

Report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

December 2025



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December 2025



About the Committee

The Committee was established on 26 May 2021. Its remit can be found at www.senedd.wales/SeneddLJC

Current Committee membership:



Committee Chair:
Mike Hedges MS
Welsh Labour



Alun Davies MS
Welsh Labour



Mark Isherwood MS*
Welsh Conservatives



Adam Price MS
Plaid Cymru

* Mark Isherwood MS was not a member of the Committee during the scrutiny of the Bill.

The following Member was also a member of the Committee during the scrutiny of the Bill.



Samuel Kurtz MS
Welsh Conservatives

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1. Introduction

On 3 November 2025, the Cabinet Secretary for Finance and Welsh Language, Mark Drakeford MS (“the Cabinet Secretary”), introduced the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill¹ (“the Bill”), and accompanying Explanatory Memorandum (“EM”).²

1. On 5 August 2025, the Business Committee referred the Bill to the Economy, Trade, and Rural Affairs (“ETRA”) Committee to consider and report on the general principles.³
2. On 5 November 2025, the Cabinet Secretary for Finance and Welsh Language issued a statement of policy intent for subordinate legislation to be made under the Bill (the Statement of Policy Intent).⁴

Legislative background

3. In its 2021 manifesto, the Labour Party committed to:

“Consult on legislation permitting local authorities to raise a tourism levy, ring fenced to support improving the visitor experience in Wales and to help the local economy.”⁵

4. The Welsh Government subsequently committed to a statutory licensing scheme for holiday lets in its 2021 Co-operation Agreement with Plaid Cymru.⁶

¹ Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill [as introduced], 2025

² Welsh Government, Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill: Explanatory Memorandum (“EM”), 3 November 2025

³ Business Committee, Timetable for consideration: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, October 2025

⁴ Welsh Government, Statement of Policy Intent for the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 5 November 2025

⁵ Welsh Labour, Moving Wales Forward, page 54

⁶ Welsh Government, The Co-operation Agreement: 2021, page 4

The commitment was reflected in the Welsh Government's updated Programme for Government.⁷

5. In December 2022, the Welsh Government launched a public consultation on proposals to introduce a statutory licensing scheme for all visitor accommodation providers in Wales.⁸ The consultation document stated that a primary aim of a statutory licensing scheme is to “establish a level playing field for all visitor accommodation providers operating in the sector” and to address “concerns that certain parts of the sector do not meet or comply with their statutory obligations”.⁹

6. The consultation also included proposals to create a comprehensive register of visitor accommodation providers. These proposals were enacted in the *Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025* (“the VARL Act”), which received Royal Assent on 18 September 2025.¹⁰

Purpose of the Bill

7. In his written statement announcing the introduction of the Bill, the Cabinet Secretary stated that the Bill is “the final piece in a programme of work from our Co-operation Agreement with Plaid Cymru aimed at bringing the regulation of short term lets up to date with the ways the market for visitor accommodation has changed”. He went on:

“The Bill provides the legislative framework for a licensing scheme for visitor accommodation in Wales, starting with self-catering accommodation (...) The Bill also creates a Code of Welsh law on tourism that will incorporate existing legislation on the development of tourism in Wales, with a view to improving the accessibility of tourism legislation.”¹¹

8. The Bill, together with the VARL Act, is intended to form part of a new Code of Welsh law on tourism. The Bill itself is primarily concerned with the establishment of a legislative framework for a licensing scheme for visitor accommodation in Wales, starting with self-contained, self-catering

⁷ Welsh Government, *Programme for Government – Update*, page 7

⁸ Welsh Government, *Statutory licensing scheme for all visitor accommodation providers in Wales*

⁹ Welsh Government, *Consultation Document: Statutory licensing scheme for all visitor accommodation providers in Wales*, 16 December 2022, page 10

¹⁰ Welsh Parliament, *Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025*

¹¹ Welsh Government, *Written Statement: Introduction of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill*, 3 November 2025

accommodation. Visitor accommodation within the scope of the licensing regime is defined in the Bill as “regulated visitor accommodation”.

9. The Bill also restates (with minor amendments and updates) existing powers of the Welsh Ministers in relation to the promotion and development of tourism.

10. A key component of the proposed licensing framework is the requirement for visitor accommodation providers (“VAPs”) to ensure that regulated visitor accommodation is “fit for visitor accommodation”. It does this by requiring compliance by VAPs with relevant standards and training requirements (to be prescribed in future regulations). It imposes terms into contracts for the supply of visitor accommodation regarding that accommodation being “fit” for use as such.

11. The Bill also includes requirements in relation to advertising any visitor accommodation (section 46), with criminal penalties for non-compliance (section 47).

12. The Explanatory Memorandum notes that:

“The licensing scheme will build upon the register of visitor accommodation providers as set out in its companion legislation, the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (“the VARL Act”). Under that Act, the Welsh Revenue Authority (WRA) will establish, maintain and publish the register of providers, which will also detail the type and location of the premises they operate across Wales. This information may be of interest to local authorities, visitors, businesses and researchers, and will inform the future licensing scheme.”¹²

Summary of the key provisions of the Bill

13. The Bill comprises 60 sections and 2 Schedules. It is split into 5 Parts, as follows:

- Part 1 (section 1) provides an overview of the Bill and specifies that it will form part of a code of Welsh law relating to tourism.
- Part 2 (sections 2 - 4) sets out the Welsh Ministers’ powers and duties in relation to the promotion and development of tourism.

¹² EM, page 3

- Part 3 (sections 5 - 44) is concerned with the regulation of self-contained, self-catering visitor accommodation in Wales, including through the introduction of a licensing scheme. The proposals include powers for the Welsh Ministers to extend the licensing scheme to other types of visitor accommodation in the future:
 - Chapter 1 (Key Concepts) includes definitions and sets out the general and specific standards to be met in connection with the proposed scheme.
 - Chapter 2 (Licensing) contains the main provisions of the licensing scheme itself, including the application process, licence conditions, enforcement, appeals and associated offences.
 - Chapter 3 (Regulated Visitor Accommodation: Contract Terms) contains the provisions which imply terms into contracts for the supply of visitor accommodation regarding that accommodation being fit for use as such.
- Part 4 (sections 45 - 47) establishes a directory of visitor accommodation in Wales, and sets out requirements for the inclusion of information, including registration (under the VARL Act) and licensing, in any marketing or advertising of visitor accommodation in Wales.
- Part 5 (sections 48 - 60) sets out miscellaneous and general provisions, including in relation to the operation of the Bill in special cases.
- Schedule 1 amends the *Development of Tourism Act 1969* to reflect the restated powers and duties of the Welsh Ministers in Part 2 of the Bill regarding the promotion and development of tourism.
- Schedule 2 amends the VARL Act and the *Tax Collection and Management (Wales) Act 2016* to incorporate provisions relating to the proposed licensing scheme set out in Part 3 of the Bill.

The Committee's remit

14. The remit of the Legislation, Justice and Constitution (“LJC”) Committee is to carry out the functions of the responsible committee set out in Standing Orders 21 and 26C. The Committee may also consider any matter relating to legislation, devolution, the constitution, justice, and external affairs, within or relating to the competence of the Senedd or the Welsh Ministers, including the quality of legislation.

15. In our scrutiny of Bills introduced into the Senedd, our approach is to consider:

- matters relating to the competence of the Senedd, including compatibility with the human rights protected by the European Convention on Human Rights (“the ECHR”);
- the balance between the information that is included on the face of the Bill and that which is left to subordinate legislation;
- whether an appropriate legislative procedure has been chosen in relation to the granting of powers to the Welsh Ministers to make subordinate legislation; and
- any other matter we consider relevant to the quality of legislation.

16. We took evidence from the Cabinet Secretary on 10 November 2025.¹³ Following the evidence session, we wrote to the Cabinet Secretary on 12 November 2025 including a series of additional questions in relation to the Bill.¹⁴ We received a response from the Cabinet Secretary on 25 November 2025.¹⁵

¹³ Legislation, Justice and Constitution (“LJC”) Committee, 10 November 2025. Record of Proceedings (“RoP”)

¹⁴ Letter to the Cabinet Secretary for Finance and Welsh Language, 12 November 2025

¹⁵ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

2. Legislative competence

The Welsh Government is satisfied that the Bill is within the legislative competence of the Senedd.¹⁶

17. We considered the Bill under the reserved powers model of legislative competence, as set out in section 108A of the *Government of Wales Act 2006* (“the 2006 Act”).

18. In her statement on legislative competence, the Llywydd stated that the provisions of the Bill would be within legislative competence.¹⁷

19. The Cabinet Secretary stated in oral evidence that he was satisfied the Bill is within the Senedd’s legislative competence.¹⁸

20. We asked the Cabinet Secretary whether the Welsh Government considers that any of the provisions of the Bill require the consent of the King or the Prince of Wales. In his response, the Cabinet Secretary set out that the Welsh Government is of the view that the consent of the Duke of Cornwall and the King will be required due to their property interests. The Cabinet Secretary anticipates that these consents will be in place to allow the Bill to proceed at Stage 4.¹⁹

Human rights implications

21. In the EM, the Cabinet Secretary concludes that human rights issues have been considered in respect of the Bill, and that he is satisfied that provisions in the Bill are compatible with the ECHR. The EM states:

“The Bill’s provisions have been carefully assessed, and we are satisfied that they are compatible with the European Convention on Human Rights. This has included consideration of Article 1 Protocol 1 (protection of property), Article 6 (right to a fair trial) and Article 8 (right to respect for private and family life).”²⁰

¹⁶ EM, page 1

¹⁷ Presiding Officer’s Statement on Legislative Competence: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 3 November 2025

¹⁸ LJC Committee, 10 November 2025, RoP [12]

¹⁹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

²⁰ EM, paragraph 10.11

22. The Equality Impact Assessment (“EIA”) states the following in relation to Article 1 Protocol 1 (“A1P1”) of the ECHR, which gives entitlement to peaceful enjoyment of possessions²¹:

*“The interference of property rights is justified by being in the public interest. The provisions in the Bill have a reasonable foundation and strike a fair balance between the demands of the general interest of the community and the protection of an individual’s fundamental rights. The notice and representation procedures to be set out in regulations to be made under the Bill will provide a mechanism for VAPs to challenge assertions by the Welsh Ministers and / or correct behaviour before a licence is revoked.”*²²

23. However, some stakeholders have warned of the potential for non-compatibility with A1P1.²³ During oral evidence with the ETRA Committee, the Cabinet Secretary was asked how he concluded that the Bill strikes the right balance between promoting tourism and reassuring visitors on the one hand, and the control of private property on the other. He said:

*“... one of the first things a Minister has to be satisfied about in bringing forward a Bill is that it is compliant with human rights obligations, and I will have had a significant amount of advice on a range of articles that give me confidence that the Bill is compliant in that way.”*²⁴

24. The Cabinet Secretary set out similar views in evidence to us, before adding that he was “glad to see that, in Llywydd’s letter, she also did not raise any concerns in relation to the compatibility of the Bill with the European convention on human rights.”²⁵

²¹ Article 1 of the First Protocol states: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.” Source: [Legislation.gov.uk. Human Rights Act 1998, Schedule 1](https://legislation.gov.uk/ukpga/1998/42/schedule/1)

²² Welsh Government, [Development of Tourism and Regulation of Visitor Accommodation \(Wales\) Bill: equality impact assessment](#), 7 November 2025, pages 11-12

²³ Economy, Trade and Rural Affairs (“ETRA”) Committee, [Written evidence: DTRVA 20 Short Term Accommodation Association \(STAA\)](#); ETRA Committee, [Written evidence: DTRVA 24 Association of Scotland’s Self-Caterers and Scottish Tourism Alliance](#)

²⁴ ETRA Committee, [20 November 2025](#), RoP [425]

²⁵ LJC Committee, 10 November 2025, RoP [14]

25. We asked specifically whether the Cabinet Secretary was satisfied that the provisions allowing rights of entry to property set out in section 30 are compliant with the ECHR. The Cabinet Secretary responded that:

"I am, because the powers of entry are not open-ended or unfettered. In the Bill, there are a series of tests that anybody seeking a power of entry will have to go through, and it is those tests that makes that power consistent with human rights. You would have to have a reasonable ground to begin with that an entry was necessary because a condition of a licence had been breached or the provider was providing false or misleading information. Even when you are satisfied that there are reasonable grounds, you then have to be satisfied in a second step that inspection—in other words, the need to gain entry—is the answer to those reasonable grounds. Then, if you reach a point where you do need to gain entry, you have to go to a magistrates' court in order to secure a warrant in order to be able to do that. So, there is a third test that you would have to pass."²⁶

Our view

26. We note the evidence in relation to matters of legislative competence from the Cabinet Secretary.

27. The EIA was published on 7 November, four working days after the Bill was laid and the working day prior to the Committee's evidence session with the Cabinet Secretary on 10 November. This meant that we did not have sufficient time to reflect on it before our scrutiny of the Cabinet Secretary. This is unacceptable, and its impact was amplified given the curtailed scrutiny period for the Bill as a whole.

Conclusion 1. It is unacceptable that the Equality Impact Assessment was published after the Bill was laid before the Senedd, and insufficiently in advance of our evidence session with the Cabinet Secretary for it to inform our lines of questioning.

28. The EM accompanying the Bill makes no specific reference to the EIA, nor provides any detail about its conclusions. As we have concluded in numerous

²⁶ LJC Committee, 10 November 2025, RoP [16]

previous reports,²⁷ our longstanding preference is for an assessment of a Bill's engagement with the rights protected by the ECHR to be included as a matter of course within the accompanying EM. That assessment should also set out any steps which have been taken to make that engagement proportionate. Doing so would set out more clearly how the Welsh Government has ensured that consideration of the ECHR has informed the development of the Bill, particularly in cases such as this where the impact assessment is not published at the same time as the EM.

Conclusion 2. We note the Cabinet Secretary's comments in respect of the Bill's impact on human rights but believe that, as a matter of good practice, an Explanatory Memorandum should always include a commentary on the consideration given to such implications.

29. We note the comments made by the Cabinet Secretary about human rights and the information set out in the EIA. However, while the EIA provides an overarching judgement about the extent to which the provisions in the Bill impact on human rights, it contains no detailed assessment that sets out how that judgement has been reached. In light of the concerns raised by stakeholders during Stage 1 scrutiny of the Bill about AIP1 in particular, we do not consider that sufficient information about the impact of the Bill on human rights has been made available to support Members of the Senedd in their consideration of whether to agree the general principles of the Bill.

Recommendation 1. Prior to the Stage 1 debate on the general principles of the Bill, the Cabinet Secretary should publish a written statement explaining how the Cabinet Secretary assessed the Bill as compatible with Article 1 of Protocol 1 to the European Convention on Human Rights. That statement should include the Cabinet Secretary's rationale for concluding that:

- i. the interference with property rights is justified by being in the public interest; and
- ii. provisions in the Bill have a reasonable foundation and strike a fair balance between the demands of the general interest of the community and the protection of an individual's fundamental rights.

²⁷ See, for example: conclusion 1 of our [Report on the Building Safety \(Wales\) Bill](#), conclusion 1 of our [Report on the Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill](#); conclusion 1 of our [Report on the Homelessness and Social Housing Allocation \(Wales\) Bill](#); conclusion 1 of our [Report on the Bus Services \(Wales\) Bill](#); etc.

Recommendation 2. Prior to the Stage 1 debate on the general principles of the Bill, the Cabinet Secretary should explain whether he has identified any need to revise the conclusions on human rights in the Equality Impact Assessment as a result of evidence received during Stage 1.

3. General observations

Development of and need for the Bill

30. The EM states that the Welsh Government’s ambition is “to grow tourism for the benefit of Wales in a way which supports thriving local communities and is sustainable for the environment and people of Wales.” However, it notes that the impacts of tourism are not evenly distributed across Wales, and even within specific local authorities:

“Listings of properties on Airbnb for example highlight a concentration in mountainous and coastal areas, with some local authorities having listings concentrated in a small number of areas⁴. This concentration of holiday lets in particular communities can come with benefits, such as the potential to generate additional income and employment in associated industries, as well as cause concerns such as decreasing the availability of housing, causing parking disruption, and contributing to litter and pollution, as highlighted by a study on attitudes to visitor accommodation licensing in 2023.”²⁸

31. The EM goes on to note a number of concerns about the lack of a licensing regime for visitor accommodation in Wales, including:

- “anecdotal reports” of inconsistent compliance with regulatory standards across the self-catering sector;
- that a 2023 survey commissioned by the Welsh Government found that “operating safely” is considered important for most people who intend to take trips within the UK. In that survey, 83% stated they would be more likely to book accommodation if there was a scheme in place that required accommodation providers to confirm they meet health and safety requirements; and
- that “a report on behalf of Gwynedd and Cardiff Councils concluded that given the limited ability for local authorities to regulate short-term

²⁸ EM, paragraphs 3.16 – 3.18. The study referenced in the quotation is to Welsh Government, [Statutory licensing scheme for visitor accommodation providers: views of consumers and residents](#), 14 December 2023

holiday lets and the perceived absence of a regulatory regime, a licensing scheme should be introduced”.²⁹

32. The EM concludes that:

“In the absence of a licensing regime for visitor accommodation, there is a significant risk that the short-term let sector will continue to expand in a way which exacerbates the market distortions already reported, with some accommodation providers – either unknowingly or deliberately – failing to meet regulatory standards, therefore able to operate at lower cost than providers who understand and invest in complying with the current regulatory regime.”³⁰

Data

33. The EM refers to a “paucity of reliable data currently available” regarding the number of self-catering lets available in Wales and “no data available on the characteristics of premises or levels of compliance with the existing statutory obligations”.³¹ Several stakeholders have raised concerns about the accuracy and reliability of the data on which key conclusions in the Explanatory Memorandum are based.³²

34. Some organisations in the sector have argued in evidence to the ETRA Committee that the development of the Bill should have been deferred until the register of visitor accommodation providers introduced by the VARL Act had been fully implemented. They assert that the register would improve the quality of the data available to the Welsh Government about the self-catering sector.³³ The Farmers’ Union of Wales stated the decision to proceed with the Bill without the

²⁹ EM, paragraphs 3.14 to 3.34

³⁰ EM, paragraph 3.35

³¹ EM, paragraphs 7.8, 8.1 and 8.71

³² ETRA Committee, Written evidence: DTRVA 20 Short Term Accommodation Association (STAA); ETRA Committee, [Written evidence: DTRVA 32 - Booking.com](#); ETRA Committee, [Written evidence: DTRVA 14 Awaze](#); ETRA Committee, [Written evidence: DTRVA 16 Professional Association of Self-Caterers, UK Cymru](#); ETRA Committee, 13 November 2025, RoP [273] (Federation of Small Businesses Wales)

³³ See written evidence to the ETRA Committee: DTRVA 32 Booking.com; [DTRVA 31 - Visit Pembrokeshire](#); [DTRVA 12 Airbnb](#); DTRVA 14 Awaze; [DTRVA 27 - South Wales Fire and Rescue Service.pdf](#); [DTRVA 30 - Farmers Union of Wales \(FUW\)](#); DTRVA 32 Booking.com; DTRVA 16 Professional Association of Self-Caterers, UK Cymru. See also ETRA Committee, 13 November 2025, RoP [201] (Wales Tourism Alliance); ETRA Committee, 13 November 2025, RoP [411] (Short Term Accommodation Association); ETRA Committee, 13 November 2025, RoP [412] (British Holiday and Home Parks Association); ETRA Committee, 13 November 2025, RoP [414] (North Wales Tourism)

register was “irresponsible”³⁴ and Booking.com argued that it “risks duplication, unintended policy consequences and, therefore, legal vulnerability”.³⁵ The Professional Association of Self-Caterers UK Cymru (“PASC UK Cymru”) stated that:

“Deferring the Bill until registration has been completed, would allow a data-led Impact Assessment. This could then be based on actual numbers rather than at best, a calculated guess, backed up by a clearly demonstrated lack of understanding of the nuances of the sector.”³⁶

35. We asked the Cabinet Secretary whether he had considered delaying the legislation until after the implementation of the registration regime. He confirmed that the Welsh Government had considered doing so, but concluded that it would delay the Bill by at least another three years, and result in the licensing scheme not being in place until “more than a decade after we committed to deliver it in the Co-operation Agreement.” However, the Cabinet Secretary also confirmed that the licensing scheme set out in the Bill will not be implemented until after the national register is in place, “allowing that data to inform and influence operational details, procedures and processes.”³⁷

36. In light of the concerns about the data underpinning the Bill, we asked the Cabinet Secretary on what basis he concluded that the Bill was required. He replied that there has been a “significant growth in the ‘short term let’ type of accommodation in recent years” and that industry bodies have reported that “not all providers in the short term let market are aware of their statutory obligations, and as a result they are able to operate at a lower cost than those who do what is required.” The Cabinet Secretary’s letter concludes that:

“The case for the legislation is set out in the explanatory memorandum, which includes references to local authority research, academic analysis, thinktank reports, industry analysis, and a House of Commons library report on changing patterns of providing visitor accommodation in England, as well as our own work, all of which contribute to the evidence of need for this Bill.

³⁴ ETRA Committee, Written evidence: DTRVA 30 - Farmers Union of Wales (FUW)

³⁵ ETRA Committee, Written evidence: DTRVA 32 - Booking.com

³⁶ ETRA Committee, Written evidence: DTRVA 16 - Professional Association of Self-Caterers, UK Cymru

³⁷ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

The limitations of the evidence about compliance, are part of the reason this Bill is needed, and a paucity of specific data is not sufficient reason not to act on the patterns and impacts which are clearly evident.”³⁸

Learning from other jurisdictions

37. The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 was made on 27 January 2022 and came into force on 1 March 2022. The licensing scheme applies to the whole of Scotland and is implemented by individual local authorities, which act as the licensing authority. Since 1 October 2022, operators of short-term lets must obtain a licence before they can accept bookings or receive guests.

38. In written evidence, Airbnb acknowledged some “positive design aspects of the [the proposed scheme in the Bill] that reflect learnings from mistakes in Scotland, such as a single, national set of rules.”³⁹

39. We asked the Cabinet Secretary to what extent the development of this Bill has been informed by Scotland’s licensing scheme for short-term lets. He highlighted two specific examples of where the Bill diverges from Scotland’s approach:

- the scheme in the Bill is national, whereas in Scotland every local authority is a licensing authority in its own right; and
- the scheme in the Bill will be administered at a national level, whereas in Scotland the scheme is administered at a local level.⁴⁰

40. In an evidence session with the ETRA Committee, the Cabinet Secretary also highlighted learning from the licensing regime in place in Northern Ireland. He explained that, in Northern Ireland, every premises has to have a physical inspection:

“That is resource intensive, and it means that the process is a long one. The Northern Ireland Executive are consulting at the moment on a move away from that regime to what they refer

³⁸ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

³⁹ ETRA Committee, Written evidence: DTRVA.12 - Airbnb

⁴⁰ LJC Committee, 10 November 2025, RoP [29]

to as a sort of intelligence-led form of operation, and our Bill is much closer to that.”⁴¹

41. The Cabinet Secretary concluded that “we think we've been able to benefit from other people's experience and design the scheme in a way that meets our own needs and circumstances.”⁴²

Consultation

42. During an evidence session with the ETRA Committee, the Cabinet Secretary argued that “...the biggest consultation on any item in the programme for government was the manifesto on which the Government stood in an election. And the proposal to bring forward a licensing scheme was in the manifesto of my party”.⁴³ The Cabinet Secretary subsequently reiterated to us that the origins of the Bill lie in the Labour Party manifesto for the 2021 Welsh general election:

“There was a specific commitment in the manifesto to create a licensing scheme for tourism in Wales. That was confirmed in the programme for government, and it was further confirmed because it was one of the 47 items in the co-operation agreement between the Government and Plaid Cymru. So, the genesis of the Bill is long-standing and confirmed at successive points during this Senedd term. The Bill has been consulted upon in one way or another in every single year of this Senedd term. There has been a long series of opportunities, particularly with the industry itself, to make sure that the Welsh Government was made aware of people's views and to adapt to the proposals—to take account of those.”⁴⁴

43. The EM sets out that exploratory work for a licensing scheme was undertaken by Strategic Research and Insight Ltd between September and November 2021. Their work concluded that a licensing regime was needed and that stakeholders were in favour of a statutory scheme. The consultants did not come to conclusions about what the scheme should look like, but set out a series of principles by which a suitable scheme could operate.⁴⁵

⁴¹ ETRA Committee, 5 November 2025, RoP [25] to [27]

⁴² ETRA Committee, 5 November 2025, RoP [25] to [27]

⁴³ ETRA Committee, 5 November 2025, RoP [15]

⁴⁴ LJC Committee, 10 November 2025, RoP [19] and [20]

⁴⁵ EM, paragraph 4.4

44. These principles were consulted upon between 16 December 2022 and 17 March 2023, as noted in paragraph 5 of this report. The consultation received 1,595 responses in total. The EM states that:

“The responses were consistently split between demographics. Large tourism organisations and local authorities were more likely to agree with the proposals, while visitor accommodation providers and residents most often disagreed.”⁴⁶

45. The Welsh Government published a summary of responses to the consultation, along with a summary of the findings from the stakeholder events, in July 2023.⁴⁷

46. The EM notes additional sources of consultation that took place following the primary consultation window noted above:

- Following the initial consultation, three additional in-person consultation events were arranged and took place in May 2023. The EM states that 58 stakeholders attended, representing a “significant number of tourism business of Wales, with cross-sectional representation of sectors within the tourism industry across Wales.”
- The Welsh Government conducted a survey targeted at visitors and residents that ran between 1 and 7 September 2023.
- The Welsh Government drew on responses to the consultation on the VARL Bill, which ran from 29 November 2024 to 10 January 2025.⁴⁸

47. The Cabinet Secretary highlighted two areas of policy that have changed since the 2021 manifesto:

- The Welsh Government originally intended to have a licensing scheme for the whole of tourism in Wales. The Bill provides a regime for the licensing of self-contained short-term-let accommodation, and “provides a gateway to add further aspects of the tourism industry into that regime in future”.

⁴⁶ EM, paragraph 4.8

⁴⁷ Welsh Government, [Statutory licensing scheme for all visitor accommodation providers in Wales](#)

⁴⁸ EM, paragraphs 4.10 to 4.20

- The Welsh Government originally intended to include quality standards in the Bill. The Bill does not do so, but “opens up the road to doing that in future”.⁴⁹

48. However, the EM confirms that there has been no formal consultation on a draft of the Bill.⁵⁰ During his oral evidence session with the ETRA Committee, the Cabinet Secretary stated that:

“There are two reasons why I think we’ve ended up without a draft Bill in this instance (...) this is a Bill that comes right at the end of this parliamentary term. That’s inevitable. Governments have programmes for government, you have to phase them over the whole of the time available to you, and where this Bill comes in the timetable means that it’s simply not feasible to have a draft Bill (...) the second reason why the case for a draft Bill is less compelling in this case, as well as the timetabling issues, is that the issues have been so very well rehearsed over a five-year period.”⁵¹

49. Some stakeholders, such as UKHospitality Wales, Wales Tourism Alliance, Visit Pembrokeshire and PASC UK Cymru, have raised concerns about the amount of time afforded to stakeholders to feed into the development of the Bill.⁵² The latter argued that “The Bill is being rushed through at the end of the Senedd term” in an “unseemly rush” that undermines the scope and objectives of the scheme.⁵³

50. However, in evidence with the ETRA Committee, the Cabinet Secretary refuted the argument that the legislation had been rushed. He referred again to the legislation being “signalled in the manifesto of my party” and set out in the Programme for Government and the Co-operation Agreement. He concluded:

“I simply do not accept the argument that this is in any way rushed. There are always things that you have to concede when the guillotine comes down on a Bill. I think I’ve taken Bills in double figures now through the Senedd, and there’s never been

⁴⁹ LJC Committee, 10 November 2025, RoP [21] and [22]

⁵⁰ EM, paragraph 4.1

⁵¹ ETRA Committee, 5 November 2025, RoP [21] and [22]

⁵² ETRA Committee, 13 November 2025, RoP [206] (UKHospitality Wales); See written evidence to the ETRA Committee: DTRVA 14 Awaze; DTRVA 32 Booking.com; DTRVA 31 - Visit Pembrokeshire; DTRVA 16 Professional Association of Self-Caterers, UK Cymru

⁵³ Written evidence: DTRVA 16 Professional Association of Self-Caterers, UK Cymru

a Bill in which there wasn't something you would have liked to have worked on further than that.”⁵⁴

51. He later added that “... the sector has had a long-held view that they would like things to have been done more slowly. That is often, in my view, a disguise for the fact that they don't really like the legislation at all.”⁵⁵

52. Several stakeholders have highlighted the difference between general consultation about policy matters and consideration of the Bill itself. North Wales Holiday cottages stated that:

“... we've had consultation in the past about registration, the levy and licensing, but now we've got the actual Bill in front of us, we've had fewer than three weeks to look at it, and there is a lot that's missing.”⁵⁶

53. Similarly, PASC UK Cymru stated that the ongoing consultation highlighted by the Cabinet Secretary “was around a concept, whereas this is actually a consultation around the Bill and the content of the Bill itself.”⁵⁷ Meanwhile, Mid Wales Tourism Cymru highlighted the risk of unintended consequences due to the “complexities now that we're starting to see [in the Bill], and we have not been consulted on that.”⁵⁸

54. We asked the Cabinet Secretary to confirm what opportunity, if any, stakeholders have had to comment on the specific provisions of the Bill. He responded that:

“Officials have discussed key aspects of the Bill with stakeholders and industry bodies in different ways during the lead-up to introduction, including meeting with the Visitor Economy Forum, holding engagement sessions at Regional Tourism Fora meetings, and holding various separate meetings with industry representatives. This is, of course, in addition to the ongoing regular engagement with the sector by both officials and Ministers.

⁵⁴ ETRA Committee, 20 November 2025, RoP [406]

⁵⁵ ETRA Committee, 20 November 2025, RoP [409]

⁵⁶ ETRA Committee, 20 November 2025, RoP [24]

⁵⁷ ETRA Committee, 20 November 2025, RoP [212]

⁵⁸ ETRA Committee, 20 November 2025, RoP [213]

Stage 1 scrutiny provides a further opportunity for stakeholders to share their views.”⁵⁹

The timetable for Senedd scrutiny of the Bill

55. The Llywydd, in her role as Chair of the Senedd’s Business Committee, wrote to the ETRA Committee on 16 July to seek the Committee’s views on the Welsh Government’s proposed timetable for scrutiny of the Bill. The letter set out that, under the proposed timetable, the Bill would be introduced on 20 October 2025 and the Stage 1 reporting deadline would be 19 December. This would represent seven sitting weeks, considerably less than the 12 sitting weeks usually provided to committees for Stage 1 scrutiny.⁶⁰ The Bill was ultimately introduced on 3 November with the same reporting deadline of 19 December, allowing six sitting weeks for committees to carry out Stage 1 scrutiny.

56. The Chair of the ETRA Committee set out the Committee’s concerns with the proposed timetable across two letters in response to the Llywydd. The latter concluded that:

“I believe the proposed timelines are too short to allow the quality of scrutiny I would expect to be provided by any Senedd Committee. High-quality scrutiny is a vital part of lawmaking and results in better legislation ...

If the Committee is to meet the reporting deadline proposed in your letter for Stage 1, I estimate we will only be able to hold a three-week public consultation. A key part of the Committee’s role in legislative scrutiny is to gather the views of interested parties and reflect these in the Stage 1 report. Three weeks will not provide stakeholders sufficient time to digest the Bill and submit a full, high quality response, especially if they are a representative organisation and need to consult their members.”⁶¹

57. A range of different stakeholders, such as the Short Term Accommodation Association (“STAA”), the Federation of Small Business (“FSB”), and Booking.com,

⁵⁹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

⁶⁰ [Letter from the Business Committee to the ETRA Committee](#), 16 July 2025

⁶¹ [Letter from the ETRA Committee to the Business Committee](#), 10 September 2025. For the first letter, see: [Letter from the ETRA Committee to the Business Committee](#), 24 July 2025

have also raised concerns about the impact of the curtailed Senedd scrutiny period.⁶² Airbnb wrote that:

*"We are strongly concerned about the accelerated timeline for passage of the bill, and the far more limited period for parliamentary scrutiny that it has been allocated compared to equivalent legislation ... This current [Stage 1 consultation] exercise opened on 3rd November, with a submission deadline of 17th November giving just 15 days to reply on proposals that are far more consequential than the earlier legislation. ... The impact on scrutiny is more important given that Welsh Government officials appear to be relying on the Senedd to address some of the open questions and the uncertainties and unresolved issues stemming from loose drafting of the bill. One example of this is that when we raised serious issues about the feasibility and practicality of the WRA's suggestions around how platforms might confirm the validity of registration numbers, we were simply told that we should 'take it to the Senedd'."*⁶³

Implementation of the Bill, if enacted

58. The Regulatory Impact Assessment ("RIA") for the Bill's provisions states that the costs arising from the transitional period for establishing the visitor accommodation licensing scheme will be incurred during 2026-27 to 2027-28. From 2029-30 onwards, the RIA outlines that the licensing scheme will be self-funding. The Cabinet Secretary confirmed in writing that the Welsh Government expects the national register to be in force in 2027.⁶⁴

59. The EM states that "Implementation plans are still being developed". One key issue relating to the implementation of the Bill relates to which body will be responsible for processing applications made by accommodation providers. The responsible body has not been identified on the face of the Bill, but the EM notes that the Bill allows the Welsh Government to work with the Welsh Revenue Authority ("WRA") to process applications via an online platform. This has been

⁶² ETRA Committee, [Written evidence: DTRVA - 20 Short Term Accommodation Association \(STAA\)](#); ETRA Committee, [Written evidence: DTRVA 01 - FSB Wales \(Federation of Small Business\)](#); ETRA Committee, [Written evidence: DTRVA 32 - Booking.com](#); ETRA Committee, 13 November 2025, RoP [24] (North Wales Holiday Cottages); ETRA Committee, [Written evidence: DTRVA 12 - Airbnb](#)

⁶³ ETRA Committee, [Written evidence: DTRVA 12 - Airbnb](#)

⁶⁴ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

welcomed by some stakeholders, including Awaze, which suggested that the WRA's administration of the scheme would "ease the implementation and operation of the process for platforms and operators".⁶⁵

60. During an evidence session with the ETRA Committee, the Cabinet Secretary explained that:

*"I've taken the same approach in this Bill as we did in the visitor levy Bill. When the Bill was introduced, we didn't identify on the face of the Bill that it would be the WRA that would be responsible for the creation and the maintenance of the register. I think I've given as clear an indication as I can to the committee today that, although we don't name the WRA on the face of this Bill, my expectation is that the WRA will be the licensing authority as well. I don't want people to have to deal with two different organisations when they've got used to dealing with one, because, by the time this Bill is in operation, people will have already completed their registration with the WRA, they'll have some form of relationship with that organisation already, and I want this to be as easy and as seamless for the operator as I can."*⁶⁶

61. We asked the Cabinet Secretary whether the Welsh Government was confident that it had a far-sighted view of how the implementation process is going. The Cabinet Secretary told us that the Welsh Government had a far-sighted view "of how the implementation process will operate in relation to self-contained, self-catering, short-term-let accommodation". He reiterated that the WRA will be responsible for the issuing "the vast bulk" of licences under the Bill.

62. While giving evidence to the ETRA Committee, the Cabinet Secretary discussed the body that would be responsible for carrying out physical visits to premises in the minority of cases where that is necessary. He stated that:

"... there are two choices, it seems to me. Local authorities I will probably put in the lead at the moment, but Visit Wales is also a possibility as well, because there's an organisation that is also used to being out on the ground, making physical visits to properties, dealing directly with people who provide

⁶⁵ ETRA Committee, Written evidence: DTRVA - 14 Awaze; ETRA Committee, Written evidence: DTRVA - 01 FSB Wales (Federation of Small Business); ETRA Committee, 13 November 2025, RoP [465] (Short Term Accommodation Association)

⁶⁶ ETRA Committee, 5 November 2025, RoP [162]

accommodation. So, it's not inevitable at this point that it would be the local authority that we would look to, but I think it is more likely."⁶⁷

63. We subsequently asked the Cabinet Secretary why the body responsible for administering the licensing scheme had not been clarified in advance of the Bill being introduced, and why has this not been included in more detail on the face of the Bill.⁶⁸ In his response, the Cabinet Secretary stressed that the licensing scheme is the responsibility of the Welsh Government. He argued that not setting out the body responsible for administering the scheme would provide "flexibility to make the most efficient and effective arrangements to deliver that legislation in practice... and exploit synergies, such as with registration and the levy".⁶⁹

64. The EM states that the Welsh Government will conduct a post-implementation review no later than five years after the legislation has come into force, and that the formal review process will commence once the scheme has been in place for a year.⁷⁰ However, in their written evidence, the FSB argue that "given the curtailed process of scrutiny... it may be prudent to ensure there are earlier touch points to check ahead of and during early implementation, to ensure that there are no significant unintended effects."⁷¹

65. We asked the Cabinet Secretary why he has chosen not to include a provision on the face of the Bill that requires the Welsh Ministers to undertake a post-implementation review. The Cabinet Secretary reiterated the Welsh Government's commitment to reviewing the legislation after implementation, as set out in the EM. His letter explains that the licensing authority and the scheme will remain the responsibility of the Welsh Ministers, who are "already subject to all the normal avenues of Senedd scrutiny." He concludes that:

*"I would also want the terms and timing of any review to be dictated by what could best improve the service we offer visitors and visitor accommodation providers, and the legislative framework to promote tourism in Wales, rather than an arbitrary deadline."*⁷²

⁶⁷ ETRA Committee, 5 November 2025, RoP [98]

⁶⁸ LJC Committee, 10 November 2025, RoP [26]

⁶⁹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

⁷⁰ EM, paragraph 11.2

⁷¹ ETRA Committee, Written evidence: DTRVA 01 - FSB Wales (Federation of Small Business)

⁷² Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

Balance between what is on the face of the Bill and what is left to subordinate legislation

66. The Bill contains 20 powers for the Welsh Ministers to make regulations and one power to make commencement orders. Of the 20 regulation-making powers:

- 10 are subject to the Senedd approval procedure;
- nine are subject to the Senedd annulment procedure; and
- one is subject to the Senedd approval procedure where used to amend, modify or repeal primary legislation, but otherwise subject to the Senedd annulment procedure.

67. The Bill also provides the Welsh Ministers with powers to issue a code of practice (section 3) and statutory guidance (section 55). These are not proposed to be subject to a Senedd procedure.

68. There are 12 specific powers proposed in the Bill which would permit the Welsh Ministers to amend primary legislation (“Henry VIII powers”). Two of those powers proposed in the Bill are subject to the Senedd annulment procedure. The others are subject to the Senedd approval procedure.

69. The Welsh Government has issued a Statement of Policy Intent which outlines how it intends to use the delegated powers contained in the Bill. A copy of the statement was sent to the Committee by letter on 5 November 2025.⁷³

70. Several stakeholders have raised concerns about the number and scope of regulation-making powers in the Bill, including Booking.com, which reported that “Excess reliance on later regulations has already created uncertainty for providers.”⁷⁴ Some argued that the number of delegated powers was a direct result of insufficient time spent developing the Bill.⁷⁵ Travel Chapter stated that:

“We have not had sufficient time (in the 14 days since the Explanatory Memorandum and Impact Assessment were published) to assess the many delegated powers of the Bill. However, we are concerned about the level and degree of

⁷³ Letter from the Cabinet Secretary for Finance and Welsh Language, 5 November 2025

⁷⁴ ETRA Committee, Written evidence: DTRVA 12 - Airbnb; ETRA Committee, Written evidence: DTRVA 14 - Awaze; ETRA Committee, Written evidence: DTRVA 32 - Booking.com

⁷⁵ ETRA Committee, Written evidence: DTRVA 15 - Sykes Holiday Cottages; ETRA Committee, Written evidence: DTRVA 16 Professional Association of Self-Caterers, UK Cymru; ETRA Committee, Written evidence: DTRVA 18 - Travel Chapter

discretion left to Ministers under the Bill. That avoids the necessary scrutiny/consultation to ensure the scope is tightly focussed on Health and Safety and we fear is just because of the desire to rush the primary legislation through before the next election.”⁷⁶

71. Despite the concerns of some stakeholders, the Cabinet Secretary told us that running out of time was “not the reason why we have created the Bill in the way that we have done.”⁷⁷

72. We asked the Cabinet Secretary whether he is satisfied that the Bill strikes the right balance between what is on the face of a Bill and what is provided for in delegated powers. He responded that:

“... I believe the Bill does strike that right balance, certainly on introduction. I'd be surprised if, by the time the Bill reaches Stage 4, that balance is identical to the balance that is set out at this point. I will be listening carefully to what this committee and others say about the balance between things that are on the face of the Bill and in regulations”⁷⁸

73. The Cabinet Secretary asserted that:

“... the Bill prevents any Minister from extending the scope of the Bill in future without the express approval of the Senedd. The Bill allows Ministers to set up a licensing scheme for self-contained and short-term lets, but the Bill doesn't allow the Minister to go beyond that at all without the express approval of the Senedd. So, it's in the Senedd's hands, not in Ministers' hands, as to whether or not any further sectors are brought within the ambit of a licensing regime in Wales.”⁷⁹

74. He also noted that tourism is a “rapidly changing industry”, and that placing detail on the face of the Bill would “create a straightjacket for the industry”. He added that:

“Sometimes there've been choices between the two aspects you've suggested where my view was I'd resolve them in favour

⁷⁶ ETRA Committee, Written evidence: DTRVA 18 - Travel Chapter

⁷⁷ LJC Committee, 10 November 2025, RoP [49]

⁷⁸ LJC Committee, 10 November 2025, RoP [32]

⁷⁹ LJC Committee, 10 November 2025, RoP [35]

of what I think works for the industry, rather than the clarity that I know the Senedd would sometimes like to see in having things spelt out on the face of the Bill.”⁸⁰

75. We asked the Cabinet Secretary to provide us with any examples of specific provisions in the Bill that either reflect requests from the tourism industry to defer detail to regulations rather than placing it on the face of the Bill, or that support his belief that this would be their preferred approach. In response, the Cabinet Secretary set out three specific examples: the renewal of licences, training requirements and provisional licences. The letter states that:

“... the sector raised points during their engagement with officials, particularly in relation to business continuity and minimising bureaucracy. These views have influenced the decision to take powers to work with the sector in detail to develop operational processes and make regulations to propose to the Senedd. This will allow us to work with the sector take advantage of future advances in technology and fulfil our wish to keep things as light-touch as possible.”⁸¹

Our view

Development of, and consultation on, the Bill

76. A reliable and accurate evidence base underpinning the need for legislation is an important component of high quality and effective law making. By the Cabinet Secretary’s own admission as set out in the EM, there is a clear lack of data about the number of self-catering lets available in Wales, and the characteristics and quality of that accommodation. We therefore acknowledge the concerns raised by certain stakeholders about the gaps in data underpinning the Bill.

Conclusion 3. As a matter of principle, legislation should be underpinned by reliable and accurate data to ensure that it is necessary and can achieve its policy objectives. The data underpinning the Bill does not meet this quality threshold.

77. The Cabinet Secretary has argued that the Welsh Labour manifesto for the 2021 elections was a key component of the consultation on the provisions in the

⁸⁰ LJC Committee, 10 November 2025, RoP [33]

⁸¹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

Bill. Based on a reading of the manifesto document, it is unclear to us how the Cabinet Secretary has reached that view.

78. The Cabinet Secretary has also highlighted that the Bill reflects a longstanding Welsh Government commitment to introduce a licensing regime for tourism in Wales. He has indicated that the commitment to introduce a licensing regime was clearly stated in the Co-operation Agreement with Plaid Cymru and the Programme for Government.

79. However, a political commitment made in a manifesto document and consultation on policy proposals undertaken by the Welsh Government are very different to considering how policy is transposed into, and given effect by, legislation.

80. We are therefore concerned about the extent to which key stakeholders have highlighted that they have had insufficient time to consider the provisions in the Bill. They could have been afforded that opportunity if the Welsh Government had published a draft of the Bill for consultation. The Cabinet Secretary has argued that it was not possible to do so due to the point in the parliamentary term at which the Bill was introduced. We would argue the opposite; the point at which the Bill has been introduced has provided ample time for the Welsh Government to consult on draft provisions during the Sixth Senedd.

Conclusion 4. The Welsh Government should have consulted on a draft of the Bill to provide more opportunity for stakeholders and Senedd committees to consider the detail of the Bill's provisions. Given that the commitments to introduce a licensing regime were made by the Welsh Government in 2021, we believe there has been ample time within the Sixth Senedd to do so.

81. Given that introducing a licensing regime for self-catering accommodation in Wales has been an intention of this Welsh Government since 2021, it is surprising that the Welsh Government was unable to introduce this Bill before November 2025.

82. We have no reason to believe that the Bill has been introduced so late in the Senedd term as a result of a particularly rigorous policy development. On the contrary, we believe that the opposite is true. It was particularly worrying to hear the reports of some stakeholders that they should “take it to the Senedd”, and that policy decisions had been made because the Welsh Government felt that it was too complicated to do so within the timescales available. We believe it is likely, therefore, that this has influenced the drafting of the Bill and the extent to which the Bill confers regulation-making powers on the Welsh Ministers.

83. Irrespective of why the Welsh Government was unable to introduce the Bill earlier, the late introduction of this Bill has led to a significantly curtailed Senedd scrutiny period. As the Chair of the ETRA Committee and various stakeholders have highlighted, it is not possible for Senedd committees to carry out high-quality and detailed scrutiny of the Bill within a seven-week Stage 1 scrutiny period.

84. In a recent letter to the Llywydd, we raised concern about the curtailed time available for Stage 1 scrutiny of Year 5 Bills. We recognise that some flexibility may be needed in exceptional circumstances. However, we conclude that “Curtailed scrutiny timeframes can result in legislation that has not been fully tested by legislators and stakeholders and, as a consequence, may not deliver the intended outcomes or be fully effective for Welsh citizens.” We reiterate our long-held view that there should be at least 12 sitting weeks for Stage 1 scrutiny of Bills by committees.⁸²

85. We do not believe that any exceptional circumstances apply to this Bill that would justify a curtailed scrutiny period. The principled points we make in that letter apply in relation to, and indeed are exemplified by, this Bill.

Conclusion 5. The Welsh Government did not make a convincing case for a curtailed period for Stage 1 scrutiny of the Bill.

Conclusion 6. The depth and rigour of scrutiny of the Bill has been negatively impacted by the Welsh Government’s curtailed scrutiny period. Consequently, there is a risk that the quality of the legislation itself, and its ability to meet the Welsh Government’s policy objectives, will also be negatively impacted.

Implementation

86. It is unclear why the body responsible for the administration of the licensing regime has not been specified on the face of the Bill, in line with the approach taken in the VARL Act. However, we note the Cabinet Secretary’s identification of the WRA as the body that will be responsible for administering the licensing regime set out in the Bill, which has been welcomed by some stakeholders.

87. The EM clearly sets out the expectation that the Welsh Government will carry out a post-implementation review within five years of the legislation coming into force. However, a future Welsh Government may not choose to honour this commitment.

⁸² Letter to the Business Committee, 14 November 2025

88. In light of the concerns identified in this report about the rushed development of the Bill and the curtailed Senedd scrutiny timetable, we believe that a duty to evaluate the implementation of this Bill should be set out on its face.

Recommendation 3. The Welsh Government should table amendments to the Bill to place a duty on the Welsh Ministers to carry out a post-implementation review of the legislation.

Balance between what is on the face of the Bill and what is left to subordinate legislation

89. The broadest regulation-making powers in the Bill are those that enable the Welsh Ministers to extend the scope of the scheme to other types of visitor accommodation in Wales, subject to Senedd approval. These are broad and significant powers in their own right. The Statement of Policy Intent also sets out that five other (mostly) Henry VIII powers spread across the Bill fall within the same policy purpose; these, too, are broad and significant.

90. We acknowledge the Cabinet Secretary's view that the Bill prevents any Minister from extending the scope of the Bill without the Senedd's approval. However, the scrutiny procedures associated with any regulations are significantly less robust than those associated with primary legislation, not least because they do not allow for Members of the Senedd to propose amendments and challenge or seek improvements to individual provisions. We believe that expanding the scope of this Bill, which will require numerous amendments to primary legislation, is a significant enough matter to warrant full Senedd scrutiny via the Bill scrutiny process.

91. As well as the significant powers to extend the scope of the licensing regime, the Bill enables the Welsh Ministers to create criminal offences via secondary legislation, part of a recent trend in Welsh Government legislation about which we have significant concerns. The Bill also provides for Henry VIII powers that are subject to the Senedd annulment procedure. We believe that the approach in each case is inappropriate.

92. We consider all these powers in more detail in the next chapter.

93. When considered collectively, we conclude that this Bill represents a significant transfer of power to the Welsh Ministers which entails a significant impediment to Senedd scrutiny

Conclusion 7. The Bill provides for an inappropriate delegation of powers to the Welsh Ministers at the expense of clarity and detail on the face of the Bill.

Recommendation 4. The Welsh Government should review the appropriateness of the delegated powers in the Bill, and consider whether any should be removed or limited.

94. Finally, we were surprised and disappointed to hear the Cabinet Secretary state that he had, in some instances, approached the drafting of the Bill in a way that prioritised the views of the tourism industry over those of the Senedd. The Senedd represents the people of Wales, including those with business interests. This Committee considers those interests before coming to views. Ultimately, legislation that has been subject to detailed scrutiny by elected Members in a way that takes into account the views of business is as beneficial for the tourism industry as it is for the wider public. This has been highlighted by numerous tourism stakeholders over the course of the scrutiny of this Bill.

4. Specific observations on particular Parts and sections of the Bill

Part 2 (Development of Tourism)

95. Part 2 of the Bill restates a number of existing powers of the Welsh Ministers in relation to the promotion of tourism in Wales. The EM states that these responsibilities are currently set out in the *Development of Tourism Act 1969*, as modified by the *Tourism (Overseas Promotion) (Wales) Act 1992*.⁸³

96. We asked the Cabinet Secretary why he had taken that approach, and what changes he was proposing to those powers. The Cabinet Secretary told us that the restatement powers aim “to improve the accessibility of tourism legislation, bringing everything into that one place”. However, he also stated that the Bill augments the powers available to the Welsh Ministers in relation to having regard to the importance of mitigating the social and environmental impacts of tourism and maintaining and promoting the Welsh language, and the power to issue a code of practice in the Bill.⁸⁴

Part 3 (Regulation of Visitor Accommodation)

Chapter 1 (Key Concepts)

Section 5 – Meaning of regulated visitor accommodation

97. Section 5 introduces and defines the term “regulated visitor accommodation” as self-catering accommodation that is self-contained and is in a building, a mobile home, vessel or other vehicle. Certain types of accommodation, such as a hotel, a youth hostel, a campsite or a caravan site, are excluded from the definition. Visitor accommodation has the same meaning as in section 2(1) of the VARL Act.

98. Section 5(1)(b) contains a Henry VIII power for the Welsh Ministers to extend the licensing scheme to other accommodation, subject to the Senedd approval procedure. The EM states:

“The effect of this section is to provide clarity as to what specific types of visitor accommodation are within the scope of the

⁸³ EM, page 91

⁸⁴ LJC Committee, 10 November 2025, RoP [85] to [87]

regulatory scheme being introduced by the Bill, and which are not. A regulation-making power is also provided to allow for further types of accommodation to be added in future.”⁸⁵

99. During his evidence session with the ETRA Committee, the Cabinet Secretary explained that:

“... the Bill does set out a path through which, through regulations, other sectors—we talked about caravan and camping sites when I was last here with you—further sectors can be added to the licensing regime. The point I was trying to make is that there are particular characteristics of any of those other sectors that you would have had to have worked through with the industry. We’ve had no consultation specifically on doing those things. That would lie to a future Senedd, but the Bill sets up the process by which that can be done.”⁸⁶

100. Stakeholders expressed a range of views about the benefits or otherwise of extending the licensing regime to different types of accommodation. The Welsh Local Government Association (“WLGA”) was supportive of the regulation-making powers in section 5.⁸⁷ Others objected (for various reasons) to powers to make any such extension being conferred on the Welsh Ministers, rather than the detail being set out on the face of the Bill.⁸⁸ North Wales Holiday Cottages reported that the Welsh Government had told them that it was “too complicated within the timescale to add the other sectors that come under registration.”⁸⁹ ScoutsCymru argued that:

“However, we are concerned and cautious about the conferment of power via regulations set out within the bill, particularly the ability for Ministers to specify additional types of regulated visitor accommodation as set out in Part 1: Chapter 5(1)(b) of the Explanatory Memorandum. While we understand the need for Senedd approval does enable further consideration of the implications, the lack of reference to a consultation with stakeholders who may be affected, could

⁸⁵ EM, page 93

⁸⁶ ETRA Committee, 20 November 2025, RoP [423]

⁸⁷ ETRA Committee, Written evidence: DTRVA 22 Welsh Local Government Association (WLGA)

⁸⁸ ETRA Committee, Written evidence: DTRVA 14 Awaze; ETRA Committee, Written evidence: DTRVA 15 Sykes Holiday Cottages; ETRA Committee, Written evidence: DTRVA 16 Professional Association of Self-Caterers, UK Cymru; ETRA Committee, Written evidence: DTRVA 06 ScoutsCymru

⁸⁹ ETRA Committee, 20 November 2025, RoP [26]

result in unintended, negative consequences (...) Therefore, we call for a requirement for consultation before such measures are introduced due to the impactful nature their introduction may have on organisations such as ScoutsCymru.”⁹⁰

101. We asked the Cabinet Secretary why this power is necessary, and how he envisages future governments using it. The Cabinet Secretary stated that the Bill is confined to self-contained short-term lets, because other forms of tourism accommodation in Wales already have some aspects of a licensing regime in place. He added that:

“So, it's in the Senedd's hands, not in Ministers' hands, as to whether or not any further sectors are brought within the ambit of a licensing regime in Wales. What the Bill does is it opens up a pathway to that, should Ministers wish to bring proposals in front of the Senedd and the Senedd decide to approve that ... It will be for a future Government to decide whether or not it would be worth while to extend the regime set out in this Bill to those forms of accommodation, but Ministers cannot do it on their own initiative. They can only do it with the express approval of the Senedd.”⁹¹

102. The Statement of Policy Intent sets out that other regulation-making powers in the Bill alongside those in section 5 (namely sections 6(2), 17(1), 19(3), 39(3) and 40(4)) also fall under the “overarching policy intent” to “allow the Welsh Ministers to extend the scope of the scheme to any other types of visitor accommodation in Wales”.⁹² With the exception of section 39(3), all these powers confer Henry VIII powers on the Welsh Ministers (we consider them in more detail throughout this chapter). The Cabinet Secretary’s letter argues that:

“The justification for the Henry VIII powers within these provisions, therefore, is to ensure the legislation can be considered holistically in these circumstances. The powers enable key parts of the licensing scheme to be updated or adapted to reflect any extension to the scope of the scheme, including the fitness requirements, the licence conditions that

⁹⁰ ETRA Committee, Written evidence: DTRVA 06 - Scouts Cymru

⁹¹ LJC Committee, 10 November 2025, RoP [35] and [36]

⁹² Welsh Government, Statement of Policy Intent for the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 5 November 2025

may apply, and the approval requirements for licence applications in light of any changes to the conditions.”⁹³

Section 6 – Meaning of fitness for visitor accommodation

103. Section 6(2) contains a Henry VIII regulation-making power to make further provision about premises at which regulated visitor accommodation is offered or provided being fit for visitor accommodation. The power is subject to the Senedd approval procedure.

104. The Cabinet Secretary explains that this power falls within the overarching policy intent of enabling a future Welsh Government to extend the scope of the scheme to other types of visitor accommodation in Wales by regulations, subject to Senedd approval.⁹⁴ The Statement of Policy Intent also sets out that the purpose of the power is to:

“... avoid divergence with wider regulatory standards, unless the Senedd considers it to be appropriate, and ensure that the requirements and standards can remain relevant and up to date in the longer term, by removing or updating outdated requirements, or adding new ones to support continuous improvement in standards across the sector.”⁹⁵

Chapter 2 (Licensing)

Section 14 – Visitor accommodation licences

105. Section 14(2) of the Bill indicates that two or more licences may have effect concurrently in respect of the same premises. We sought clarity from the Cabinet Secretary about when and why such a situation could occur. He explained that they are “very rare circumstances”, however:

“... imagine a premise that is let the year round. Over the winter months, it is let not on a short-term basis, but for a six-month period. In the summer period, it is let on a short-term basis. A licence will be needed for the short-term lets in the summer months. Now imagine that the person who has the six-month occupation decides to sublet part of the accommodation on a

⁹³ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

⁹⁴ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

⁹⁵ Welsh Government, Statement of Policy Intent for the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 5 November 2025

short-term basis. They will now need a licence for that activity as well. Licences are issued for a 12-month period, so there will be two different licences and they will both be in operation concurrently, because of the way the system works.”⁹⁶

Sections 17 and 19 - Licence conditions: further conditions & licence applications: approval requirements

106. Section 17(1) confers a regulation-making power on the Welsh Ministers to prescribe further conditions in relation to visitor accommodation licenses, subject to the Senedd approval procedure. Subsection (4) provides that such regulations may amend provisions of the Bill for that purpose. Before making the regulations, the Welsh Ministers must consult any persons they consider appropriate.

107. The Statement of Policy Intent sets out that the purpose of the regulation-making power is twofold: first, to ensure that licence conditions remain “relevant and up to date”, and second to add further licence conditions and new or existing conditions to be applied where additional types of visitor accommodation or premises are brought within scope of the scheme.⁹⁷

108. Section 19(3) enables the Welsh Ministers by regulations to prescribe approval requirements in connection with any further condition that is to apply to a visitor accommodation licence by regulations under section 17, subject to the Senedd approval procedure. The regulations may amend any provisions on the face of the Bill. The Statement of Policy Intent states that:

“The policy intent for this power is to update the application process and approval requirements to reflect any new conditions added as a result of the exercise of the power under section 17, to ensure appropriate approval requirements, for example, should additional types of accommodation be brought into the scope of the scheme.”⁹⁸

Section 24 - Breach of licence conditions: remedial notices

109. Section 24 sets out that the Welsh Ministers must make regulations to establish a remedial notice process for breach of licence conditions, where the

⁹⁶ LJC Committee, 10 November 2025, RoP [97]

⁹⁷ Welsh Government, Statement of Policy Intent for the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 5 November 2025

⁹⁸ Welsh Government, Statement of Policy Intent for the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, 5 November 2025

Welsh Ministers consider that a licence condition is likely to continue to be breached or to be breached again.

110. In response to our questions about whether the Welsh Government had run out of time to put the remedial notice process on the face of the Bill, the Cabinet Secretary asserted that it was an intentional choice to leave that process to regulations. He added that the approach taken in the Bill “was the best way for us to do it—to put the system on the face of the Bill, but then leave the details, work through those details with those people working in the field, and bring them before the Senedd through regulations.”⁹⁹

Section 25 - Expiry and renewal of licence

111. Section 25 specifies that licences will expire after one year, or a longer period if so specified in the licence. It also places a duty on the Welsh Ministers to make regulations in relation to the renewal of visitor accommodation licences. Regulations under section 25 may make provision for offences, appeals, and may amend provisions of the Bill for that purpose. The STAA has raised concern about leaving the renewal process to regulations, potentially under future Ministers.¹⁰⁰

112. We asked the Cabinet Secretary why this approach was taken. The Cabinet Secretary told us that he wanted to avoid a situation whereby visitor accommodation providers had to resubmit information to the Welsh Government on an annual basis if the information held on file was still valid. He added that:

“One of the things the industry told us they were anxious about is that you might suddenly not have a licence. If the renewal process meant your licence wasn't renewed so that your licence was continuous, would that mean you'd suddenly have to stop taking bookings, because now there might be a week or two weeks when the licence hadn't been renewed, because they had so much stuff there to provide to you again to do it?”

113. He argued that regulations are the best way to keep “the renewal process as straightforward and as simple as possible for the vast majority of providers.”¹⁰¹

114. In subsequent correspondence, the Cabinet Secretary added that:

⁹⁹ LJC Committee, 10 November 2025, RoP [47]

¹⁰⁰ ETRA Committee, 13 November 2025, RoP [451]

¹⁰¹ LJC Committee, 10 November 2025, RoP [53] and [54]

“Setting these processes and procedures out in regulations also allows the renewal process to evolve over time, allowing for a more nuanced and responsive approach in consultation with stakeholders, and to take advantage of advances in technology or lessons learned over time, streamlining the process and reducing requirements of providers, wherever possible.”¹⁰²

Sections 26 & 27 - Amendment of licence & provisional licences

115. Sections 26 and 27 permit the Welsh Ministers to make regulations in relation to amending licences and issuing provisional licences. Regulations made under section 27(2) may amend provisions on the face of the Bill, and are subject to the Senedd annulment procedure. The EM states that the provisions relating to provisional licences are:

“... intended to allow consideration of cases where accommodation is unable to meet the approval requirements (for example whilst it is being built or refurbished) but the VAP still wants to advertise (or ‘offer to provide’ it), so that they can be allowed to do so, subject to meeting the approval conditions before visitors are accepted.”¹⁰³

116. We questioned the Cabinet Secretary about why more detail about provisional licences was not set out on the face of the Bill. He responded that provisional licences are a “very small part of the regime, but an important part from the point of view of accommodation providers”. He argued that unforeseen circumstances and scenarios may justify changes to the process, which would require flexibility to implement:

“And I see amendments as being much more likely to be the result of applications from the industry, and they are on those rare occasions when enforcement action will require a change to the licence to enable things to be, well, brought in line. Those are—. Because you are dealing with that level of complexity, and because it is impossible to predict all the circumstances in which these practical provisions will be necessary, that’s why I think it is better to have these things in the regulation part of the Bill rather than on the face of the Bill.”¹⁰⁴

¹⁰² Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

¹⁰³ EM, page 102

¹⁰⁴ LJC Committee, 10 November 2025, RoP [57] and [58]

Section 29 - Power to require information

117. Section 29(1) confers on the Welsh Ministers a power to issue a notice (an information notice) requiring that a person provide the Welsh Ministers with information or documents. The EM states that:

“There may be circumstances in which the Welsh Ministers require particular information to be provided by third parties in order for the regulatory scheme set out in this Bill to function effectively. For example, if evidence provided in a licence application is suspected of being inaccurate or fraudulent, the Welsh Ministers may wish to seek further information from the applicant as to the provenance of a certificate...”¹⁰⁵

118. The Cabinet Secretary clarified that the powers in section 29 relate to Parts 3 and 4 of the Bill, not to the provisions in Part 2 relating to the promotion of tourism functions of the Welsh Ministers.¹⁰⁶

119. Section 29(5) makes provision about the admissibility of information submitted by a person in response to an information notice issued under section 29(1). It provides that, subject to specified exceptions, such information is not admissible in criminal proceedings. We asked the Cabinet Secretary to explain the rationale for including section 29(5) in the Bill. He explained that the provisions:

“... reflects article 6 of human rights legislation in relation to the right to a fair trial. What these provisions do is to ensure that someone subject to an information notice is protected from self-incrimination. That is a standard protection in criminal proceedings and that's why it's here in this Bill too.”¹⁰⁷

Section 39 - Powers to share information

120. Section 39 enables the Welsh Ministers to share information with, or request information from, other public bodies (or vice versa). The EM states that:

“For example, the Welsh Ministers may wish to seek advice from a fire and rescue authority regarding fire safety issues, or a local authority may wish to inform them that it has taken action in

¹⁰⁵ EM, page 102

¹⁰⁶ LJC Committee, 10 November 2025, RoP [60]

¹⁰⁷ LJC Committee, 10 November 2025, RoP [102]

relation to complaints made about a premises which is licensed as visitor accommodation.”¹⁰⁸

121. Section 39(4) of the Bill provides that disclosure of information between the Welsh Ministers and the list of bodies in section 39(3) does not breach obligations of confidence or “any other restriction on the disclosure of information (however imposed)”. We asked the Cabinet Secretary what types of restriction this provision would override, and why is it necessary. He replied that:

“Subsection 39(4) has been included to make clear that a visitor accommodation provider cannot restrict the ability of information to be shared, where this is necessary for the effective co-operation between relevant regulators, and there is otherwise a lawful basis for doing so.”

122. His letter adds that the provisions under section 39 need to be read alongside section 183A of the *Data Protection Act 2018*, as set out under section 39(5).¹⁰⁹

Section 40 - Special provision in respect of campsites and caravan sites

123. If a future Welsh Government extends the licensing regime in the Bill to campsites and caravans using the powers in section 5(1)(b) (see paragraph 98), section 40 allows conditions to be attached to licences of the sort already applicable to those sites under the *Public Health Act 1936* and the *Caravan Sites and Control of Development Act 1960*, subject to agreement from the relevant local authority.

124. Section 40(4) confers a Henry VIII regulation-making power on the Welsh Ministers to modify any provision of Chapter 2 of Part 3 for any purposes connected to the conditions specified in the section. Regulations under this section are subject to the Senedd annulment procedure. We asked the Cabinet Secretary why the powers were necessary, and why the annulment procedure had been chosen. He replied that:

“If a future Senedd were to decide to bring caravan and camping sites under the regime created in this Bill, then these powers exist to make sure that there would be a smooth transition between what is there already and what would be needed in the future, because the type of licensing regime that

¹⁰⁸ EM, page 106

¹⁰⁹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

is in place for campsites and caravan sites is not the same necessarily as the way that the Bill sets it out... were a future Senedd to bring caravan sites and campsites under a licensing regime, that would be the big decision; the big decision would be to bring them within the new regime. That would require consultation, that would require a vote on the floor of the Senedd. And the power in section 40(4) is only exercisable once the Senedd has already made that decision. And what this power is just a practical way of giving effect to the decision that the Senedd would have made.”¹¹⁰

Part 4 (Provision of Information to the Public About Visitor Accommodation)

125. Under section 46, visitor accommodation providers must include a registration number in marketing or advertising material, along with information setting out how to find information about the premises in the visitor accommodation directory in “a manner and form specified by the Welsh Ministers”.

126. We asked the Cabinet Secretary how those requirements will be specified in practice, and why he did not decide to specify the requirements in regulations. In his letter, the Cabinet Secretary sets out that:

“Specifying exactly how this is provided in guidance rather than regulations gives us the room to work in detail with platforms and booking agencies to ensure the required information is communicated as clearly and effectively as possible to the visitor... This is a detailed operational matter which, I concluded, was not best navigated through regulations.”¹¹¹

127. Section 47 creates an offence for failing to comply with the requirements for advertising visitor accommodation in section 46. We sought clarity from the Cabinet Secretary about whether a letting agent or online booking platform could be criminalised for non-compliance with section 46, or just a visitor accommodation provider. He confirmed that the offence would apply to any platform advertising or otherwise marketing visitor accommodation, and argued that “I do not think it is unreasonable to expect booking platforms to take responsibility for publishing accurate information”. The letter clarifies that the

¹¹⁰ LJC Committee, 10 November 2025, RoP [71] and [72]

¹¹¹ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

provision will apply to all registered visitor accommodation, not just self-contained self-catering visitor accommodation.¹¹²

128. Section 49 confers powers on the Welsh Ministers to amend provision made by or under the Bill in relation to where persons carry on business in partnership or as an unincorporated body. The Cabinet Secretary justifies this power as allowing the Welsh Ministers “to respond to new types of business arrangements as practical issues arise in the application of the Bill or the VARL Act to partnerships and unincorporated bodies during implementation or over time, and to prevent any loopholes developing that could undermine the efficacy of the licensing scheme.”¹¹³

129. Section 51 provides that, where an offence under the Bill is committed by a body corporate, a partnership or an unincorporated body, individuals holding positions of responsibility (or purporting to do so) within the relevant body or partnership will be criminally liable for an offence, subject to certain conditions.¹¹⁴

130. Some stakeholders have expressed concern about extending criminal liability to individuals at booking platforms. Both Booking.com and Airbnb stressed that they are unable to determine whether a registration number is valid, and therefore criminal liability should not be placed on senior officers of booking platforms.¹¹⁵ North Wales Holiday Cottages also argued that owners should be responsible for providing the platform with the correct information.¹¹⁶ The STAA argued that:

“... the way that section 46, I believe you're thinking of there, in the Bill is worded is currently vague, so that any booking platform or site that takes bookings would potentially be criminally liable for the accuracy of a registration number, even though they don't have the ability to check that number. Speaking on behalf of some of our larger platform members, including my employer, we list thousands of properties across Wales, and it would not be practical to manually check the registration number of each one.”¹¹⁷

¹¹² Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

¹¹³ Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

¹¹⁴ EN, paragraph 104

¹¹⁵ ETRA Committee, 20 November 2025, RoP [106 to 124]

¹¹⁶ ETRA Committee, 20 November 2025, RoP [136]

¹¹⁷ ETRA Committee, 13 November 2025, RoP [486]

131. They went on to contest the WRA's view (expressed to the ETRA Committee on 5 November¹¹⁸) that it would be "really easy" for booking platforms to verify registration numbers.¹¹⁹

132. While giving evidence to the ETRA Committee, the Cabinet Secretary asserted that criminal penalties would only be used for persistent and deliberate offenders:

*"I think online platform providers do have a responsibility to make sure that the information they provide to potential visitors is accurate. But if it's not accurate for a reason that can be quickly put right, then that's what we would hope to happen. The Bill is designed to be helpful to people, to allow them to do the right thing as easily as possible. Nobody should believe that they are in danger of criminal prosecution for making a mistake. Criminal penalties are there for people who persistently and deliberately decline to meet their legal obligations."*¹²⁰

133. An official accompanying the Cabinet Secretary added that "any offence is subject to the defence of a reasonable excuse", as set out in section 47(1). He set out that:

*"So, if what they have done is reasonable insofar as ensuring that the right information is available, they will not have committed an offence, even if they haven't done what they were supposed to have done under section 46..."*¹²¹

Part 5 (Miscellaneous and General)

134. Section 52 confers a regulation-making power on the Welsh Ministers to add to, repeal, revoke, or otherwise amend any provision in the Bill where a visitor accommodation provider dies, becomes incapacitated, or ceases to exist as a legal entity. Section 53 gives the Welsh Ministers the power to make regulations to provide for the continuity of treatment under this legislation of a business which is transferred as a going concern. The regulation-making powers in both section 52 and 53 are subject to the Senedd approval procedure.

¹¹⁸ ETRA Committee, 5 November 2025, RoP [228]

¹¹⁹ ETRA Committee, 13 November 2025, RoP [496]

¹²⁰ ETRA Committee, 20 November 2025, RoP [489]

¹²¹ ETRA Committee, 20 November 2025, RoP [493]

135. We queried why the Bill gives the Welsh Ministers the power to create offences in regulations using Henry VIII powers. The Cabinet Secretary told us that sections 52 and 53 deal with very “particular” and “unusual” sets of circumstances, which also apart in the VARL Act. He went on:

“Where there has been a death of a visitor accommodation provider for example, what happens then? And while they are rare, you do need to make sure that those things are done in a proper way, that they're not vulnerable to improper actions. And that's why the Bill provides for a regime of criminal offences in relation to those very particular sets of circumstances, and that's why the Bill allows for the penalty regime to be designed to meet those very unusual circumstances. And that's why they don't appear on the face of the Bill, because you'll need to design them to make sure you've captured all the issues that are at stake in those.”¹²²

136. Section 55 contains a power for the Welsh Ministers to issue statutory guidance on the licensing scheme and provision of information to the public. There is no Senedd procedure attached to this proposed power. We asked the Cabinet Secretary whether it would be appropriate for the Government to issue statutory guidance without it first being subject to Senedd scrutiny. The Cabinet Secretary stressed that the statutory guidance “doesn't change anything that the Senedd decides, it just helps people in the field to understand their new responsibilities and how the system will work and so on.” He concluded that “I don't think there is a strong case for the Senedd to try to keep an eye on the guidance as well, because the guidance is based immediately on what's been decided by the Senedd.”¹²³

Our view

Part 3 (Regulation of Visitor Accommodation)

137. The regulation-making power set out in section 5(1)(b) enables the Welsh Government to extend the licensing regime to types of visitor accommodation that do not currently fall under the scope of the Bill, such as hotels, bed and breakfasts, and accommodation provided in the form of spare rooms and campsites.

¹²² LJC Committee, 10 November 2025, RoP [63]

¹²³ LJC Committee, 10 November 2025, RoP [75]

138. The robust response from stakeholders to the Stage 1 consultation on the Bill has demonstrated that extending the licensing regime to different types of tourism accommodation will have significant implications for the sector. The Cabinet Secretary himself has acknowledged that extending the scope of the regime requires additional thought and that it was not possible to do so in time for inclusion in this Bill.

139. We are therefore not persuaded by the Cabinet Secretary's arguments that it is appropriate to enable such a significant change to the scope of this Bill to be made by regulations. The scrutiny process associated with regulations, even those that are subject to the Senedd approval procedure, are insufficiently robust for such a significant legislative change. Future extensions to the scope of the Bill should be proposed to the Senedd in the form of primary legislation, and subject to full Bill scrutiny accordingly.

140. We hope that the decision to enable the scope of the Bill to be extended by regulations will be reconsidered as part of the Welsh Government's response to our Recommendation 4. However, if the Welsh Government is minded to retain those powers, they should be subject to an enhanced approval procedure.

Recommendation 5. If the Welsh Government is minded to retain the powers in the Bill that enable a future Welsh Government to extend the scope of the Bill by regulations despite recommendation 4, the Welsh Government should table amendments to subject the regulation-making power in section 5(1)(b) to an enhanced approval procedure that includes a requirement:

- i. for a minimum period of consultation, including with Senedd committees; and
- ii. to make a statement before any such regulations are made, detailing the outcome of that consultation (including areas of agreement and disagreement with stakeholders) and accordingly how the regulations have taken account of engagement with stakeholders.

141. Section 25 permits the creation of new criminal offences by means of regulations. We do not feel this is appropriate. Criminal offences should appear on the face of the Bill.

142. The House of Lords Constitution Committee has recently noted that "Delegated legislation should not be used to create new criminal offences – this is

generally constitutionally unacceptable”.¹²⁴ In his evidence to the Member Accountability Bill Committee in relation to that Bill, Lord Thomas of Cwmgiedd also makes reference to the strong view in the UK Parliament that criminal offences should be placed in primary legislation.¹²⁵

Conclusion 8. We do not consider it appropriate to create criminal offences using secondary legislation.

Recommendation 6. The Welsh Government should table an amendment to section 25 of the Bill to include on its face the new criminal offences that would apply in relation to visitor accommodation licences.

143. We note the Cabinet Secretary’s assurances that the regulation-making powers in section 27(2) are relevant to specific cases, such as where a VAP wishes to apply for a provisional license to enable them to advertise their accommodation whilst carrying out refurbishment works. However, irrespective of how narrow the intended scope of the powers may be, as a matter of principle we do not believe that it is appropriate for regulations that can amend primary legislation to be subject to the Senedd annulment procedure.

Recommendation 7. The Welsh Government should table amendments to section 57(4) of the Bill to subject the regulation-making powers in section 27(2) to the Senedd approval procedure.

144. We note the arguments put forward by the Cabinet Secretary that the regulation-making powers under section 40(4) are dependent on the Senedd giving its approval to an extension of the licensing regime via regulations laid under section 5. However, as we conclude above in relation to section 27(2), we believe that regulations that can amend primary legislation should be subject to the Senedd approval procedure, irrespective of whether they are linked in policy terms to decisions taken by the Senedd elsewhere.

Recommendation 8. The Welsh Government should table amendments to section 57(4) of the Bill to subject the regulation-making powers in section 40(4) to the Senedd approval procedure.

Part 4 (Provision of Information to the Public About Visitor Accommodation)

¹²⁴ House of Lords Legislative standards of the Constitution Committee: 2017-2024, 6 May 25, number 44

¹²⁵ Member Accountability Bill Committee, *Written evidence: MAB019 Lord Thomas of Cwmgiedd*

145. As the engagement of certain stakeholders attests, the proposed offence in section 47 is contentious. We note the views expressed by some that it is not realistic to expect that larger booking platforms will be able to check registration numbers for each property they list. We also note, with some concern, the assertions of certain stakeholders that the WRA's proposed technical solutions to ensure that booking platforms are able to comply with this requirement are unworkable.

146. Section 46 provides that the specific information that must be included on advertising or marketing material for visitor accommodation will be set out in a manner and form specified by the Welsh Ministers. In effect, therefore, the criteria against which a person will be judged to have committed an offence under section 47 is free from any Senedd scrutiny whatsoever, and can be prescribed in whatever form the Welsh Ministers see fit.

147. We are wholly unconvinced by the Cabinet Secretary's argument that these are detailed operational matters that should not be navigated through regulations. We consider this approach to be inappropriate.

Recommendation 9. The Welsh Government should table amendments to section 46(1) of the Bill to provide that the advertising and marketing requirements in that section, and to which the offence in section 47(1) relates, are to be made by regulations subject to the Senedd approval procedure.

Part 5 (Miscellaneous and General)

148. Sections 52 and 53 confer powers on the Welsh Ministers to make provision for offences by regulations. Irrespective of the Cabinet Secretary's assurances that these powers for use in relation to very specific circumstances, we do not believe that it is appropriate to create offences in secondary legislation for any purpose, and in any context.

Recommendation 10. The Welsh Government should table amendments to sections 52 and 53 of the Bill to include on its face the new criminal offences that would apply in relation to cases where a Visitor Accommodation Provider dies, becomes incapacitated or becomes subject to an insolvency procedure, or otherwise ceases to exist.