



# Landfill Disposals Tax (Wales) Act 2017

2017 anaw 3

## PART 5

### SUPPLEMENTARY PROVISION

#### CHAPTER 5

##### ADDITIONAL PENALTIES UNDER THE TAX COLLECTION AND MANAGEMENT (WALES) ACT 2016

#### 74 Penalties for multiple failures to make tax returns

After section 118 of TCMA (penalty for failure to make tax return on or before filing date) insert—

##### “118A Penalties for multiple failures to make tax returns in respect of landfill disposals tax

- (1) Where a person becomes liable to a penalty under section 118 in respect of a tax return that the person is required to make under section 39 of LDTA, a penalty period—
  - (a) begins with the day after the filing date for the tax return, and
  - (b) ends 12 months later, unless extended under subsection (2)(b).
- (2) If, before the end of the penalty period, the person is required to make another tax return under section 39 of LDTA (“tax return B”) but fails to do so on or before the filing date for tax return B—
  - (a) the person is not liable to a penalty under section 118 in respect of that failure but is liable to a penalty under this section instead, and
  - (b) the penalty period is extended so that it ends 12 months after the filing date for tax return B.

- (3) The amount of the penalty to which a person is liable under this section is determined by reference to the number of tax returns that the person—
  - (a) has been required to make under section 39 of LDTA during the penalty period, but
  - (b) has failed to make on or before the filing dates for those returns.
- (4) If the failure to make tax return B on or before the filing date is the person’s first failure during the penalty period, P is liable to a penalty of £200 in respect of that failure.
- (5) If the failure to make tax return B on or before the filing date is the person’s second failure during the penalty period, P is liable to a penalty of £300 in respect of that failure.
- (6) If the failure to make tax return B on or before the filing date is the person’s third or subsequent failure during the penalty period, P is liable to a penalty of £400 in respect of that failure.
- (7) A penalty period may be extended more than once under subsection (2)(b).”

#### **75 Penalty for failure to pay tax on time**

In section 122 of TCMA (penalty for failure to pay tax on time) (substituted by paragraph 42 of Schedule 23 to LTTA), for subsection (2) substitute—

- “(2) The penalty—
- (a) in respect of an amount of land transaction tax, is 5% of the amount of unpaid tax;
  - (b) in respect of an amount of landfill disposals tax, is 1% of the amount of unpaid tax.”

#### **76 Penalties for multiple failures to pay tax on time**

After section 122 of TCMA (penalty for failure to pay tax on time) (substituted by paragraph 42 of Schedule 23 to LTTA) insert—

##### **“122ZA Penalty for multiple failures to pay landfill disposals tax on time**

- (1) Where a person becomes liable to a penalty under section 122 in respect of a failure to pay an amount of landfill disposals tax on or before the penalty date, a penalty period—
  - (a) begins with the day after the penalty date, and
  - (b) ends 12 months later, unless extended under subsection (2)(b).
- (2) If, before the end of the penalty period, the person fails to pay another amount of landfill disposals tax (“amount B”) on or before the penalty date for that amount—
  - (a) the person is not liable to a penalty under section 122(1) in respect of that failure but is liable to a penalty under this section instead, and
  - (b) the penalty period is extended so that it ends 12 months after the penalty date for amount B.

- (3) The amount of the penalty to which a person is liable under this section is determined by reference to—
  - (a) amount B, and
  - (b) the number of times during the penalty period on which the person has failed to pay an amount of landfill disposals tax on or before the penalty date for that amount.
- (4) If the failure is the person’s first failure during the penalty period, the person is liable to a penalty of 2% of amount B in respect of that failure.
- (5) If the failure is the person’s second failure during the penalty period, the person is liable to a penalty of 3% of amount B in respect of that failure.
- (6) If the failure is the person’s third or subsequent failure during the penalty period, the person is liable to a penalty of 4% of amount B in respect of that failure.
- (7) A penalty period may be extended more than once under subsection (2)(b).”