

LANDFILL DISPOSALS TAX (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 - Supplementary Provision

Chapter 7 - Miscellaneous

Further provision relating to the tax

Section 88 – Adjustment of contracts

161. *Section 88* provides that where:
- a. a taxable disposal is made at an authorised landfill site,
 - b. there is a contract in place that provides for a payment to be made for that disposal, and
 - c. the tax chargeable on that disposal changes as a result of an enactment relating to LDT,
- the payment under the contract for that disposal is to be adjusted to reflect the change in the tax chargeable on the disposal, unless the contract provides otherwise.

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

162. This section allows the Welsh Ministers to make regulations to require a controller of an authorised landfill site (or part of such a site) to pay the tax chargeable on disposals made at the site (or the part in question).. A controller is a person other than the operator of the authorised landfill site who is in control of decisions as to what can be disposed of on the site but is not making those decisions only as an employee or agent.

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

163. This section introduces Schedule 4, which sets out the minor and consequential amendments that this Act makes to TCMA.

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

164. Subsection (1)(a) requires the Welsh Ministers to have regard to the objective of reducing landfill disposals in Wales when exercising their duties and powers under this Act.
165. Subsection (1)(b) permits the Welsh Ministers to have regard, in addition, to such other matters as they think appropriate. These other matters could include commercial, fiscal, public health or other environmental factors. For example, the Welsh Ministers might consider it appropriate to encourage certain disposals to landfill in order to reduce potential environmental harm.

166. The effect of subsection (2) is that the Welsh Ministers are not required to have regard to the objective of reducing landfill disposals when exercising their powers and duties under section 92 in relation to the LDT Communities Scheme.

Landfill Disposals Tax Communities Scheme

Section 92 – Landfill Disposals Tax Communities Scheme

167. [Section 92](#) places a duty on the Welsh Ministers to prepare and publish a Landfill Disposals Tax Communities Scheme, which will make provision for grant funding for the benefit of communities affected by landfill disposals or activities preparatory to landfill, such as activities at waste transfer stations. The Scheme may provide for the grants to be allocated by reference to specified criteria and to be subject to conditions set out in the Scheme or by the Welsh Ministers in the grant offers. It is envisaged that the criteria specified may include reference to biodiversity, waste minimisation and other social or environmental community enhancements, among other things. Details of how the Scheme will operate will be published separately at the time LDT becomes operational in April 2018 or beforehand.
168. [Section 92\(4\)](#) requires Welsh Ministers to review the Scheme at least once in the period of four years after it is first published and for there to be further reviews at intervals of no more than four years after the first review. It also requires the Welsh Ministers to consult with appropriate persons when reviewing the Scheme.
169. [Section 92\(5\)](#) allows the Welsh Ministers to revise or revoke the Scheme following a review but the scheme cannot be revoked within the first four years. [Section 92\(6\)](#) requires the Welsh Ministers to publish any revised Scheme.
170. [Section 92\(7\)](#) requires the Welsh Ministers to lay the Scheme, and any later revised versions of it, before the National Assembly for Wales.