguous with the area of the consulting council,
- (e) the National Park authority for a National Park any part of which is in the principal council's area,
- (f) a corporate joint committee that includes as a member at least one senior executive member of the principal council, and
- (g) organisations that—
- (i) represent businesses that work in tourism, or are engaged in activities related to tourism, in the principal council's area;
- (ii) promote or facilitate tourism in the council's area.
- (5) The principal council must consider its proposal having regard to any representations received by it during the consultation under subsection (3)(d).
- (6) The principal council must then—
- (a) notify WRA as to whether the council intends to proceed with its proposal,
- (b) publish a report (a "final report") that complies with subsection (7), and
- (c) send that report to WRA.
- (7) The final report must—
- (a) set out—
- (i) whether the principal council intends to proceed with its proposal, and
- (ii) if the council intends to proceed with its proposal, the details of the proposal (including an explanation of any changes made to the proposal as set out in the report published under subsection (3)(b)), and
- (b) summarise the representations it received during the consultation.

(8) In this section –

“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);

5 “senior executive member” (“*prif aelod gweithrediaeth*”) has the same meaning as in section 77(4) of the Local Government and Elections (Wales) Act 2021.

(9) Steps taken by a principal council before this section comes into force (including any steps relating to sending a notice or report to WRA) may satisfy the requirements of this section (and section 43(2) (publication requirements)).

10 **26 Introduction of the levy and changes to or abolition of the levy**

(1) This section applies where a principal council –

- (a) has complied with section 25, and
- (b) has decided to introduce, abolish or change the levy.

(2) The principal council must publish a notice setting out –

- 15 (a) which of the steps specified in subsection (1)(b) it is going to take and (other than where the levy is to be abolished) what the rates of the levy will be,
- (b) the date on which the levy will (as the case may be) –
- (i) come into effect in its area;
 - (ii) cease to have effect in its area;
 - 20 (iii) change, and
- (c) any other information the council considers appropriate.

(3) A date specified in a notice under subsection (2) as the date on which the levy will come into effect or on which it will cease to have effect in a principal council’s area –

- (a) must not be before –
- 25 (i) the end of the period of 12 months starting with the day on which the notice was published, or
- (ii) the end of such period of less than 12 months starting with that day, as may be agreed by the principal council and WRA, and
- (b) must be either 1 April or 1 October.

30 (4) A date specified in a notice under subsection (2) as the date on which the levy in a principal council’s area will change –

- (a) must not be before the end of the period of 6 months starting with the day on which the notice was published, and
- (b) must be either 1 April or 1 October.

35 (5) The introduction or abolition of, or the change to, the levy (as the case may be) comes into effect on the date specified in the notice published under subsection (2).

(6) The requirement in subsection (2) to publish a notice is a requirement to publish the notice on the principal council’s website, and in such other manner as the council considers appropriate.

27 Overnight stays that are unaffected by the introduction of, or changes to, the levy

- (1) Subsection (2) applies where the levy has come into effect in a principal council's area.
- (2) For the purposes of this Part, an overnight stay in visitor accommodation does not take place if the relevant contract was made before the date the principal council decided to introduce the levy.
- (3) Subsection (4) applies where a change to the levy has come into effect in a principal council's area.
- (4) The change to the levy does not apply in relation to an overnight stay in visitor accommodation if the relevant contract was made before the date the principal council decided to change the levy.
- (5) In this section, "the relevant contract", in relation to an overnight stay in visitor accommodation, is the contract –
- (a) under which one or more people are entitled to reside in that accommodation, and
 - (b) to which the visitor accommodation provider is a party.
- (6) For the purposes of this section, the date a principal council decides to introduce, change or abolish the levy is the date it publishes a notice under section 26(2).

28 Interpretation of Chapter

In this Chapter –

- (a) "local people", in relation to a principal council, means people who live, work or study in the principal council's area;
- (b) "proceeds of the levy" has the meaning given in section 22;
- (c) references to changing the levy have the meaning given in section 25.

CHAPTER 5

SPECIAL CASES

Relevant business

29 Meaning of "relevant business" in this Chapter

In this Chapter, "relevant business" means a business, or a part of a business, in the course of which a person –

- (a) provides, or offers to provide, visitor accommodation at premises in Wales, and
- (b) is an occupier of the premises at which the visitor accommodation is provided.

Partnerships and unincorporated bodies

30 Duties and liabilities of partnerships and unincorporated bodies

- (1) Where anything is required or permitted to be done under an enactment relating to the levy (other than Part 2 of this Act) by or in relation to persons carrying on business in partnership, it must be done by or in relation to every person who is a partner at the time when it is done or required to be done.

(2) But anything that is required or permitted to be done by every partner may instead be done by any of them; and if the partnership's principal place of business is in Scotland, it may also be done by any other person authorised by the partnership.

(3) Where anything is required or permitted to be done under an enactment relating to the levy (other than Part 2 of this Act) by or in relation to persons carrying on business as an unincorporated body, it must be done by or in relation to every person who is a managing member of the body at the time when it is done or required to be done.

(4) But anything that is required or permitted to be done by every managing member of the body may instead be done by any of them.

(5) The managing members of an unincorporated body are –

(a) each member of the unincorporated body holding office as president, chair, treasurer, secretary or any similar office;

(b) if there is no such office, each member holding office as a member of a committee by which the affairs of the body are managed;

(c) if there is no such office or committee, each member of the body.

(6) A liability to pay a relevant amount as a result of anything done or omitted to be done by persons carrying on business in partnership or as an unincorporated body is a joint and several liability of every person who is a member of the partnership or body at the time when the thing is done or omitted to be done.

(7) But where –

(a) persons carry on a relevant business in partnership or as an unincorporated body, and

(b) a person is a member of the partnership or body for only part of an accounting period,

the person's personal liability for levy chargeable in respect of the accounting period is the proportion of the liability relating to the business of the partnership or body that is just and reasonable in the circumstances.

(8) In this section, "relevant amount" means –

(a) an amount of levy;

(b) a penalty under an enactment relating to the levy;

(c) interest on an amount within paragraph (a) or (b).

31 Power to make further provision about partnerships and unincorporated bodies

The Welsh Ministers may by regulations add to, repeal or revoke or otherwise amend any provision made by an enactment relating to the levy about cases where persons carry on business in partnership or as an unincorporated body.

Change in persons that provide visitor accommodation

32 Death, incapacity and insolvency

(1) This section applies where a person (“A”) carries on a relevant business of another person (“B”) who has died, become incapacitated or become subject to an insolvency procedure.

(2) A must give WRA notice of –

- (a) the fact that A is carrying on the relevant business, and
- (b) the nature and date of the event that has led to A carrying it on.

(3) The notice must be given before the end of the period of 30 days beginning with the day on which A began to carry on the relevant business.

(4) WRA may treat A as if A were B for the purposes of the levy, with effect from the time when A began to carry on the relevant business; and WRA may do so whether or not A has given notice under subsection (2).

(5) WRA must issue a notice to A, and if appropriate, to B, of a decision to treat A as B.

(6) If –

- (a) B ceases to be incapacitated or subject to an insolvency procedure, or
- (b) A ceases to carry on the relevant business of B,

A must give WRA notice of the cessation and the date on which it occurred.

(7) The notice must be given before the end of the period of 30 days beginning with that date.

(8) WRA must cease to treat A as B if WRA is satisfied that either of the conditions in subsection (6) is met (whether or not A has given notice under that subsection).

(9) WRA must issue a notice to A and if appropriate, to B, of a decision to cease to treat A as B.

(10) For the purposes of this section, a person becomes subject to an insolvency procedure if –

- (a) the person is made bankrupt;
- (b) a company voluntary arrangement takes effect in relation to the person under Part 1 of the Insolvency Act 1986 (c. 45);
- (c) the person enters administration or goes into liquidation or receivership;
- (d) any corresponding event occurs which has effect under or as a result of the law of Scotland or Northern Ireland or a country or territory outside the United Kingdom.

33 Power to make further provision about death, incapacity and insolvency

- 5 (1) The Welsh Ministers may by regulations add to, repeal or revoke or otherwise amend any provision made by an enactment relating to the levy about cases where a person who has carried on a relevant business dies, becomes incapacitated or becomes subject to an insolvency procedure.
- (2) Regulations under subsection (1) may (among other things) make provision –
- (a) about the circumstances in which a person becomes, or ceases to be, incapacitated or subject to an insolvency procedure;
 - 10 (b) about duties, liabilities and entitlements relating to the levy where a person has died, become incapacitated or become subject to an insolvency procedure;
 - (c) that applies whether or not anyone else carries on a person’s relevant business after the person dies, becomes incapacitated or becomes subject to an insolvency procedure;
 - (d) for –
 - 15 (i) penalties in respect of failures to comply with the regulations, or with requirements imposed on persons other than WRA by section 32;
 - (ii) either or both of reviews and appeals.

34 Power to make provision about transfers of businesses as going concerns

- 20 (1) The Welsh Ministers may by regulations make provision for securing continuity in the application of any enactment relating to the levy where a relevant business is transferred from one person to another as a going concern.
- (2) Regulations under subsection (1) may (among other things) make provision –
- (a) requiring WRA to be notified of the transfer;
 - 25 (b) for any liability or duty of the transferor relating to the levy to become a liability or duty of the transferee;
 - (c) for any entitlement of the transferor to the discharge or repayment of an amount of levy, whether arising before or after the transfer, to become an entitlement of the transferee;
 - 30 (d) for anything done before the transfer by or in relation to the transferor to be treated for the purposes of the levy as having been done by or in relation to the transferee;
 - (e) about duties to keep and preserve records.
- (3) The regulations may make provision that applies subject to conditions, and may in particular –
- 35 (a) provide that the application to a transferor and transferee of any provision made under subsection (2)(b) to (e) requires the approval of WRA;
 - (b) make provision about the making and determination of applications for approval.

- (4) The regulations may make provision for –
- (a) penalties in respect of failures to comply with the regulations;
 - (b) either or both of reviews and appeals.
- (5) The regulations may amend or apply (with or without modifications) any enactment relating to the levy.

CHAPTER 6

MISCELLANEOUS PROVISION RELATING TO THE LEVY

35 Visitor accommodation at premises within the area of more than one principal council

Where the premises at which visitor accommodation is provided are not wholly within the area of one principal council, the premises are to be treated for the purposes of this Part as being in the area in which the greater or greatest part of the premises is situated.

36 Arrangements with third party to collect the levy etc. on behalf of provider

- (1) A visitor accommodation provider may make arrangements for one or more persons, on behalf of the provider, to –
- (a) collect sums equivalent to the amount of the levy in respect of overnight stays in visitor accommodation;
 - (b) make returns, or pay the levy, to WRA;
 - (c) issue repayments of sums collected by virtue of paragraph (a).
- (2) The making of an arrangement under subsection (1) does not affect a visitor accommodation provider's obligations under or by virtue of –
- (a) this Act, or
 - (b) the Tax Collection and Management (Wales) Act 2016 (anaw 6) (in so far as it applies in relation to the levy).

37 Welsh Ministers' power to impose advertising and billing etc. requirements

- (1) The Welsh Ministers may by regulations impose requirements on visitor accommodation providers that provide or offer to provide visitor accommodation at premises in an area where a principal council has introduced or decided to introduce the levy, relating to –
- (a) the inclusion of information about the amount of levy payable on an overnight stay in visitor accommodation in an invoice, receipt or other document provided in connection with that stay;
 - (b) when and how information relating to the existence, nature, and amount of the levy is to be provided.
- (2) Regulations under subsection (1)(b) may (among other things) require that –
- (a) an indication (wherever, whenever or however given) of the amount payable for an overnight stay in visitor accommodation includes information about the amount of levy payable in respect of the stay;

- (b) promotional and marketing material and other information made available in relation to visitor accommodation includes information about the amount of levy payable in respect of overnight stays in the accommodation;
- (c) information about the amount of levy payable in respect of overnight stays in visitor accommodation be displayed in visitor accommodation.

(3) Regulations under subsection (1) may –

- (a) confer a power to impose a civil sanction on a person that has not complied with a requirement imposed by the regulations, whether or not the person imposing the civil sanction is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (c. 13), and
- (b) make provision for appeals against civil sanctions imposed by virtue of paragraph (a).

(4) In subsection (3) “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).

(5) For the purposes of this section, a principal council has decided to introduce the levy if it has published a notice under section 26 stating that it is going to introduce the levy.

38 Exercise by a principal council of its functions under this Part etc.

(1) The functions of a principal council under this Part (and section 39(2) (guidance)) are not to be the responsibility of an executive of the principal council under executive arrangements.

(2) Section 101 of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) does not apply to the functions of a principal council under this Part (and section 39(2)).

(3) In subsection (1) –

“executive” (“*gweithrediaeth*”) is to be interpreted in accordance with section 11 of the Local Government Act 2000 (c. 22);

“executive arrangements” (“*trefniadau gweithrediaeth*”) has the same meaning as in section 10 of the Local Government Act 2000.

(4) In the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), in Schedule 1 (functions not to be the responsibility of an executive), in the table in Part I (miscellaneous functions), after paragraph 19 insert –

<p>“20. Functions relating to a visitor levy</p>	<p>Part 3 and section 39(2) of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00)”. </p>
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PART 4

MISCELLANEOUS AND GENERAL PROVISION

Miscellaneous

39 Guidance issued by the Welsh Ministers

- 5 (1) The Welsh Ministers may issue guidance on this Act and any regulations made under this Act, but before issuing any such guidance the Welsh Ministers must consult such persons as they consider appropriate.
- 10 (2) A principal council must, in the exercise of functions under Part 3 (including when considering whether to exercise a function under that Part), have regard to guidance issued by the Welsh Ministers under this section.

40 Power to extend Act to berths and moorings

15 The Welsh Ministers may by regulations amend this Act, and the Tax Collection and Management (Wales) Act 2016 (anaw 6), so that either or both of Parts 2 and 3 of this Act apply or are replicated, with or without modifications, in respect of berths and moorings provided for vessels.

General

41 Power to make consequential, transitional etc. provision

- 20 (1) The Welsh Ministers may by regulations –
- (a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;
 - (b) make transitional or saving provision in connection with any provision of this Act.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (whenever enacted or made, and including any provision of this Act).

42 Regulations under this Act

- 25 (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power –
- (a) to make different provision for different purposes or different areas;
 - (b) to make incidental, supplementary, consequential, transitional or saving provision.
- 30 (3) The provision that may be made by virtue of subsection (2)(b) includes provision that amends, modifies, repeals or revokes any enactment (whenever enacted or made, and including any provision of this Act).

- (4) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru –
- (a) regulations under section 2(5);
 - (b) regulations under section 4(5);
 - 5 (c) regulations under section 5(2);
 - (d) regulations under section 7;
 - (e) regulations under section 9(5);
 - (f) regulations under section 12(2);
 - (g) regulations under section 13(4);
 - 10 (h) regulations under section 13(5);
 - (i) regulations under section 14(3);
 - (j) regulations under section 15(6);
 - (k) regulations under section 31;
 - (l) regulations under section 33(1);
 - 15 (m) regulations under section 34(1);
 - (n) regulations under section 37(1);
 - (o) regulations under section 40;
 - (p) regulations under section 41(1), where the regulations amend, modify or repeal an enactment contained in primary legislation (including any provision of this Act).
- (5) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (6) In this section, “primary legislation” means the following –
- (a) an Act of Senedd Cymru;
 - (b) an Assembly Measure;
 - 25 (c) an Act of the Parliament of the United Kingdom.

43 Interpretation

- (1) In this Act –

“night” (“*noson*”) means a period starting on one day and ending on the next day;

“overnight stay in visitor accommodation” (“*arhosiad dros nos mewn llety ymwelwyr*”) is to be interpreted in accordance with section 9;

“partnership” (“*partneriaeth*”) means –

- (a) a partnership within the Partnership Act 1890 (c. 39),
- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. 24), or
- 35 (c) a partnership or entity of a similar character formed under the law of a country or territory outside the United Kingdom;

“premium” (“*premiwm*”) has the meaning given in section 14(2);

“principal council” (“*prifgyngor*”) means a council for a county or a county borough in Wales;

“provide” (“*darparu*”), in relation to the provision of visitor accommodation, is to be interpreted in accordance with section 3;

5 “return” (“*ffurflen*”) means a return of the kind mentioned in section 16;

“vessel” (“*llestr*”) means a ship, boat, raft, or other apparatus constructed or adapted for floating on water, designed or adapted for human habitation;

“visitor accommodation” (“*llety ymwelwyr*”) has the meaning given by section 2;

10 “visitor accommodation provider” (“*darparwr llety ymwelwyr*”) and “VAP” (“*DLIY*”) are to be interpreted in accordance with section 3;

“WRA” (“*ACC*”) means the Welsh Revenue Authority.

(2) Where this Act imposes a duty on a principal council to publish a decision, report or other document other than a notice, the decision, report or other document must be –

(a) published –

15 (i) on the principal council’s website, and

(ii) in such other manner as the principal council considers appropriate;

(b) made available for inspection (without charge) at the offices of the principal council for at least 12 months after it is first published.

44 Coming into force

20 (1) This Part, and Parts 1 and 3, come into force on the day after the day this Act receives Royal Assent.

(2) Part 2 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

(3) An order under subsection (2) may make –

25 (a) transitional, transitory or savings provision in connection with the coming into force of a provision of Part 2;

(b) different provision for different areas (as well as for different purposes).

45 Short title

This Act may be referred to as –

30 (a) the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025, or

(b) Deddf Llety Ymwelwyr (Cofrestr ac Ardoll) Etc. (Cymru) 2025.

SCHEDULE 1

(Introduced by section 21)

AMENDMENTS TO THE TAX COLLECTION AND MANAGEMENT (WALES) ACT
2016

5 *Introduction*

1 The Tax Collection and Management (Wales) Act 2016 (anaw 6) (“the 2016 Act”) is amended as follows.

Amendment of references to “devolved tax” etc. in the 2016 Act

2 For “devolved”, in each place it occurs in the 2016 Act (and subject to the other
10 amendments provided for in this Schedule), substitute “WRA-collected”; but not in the following provisions –

- (a) section 1(ba) (overview of Act);
- (b) section 12(2)(b) (which is amended by paragraph 3) (WRA’s main functions);
- (c) section 18(1)(j) (permitted disclosures relating to Scottish devolved taxes);
- 15 (d) section 25 (which is amended by paragraph 7) (payments into Welsh Consolidated fund);
- (e) section 26(2) (which is amended by paragraph 8) (Charter of standards and values);
- (f) Part 3A (general anti-avoidance rule);
- (g) section 117A (which is inserted by paragraph 18) (interpretation and application of
20 Part 5 of the 2016 Act in relation to the visitor levy);
- (h) sections 118 to 120, and the italic heading that precedes them (those provisions are amended by paragraphs 19 to 22) (penalty for failure to make tax return);
- (i) in section 122(3), in Table A1, item 7 (penalty dates relating to general anti-avoidance rule);
- 25 (j) section 122A (further penalties for continuing failure to pay devolved tax);
- (k) section 136(5) (potential lost revenue: balancing between devolved taxes);
- (l) in section 192(2) (interpretation), in the definitions of –
 - (i) “devolved tax”;
 - (ii) “devolved taxpayer” (which is omitted by paragraph 35(a)(i));
 - 30 (iii) “LTTA”;
 - (iv) “WRA-collected tax” (which is inserted by paragraph 35(a)(ii));
- (m) section 193 (index of defined expressions).

Amendments to Part 2 of the 2016 Act

3 In section 12(2) (main functions) –

(a) in paragraph (b), for “devolved taxes to devolved taxpayers” substitute “WRA-collected taxes to taxpayers”;

(b) after paragraph (d) insert –

“(e) providing information, advice and assistance relating to the visitor levy to principal councils.”

After section 15(1) (general directions) insert –

“(1A) Before giving a direction under subsection (1) that relates only to WRA’s functions relating to the visitor levy, the Welsh Ministers must consult each principal council that has introduced, or decided to introduce, the visitor levy in its area.”

In section 18(1) (permitted disclosures), before paragraph (a) insert –

“(za) it is made for the purposes of WRA’s functions, other than the functions mentioned in section 12(2)(a) and (e), and (3),”.

After section 24 insert –

“24A Payments of net proceeds of the visitor levy to principal councils

(1) WRA must, in relation to each county or county borough in which the visitor levy has been introduced, keep a separate account for the proceeds of the visitor levy collected in respect of that county or county borough.

(2) WRA must pay the proceeds of the visitor levy collected each financial year in respect of a principal council’s area (including any interest on the proceeds) to that principal council, no later than –

(a) 30 June in the following financial year, or

(b) such other date as may be agreed between WRA and the principal council.

(3) But, subject to regulations under subsection (5), WRA must do so after deducting from the proceeds received for the financial year such amounts as WRA considers appropriate in respect of the costs it has incurred in connection with the exercise of its functions during that financial year in relation to the visitor levy for that area.

(4) WRA may also, subject to regulations under subsection (5), deduct from the proceeds received for the financial year such amounts as WRA considers appropriate in respect of costs WRA considers it may incur and disbursements WRA considers may become payable –

(a) in connection with the exercise of its functions during the financial year in relation to the visitor levy for that area, but

(b) after it has paid the proceeds for that year to the principal council.

(5) The Welsh Ministers may by regulations make further provision about the deduction of amounts in respect of costs, or the deduction of disbursements, including provision –

- (a) limiting the amount of costs or disbursements WRA may deduct (including by reference to a percentage of the disbursements or the costs incurred or to a maximum amount that may be deducted, or by other means);
- (b) about how costs and disbursements are to be apportioned between principal councils that have introduced the visitor levy in their areas;
- (c) specifying types of cost or disbursement that may, must or must not be deducted.

(6) For the purposes of this section –

- (a) references to proceeds of the visitor levy include any financial penalties collected in relation to the levy;
- (b) payments to principal councils under subsection (2) are not disbursements.”

In section 25 (payments of receipts into Welsh Consolidated Fund) –

- (a) in subsection (1), after “functions” insert “relating to devolved taxes”;
- (b) after subsection (2) insert –

“(3) WRA must pay into the Welsh Consolidated Fund amounts deducted under section 24A(3) or (4), in respect of costs, from proceeds of the visitor levy.”

In section 26(2) (Charter of standards and values) –

- (a) omit “devolved” in both places it occurs;
- (b) after “their agents”, in both places it occurs, insert “, principal councils”.

In section 27 (corporate plan), after subsection (2) insert –

“(2A) Before submitting the plan for approval by the Welsh Ministers, WRA must consult each principal council that has introduced, or decided to introduce, the visitor levy in its area on any objectives, outcomes or activities that relate to the visitor levy.”

In section 29 (accounts), after subsection (2) insert –

“(2A) Before giving a direction under subsection (1)(b) that relates only to the visitor levy, the Welsh Ministers must consult each principal council that has introduced, or decided to introduce, the visitor levy in its area.”

11 In section 30 (tax statement), after subsection (1) insert –

“(1A) Before giving a direction under subsection (1) that relates only to the visitor levy, the Welsh Ministers must consult each principal council that has introduced, or decided to introduce, the levy in its area.”

5 12 In section 31 (audit), in subsection (4)(b) after “section” insert “24A or”.

Amendments to Part 3 of the 2016 Act

13 In section 40 (meaning of “filing date”) –

(a) the existing provision becomes subsection (1);

(b) after that subsection insert –

10 “(2) In this Act the “filing date”, in relation to a visitor levy return, has the meaning given by section 16 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00).”

14 In section 58 (conditions for making WRA assessments), after subsection (4) insert –

15 “(5) For the purpose of subsection (3)(c), information is regarded as made available to WRA if –

(a) it is contained in a tax return,

(b) it is contained in any documents produced or information provided to WRA for the purposes of an enquiry into any such return, or

20 (c) it is information the existence of which –

(i) could reasonably be expected to be inferred by WRA from information falling within paragraph (a) or (b), or

(ii) is notified in writing to WRA by the taxpayer or a person acting on the taxpayer’s behalf.”

25 *Amendments to Part 3A of the 2016 Act*

15 In the heading of Part 3A of the 2016 Act (general anti-avoidance rule), at the end insert “: DEVOLVED TAXES”.

16 In Part 3A of the 2016 Act –

30 (a) in section 81A(1) (meaning of “general anti-avoidance rule”), after “makes provision” insert “, relating to devolved taxes,”;

(b) before “taxpayer”, in each place it occurs, insert “devolved”.

Amendment to Part 4 of the 2016 Act

17 In section 86 (taxpayer notices), for subsection (2) substitute –

“(2) Before issuing a taxpayer notice WRA may (but need not, subject to section 97(2)) apply to the tribunal for approval to issue the notice.”

Amendments to Part 5 of the 2016 Act

18 After section 117 (overview of Part 5) insert –

5 **“117A Interpretation and application of this Part in relation to the visitor levy**

(1) In this Part –

“devolved tax return” (*“ffurflen treth ddatganoledig”*) means a tax return relating to a devolved tax;

10 “visitor accommodation provider” (*“darparwr llety ymwelwyr”*) and “VAP” (*“DLIY”*) have the same meaning as in section 3 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00);

15 “visitor levy return” (*“ffurflen ardoll ymwelwyr”*) means a return relating to the visitor levy (see section 16 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025).

(2) Where a visitor accommodation provider has never made a visitor levy return nor indicated to WRA whether the provider will make annual or quarterly returns, the provider is to be treated for the purposes of this Part as making annual returns.”

19 In the italic heading before section 118, after “make” insert “devolved”.

20 In section 118 (penalty for failure to make tax return on or before filing date) –

(a) in the heading, after “make” insert “devolved”;

(b) in subsection (1), after “make a”, in both places it occurs, insert “devolved”.

25 21 In section 119 (penalty for failure to make tax return within 6 months from filing date) –

(a) in the heading, after “make” insert “devolved”;

(b) in subsection (1), after “make a”, in both places it occurs, insert “devolved”.

22 In section 120 (penalty for failure to make tax return within 12 months from filing date) –

(a) in the heading, after “make” insert “devolved”;

30 (b) in subsection (1), after “make a”, in both places it occurs, insert “devolved”;

(c) in subsection (2), after “make the” insert “devolved”.

23 After section 120 insert –

“Penalty points and penalties for failures to make visitor levy returns

5 **120A Penalty point for failure to make visitor levy return on or before filing date**

- 10 (1) A visitor accommodation provider (“VAP”) is liable to a penalty point if the provider fails to make a visitor levy return on or before the filing date for the return.
- (2) Where a VAP is liable to a penalty point, WRA may award the penalty point by giving notice to the VAP.
- (3) Notice under subsection (2) must be given –
- 15 (a) if the VAP makes annual visitor levy returns, before the end of the period of 48 weeks beginning with the day after the filing date for the return;
- (b) if the VAP makes quarterly visitor levy returns, before the end of the period of 11 weeks beginning with the day after the filing date for the return.
- (4) WRA may withdraw a penalty point awarded under this section by giving notice to the VAP; and where a penalty point is withdrawn, the VAP is to be treated as never having received the penalty point.
- 20

25 **120B Financial penalty where penalty points have been awarded**

- (1) If, having been awarded a penalty point, a VAP reaches the penalty threshold, the VAP is liable to a penalty of £100.
- (2) The penalty threshold is –
- 30 (a) if the VAP makes annual returns, two penalty points, and
- (b) if the VAP makes quarterly returns, four penalty points.
- (3) A VAP that becomes liable to a penalty under subsection (1) remains liable to that penalty regardless of the subsequent expiry of any of the penalty points awarded to the VAP.

30 **120C Expiry of penalty points**

- (1) A penalty point awarded to a VAP in relation to a failure to make an annual visitor levy return expires at the end of the period of 24 months beginning with the filing date of the return to which the penalty point relates.

- (2) A penalty point awarded to a VAP in relation to a failure to make a quarterly visitor levy return expires at the end of the period of 12 months beginning with the filing date of the return to which the penalty point relates.

5 **120D Changing frequency of filing of returns when provider has penalty point**

A VAP that has one or more unexpired penalty points may not change the frequency with which they make visitor levy returns (as to which, see section 17 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00)).

10 **120E Financial penalty for failure to make visitor levy return within 6 months from filing date**

- (1) This section applies where a VAP's failure to make a visitor levy return continues after the end of the period of 6 months beginning with the day after the filing date.

- (2) The VAP is liable to a penalty of £100 (regardless of whether the VAP has been awarded any unexpired penalty points, or is liable to any penalty points, in relation to the return in question or any other visitor levy return).

15 **120F Financial penalty for failure to make visitor levy return within 12 months from filing date**

- (1) This section applies where a VAP's failure to make a visitor levy return continues after the end of the period of 12 months beginning with the day after the filing date.

- (2) The VAP is liable to a penalty (regardless of whether the VAP has been awarded any unexpired penalty points, or is liable to any penalty points, in relation to the return in question or any other visitor levy return).

- (3) Where, by failing to make the visitor levy return, the VAP deliberately withholds information that would enable or assist WRA to assess the VAP's liability to the visitor levy, the penalty is –

- (a) £300, or
(b) a greater amount, not exceeding 95% of the amount of visitor levy to which the person would have been liable if the visitor levy return had been made.

- (4) In any case not falling within subsection (3), the penalty is the greater of –

- (a) 5% of the amount of visitor levy to which the VAP would have been liable if the visitor levy return had been made, and
(b) £300.

Reduction in penalty for disclosure of information”.

24 In section 121(1) (reduction in penalty for failure to make tax return: disclosure), for “or 120” substitute “, 120, 120B, 120E or 120F”.

25 In section 122 (penalty for failure to pay tax on time) –

5 (a) in subsection (2), after paragraph (b) insert –

“(c) in respect of an amount of visitor levy, is 5% of the amount of unpaid levy, but –

(i) if 5% of the amount of unpaid levy is lower than £100, the penalty is £100;

10 (ii) if 5% of the amount of unpaid levy is greater than £5000, the penalty is £5000.”;

(b) in subsection (3), for “122ZA and 122A” substitute “122ZA, 122A and 122B”;

(c) in Table A1, after item 2 insert –

15 “2A	Visitor levy	Amount payable as a result of a visitor levy return.	The date falling 30 days after the filing date for the visitor levy return.”
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26 After section 122A (further penalties for continuing failure to pay devolved tax) insert –

“122B Further penalties for continuing failure to pay visitor levy

20 (1) This section applies where a VAP is liable to a penalty under section 122 in respect of a failure to pay an amount of visitor levy on or before the penalty date for that amount.

(2) If any of the amount remains unpaid after the end of the period of 6 months beginning with the day falling 30 days before the penalty date, the VAP is liable to a further penalty.

25 (3) The further penalty is 5% of the amount that remains unpaid, but –
 (a) if 5% of the unpaid amount is lower than £100, the penalty is £100;

(b) if 5% of the unpaid amount is greater than £5000, the penalty is £5000.

(4) If any of the amount remains unpaid after the end of the period of 12 months beginning with the day falling 30 days before the penalty date, the VAP is liable to a second further penalty.

30 (5) The second further penalty is 5% of the amount that remains unpaid, but –

(a) if 5% of the unpaid amount is lower than £100, the penalty is £100;

35 (b) if 5% of the unpaid amount is greater than £5000, the penalty is £5000.”

27 In section 126 (reasonable excuse for failure to make tax return or pay tax or amount payable in respect of tax credit) –

(a) in subsection (1), after “120” insert “, 120B, 120E or 120F, or (as the case may be) to a penalty point under section 120A,”;

5 (b) in subsection (2), for “122A” substitute “122B”.

28 In section 127 (assessment of penalties under Chapter 2) –

(a) in subsections (3) and (4), for “or 120” substitute “, 120 or 120F”;

(b) in subsection (5), for “122ZA or 122A” substitute “122ZA, 122A or 122B”;

(c) in subsection (6), for “122ZA or 122A” substitute “122ZA, 122A or 122B”.

10 29 In section 128(2) (time limit for assessment of penalties under Chapter 2) –

(a) in paragraph (a), after “tax return” insert “, other than where liability to the penalty arises under section 120B”;

(b) after paragraph (a) insert –

15 “(aa) in the case of liability to a penalty under section 120B (financial penalty where penalty points have been awarded), the filing date of the return in relation to which the penalty point that caused the visitor accommodation provider to reach the penalty threshold was awarded,”.

Amendments to Part 8 of the 2016 Act

20 30 In section 172 (appealable decisions) –

(a) in subsection (2), after paragraph (d) insert –

“(da) a decision relating to a penalty point for failure to make a visitor levy return (within the meaning of Part 5);

25 (db) a decision to issue a taxpayer notice, or to include a particular requirement in such a notice, where the tribunal did not approve the issuing of the notice;”;

(b) in subsection (3), in paragraphs (b)(i) and (c)(i), after “notice” insert “where the tribunal approved the issuing of the notice”.

Amendments to Part 10 of the 2016 Act

30 31 After section 187A insert –

“187B Crown application for the purposes of the visitor levy

(1) This Act, in so far as it applies in relation to the visitor levy, binds the Crown.

35 (2) This Act, in so far as it applies in relation to the visitor levy, does not make the Crown criminally liable, but it applies to persons in the service of the Crown as it applies to other persons.

(3) In subsections (1) and (2), references to “this Act” include a reference to an enactment made under this Act.”

32 In section 189(2) (regulations), after “18(2),” insert “24A(5),”.

33 (1) Section 190 (issue of notices by WRA) is amended as follows.

(2) In subsection (1), after “a provision of” insert “the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00),”.

5 (3) In subsection (6) –

(a) in paragraph (a) –

(i) after “body corporate,” insert “either –

(i) ”;

(ii) for “body;” substitute “body, or

10 (ii) where the most recent tax return made by the body to WRA contains an address purporting to be the body’s address, that address;”;

(b) in paragraph (b) –

(i) after “a partnership,” insert “either –

15 (i) ”;

(ii) for “partnership;” substitute “partnership, or

(ii) where the most recent tax return made by the partnership to WRA contains an address purporting to be the partnership’s address, that address;”.

20 34 In section 191 (giving notices and other documents to WRA) –

(a) in subsection (1), after “a provision of” insert “the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025,”;

(b) in subsection (3), after “Welsh Tax Acts” insert “or the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025”.

25 35 In section 192 (interpretation) –

(a) in subsection (2) –

(i) omit the definition of “devolved taxpayer”;

(ii) at the appropriate places insert –

30 ““principal council” (“*prif gyngor*”) means a council for a county or a county borough in Wales;”;

““taxpayer” (“*trethdalwr*”) means a person liable to pay a WRA-collected tax;”;

““visitor levy” (“*ardoll ymwelwyr*”) has the same meaning as in Part 3 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 00);”;

35 ““WRA-collected tax” (“*treth a gesglir gan ACC*”) means –

(a) a devolved tax, or

(b) the visitor levy.”;

(b) after subsection (2) insert –

“(3) For the purposes of this Act, a principal council has decided to introduce the visitor levy if it has published a notice under section 26 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 stating that it is going to introduce the visitor levy.”

5 36 In section 193 (index of defined expressions), in Table 1 –

(a) in the entry for “Devolved taxpayer”, in the second column, for “section 192(2)” substitute “section 81B(3)(c)”;

(b) at the appropriate places insert –

10	“Devolved tax return” (<i>“ffurflen treth ddatganoledig”</i>)	section 117A(1)”;
	“Principal council (<i>“prif gyngor”</i>)	section 192(2)”;
	“Principal council that has decided to introduce the visitor levy (<i>“prif gyngor sydd wedi penderfynu cyflwyno’r ardoll ymwelwyr”</i>)	section 192(3)”;
15	“Taxpayer (<i>“trethdalwr”</i>)	section 192(2)”;
	“Visitor accommodation provider (<i>“darparwr llety ymwelwyr”</i>) and VAP (<i>“DLIY”</i>)	section 117A(1)”;
	“Visitor levy (<i>“ardoll ymwelwyr”</i>)	section 192(2)”;
	“Visitor levy return (<i>“ffurflen ardoll ymwelwyr”</i>)	section 117A(1)”;
20	“WRA-collected tax (<i>“treth a gesglir gan ACC”</i>)	section 192(2)”.