

Consultation Response: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill — [Booking.com](https://www.booking.com)

Covering statement

We support proportionate regulation that promotes safe, high-quality visitor accommodation while sustaining the visitor economy which is an important economic driver in Wales. We recommend sequencing improvements through the new all-accommodation registration scheme first, then calibrating any further intervention using evidence gathered from the register's operation. This approach better targets the Bill's stated aims and reduces delivery risk and unintended consequences.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

We welcome the Visitor Accommodation (Register and Levy) Act 2025 and its sector-wide registration scheme as the right first step to improve transparency, awareness and clear data for all visitor accommodation types. Introducing a new licensing layer now, before the register is live and producing market-wide data risks duplication, unintended policy consequences and, therefore, legal vulnerability; the Explanatory Memorandum (EM) itself acknowledges limited baseline data and proposes accelerated timelines relative to the register's rollout. Consultation windows on this Bill have also been materially shorter than comparable exercises, increasing the risk of avoidable design and delivery errors which ultimately will have a material impact on livelihoods and on the tourism industry and rural areas in Wales who depend upon the economic benefits that tourism brings to their communities.

Limiting scope to self-contained premises leaves gaps across other self-catering formats, weakening the consumer-assurance rationale and creating borderline definitional cases that undermine clarity and enforceability. If the objective is safety and assurance, the register would be able to deliver this through clear obligations by accommodation type, self-declarations, risk-based verification and targeted enforcement without the immediate need for licensing for a limited subset of property types.

Recommendation: *implement safety and assurance through the register for at least 12 months, publish non-personal aggregate insights, and only then consider whether any additional, proportionate step is warranted and what scope it should have once this data is available.*

2. What are your views on the Bill's provisions, including whether they are workable and will deliver the stated policy intention?

The proposed apply-and-wait licensing model risks Scotland-style backlogs, business uncertainty and disproportionate cost (see Question 5 for further detail). A more workable design should this model be pursued is to issue an automatic licence number on application (with required documents) followed by retrospective and risk-based checks and a right to rectify errors or update documents that might expire. Whilst not directly relevant to Wales, it should be noted that EU Short Term Rental Regulation ((EU) 2024/1028) requires Member States to ensure the cost- and time-efficient issuance of a registration number upon submission of all mandatory information (Art. 4(3)(b) and Art. 5(3)), which highlights the misalignment of an apply-and-wait model with the EU framework which has been welcomed across industry and highlights how such rules are made in other jurisdictions.

It should be noted here too that there should be a desire for the system to be easy, accessible and not encourage a black market of unregistered and unlicensed properties - where non-compliance and consumer safety will be at risk, as we have seen in Scotland with slower adoption rates.

The Welsh Government's approach appears to conflate self-catering visitor accommodation with long-term private-rented-sector housing, despite these being fundamentally different operating models. Service-intensive tourism businesses require a dynamic, hands-on and local presence to meet guest needs and manage property turnover, which contrasts sharply with the landlord-tenant relationships typical of long-term rentals. Moreover, limiting the framework to self-contained units will not deliver consistent consumer assurance and will create enforcement gaps across other forms of self-catering accommodation.

3. In your view, are there any potential barriers to the implementation of the Bill's provisions?

- **Volumes, timelines and resourcing:** the Explanatory Memorandum assumes c. 30,000 annual licences but provides limited operational detail on per-case processing; by comparison, Rent Smart Wales processes far fewer landlord licences (avg. ~6,000 p.a.), already taking up to 8 weeks under lighter, self-declaratory processes and without document upload/verification—raising concerns that an apply-and-wait model with document checks is under-resourced for the task.
- **Roles and responsibilities:** insufficient clarity on the roles of owners vs operators for applications and training. This will be of particular concern for property managers who manage properties on behalf of owners.

- Platform responsibilities:** as discussed in meetings with Welsh Government, we are concerned by the wording in Section 47 around platform responsibilities as an advertising platform, we are reliant on the information provided to us by our accommodation partners. We have various tools in place to ensure that registration numbers follow a specific, predefined format -- for example, a fixed combination of letters and digits of a certain length. This can prevent invalid entries, such as all zeros. We also have robust systems in place to handle takedown requests from local authorities and others to ensure we remove non-compliant listings swiftly. We have a Public Authority Portal in order to process such requests and would welcome the opportunity to discuss this in more detail to Welsh Government. Ultimately, any accommodation listing on our platform must comply with all applicable local laws and regulations and will be removed from the platform if this is not the case. Upon registration, a host must agree to our Accommodation Agreement or General Delivery Terms (GDTs). It is therefore the responsibility of the operator to ensure that, prior to entering into an agreement with Booking.com, they possess all necessary documentation to lawfully operate their business and list the accommodation on our platform. Our concern is that the current wording could create a disproportionate legal liability, effectively requiring platforms to actively monitor the accuracy of every registration number. This would contradict established principles of UK and EU law, such as the E-commerce (EC Directive) Regulations 2002 (implementing the E-commerce Directive), which prohibit imposing a general obligation to monitor content. We have not had any additional conversations with the Welsh Revenue Authority on what additional checks we can do as a platform, and would welcome an opportunity to discuss this with our technical team, and provide examples from other jurisdictions.

4. Do you feel there will be any unintended consequences arising from the Bill?

There are a few points which we would like to highlight.

- Annual determinations with uncertain renewal would disrupt long booking horizons (12–24 months) and deter investment by operators. Multi-year licences or automatic renewals for compliant operators would reduce risk and support forward bookings.
- Scope limited to self-contained units risks a two-tier system of consumer assurance, weakening the policy rationale and creating enforcement arbitrage across formats.
- At a time of cumulative regulatory change, added cost and uncertainty risks pushing supply out of the compliant channel, reducing availability in rural/coastal areas and harming the very visitor economy and local communities the Bill seeks to support.

5. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

Key assumptions look materially understated:

- The Explanatory Memorandum's indicative fee (~£75 per premises per year) is far below online Rent Smart Wales fees (£254) despite RSW being lighter-touch and self-declaratory; Scottish fees indicated in their impact assessment (£214–£436) and in practice (Edinburgh £653–£6,000) are much higher, especially where document verification/storage is involved.
- Estimated public liability costs (£200–£300) appear low against market experience, weakening the overall robustness of the cost model.
- Processing volumes/timings have not been modelled with sufficient granularity given the apply-and-wait approach and the projected annual application load.

Recommendation: *expand the Regulatory Impact Assessment after register data is available, using actual volumes, provider mix and observed compliance patterns; calibrate any additional step accordingly and commit to a post-implementation review with corrective powers. Another reason to be cautious as to passing this Bill without full data and information.*

6. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1: Chapter 5 of the Explanatory Memorandum)?

The Bill confers broad regulation-making powers (scope expansion, fitness standards, training, approval requirements, penalties, transitional provisions). While some flexibility is necessary, unresolved delivery questions (fees, processing standards, platform obligations, inspection powers, offences) are required to understand the scope of the regulations and the impact on businesses, which remains unclear. Excess reliance on later regulations has already created uncertainty for providers.

7. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

We will be able to go into further detail on these points in our evidence session on Thursday 20th November. However, the following gives an overview of some other points we wish to raise beyond the questions above:

- Replace mandatory training with detailed guidance and a code of practice; many operators already meet legal conditions and have been operating for many years, so mandatory training adds cost without clear incremental benefit.
- Commit to transparent data publication from the register/directory to support evidence-led policy and enforcement; provide clear guidance for consistent definitions and documentation requirements across this national scheme, something we do welcome.
- **As per our response to Question 3**, we would recommend the following in terms of Section 46 and 47 on platform responsibilities along with further discussions with Welsh Government on how we can support and our experience of platform obligations across other jurisdictions:

Proposed amendments to Section 46 (Advertising and Marketing: Provision of Information to the Public) **(in red)**

- Section 46(1)

(1) A **Visitor Accommodation Provider (VAP)** must not advertise or otherwise market **regulated** visitor accommodation at premises without including, in a manner and form specified by the Welsh Ministers —

- (a) the registration number for the premises, and
- (b)[**We recommend removing Section 46(1)(b) (“instructions on how to find information in the directory”), as the registration number alone is sufficient for verification or make it optional.**] instructions about how to find information about the premises, using that registration number, in the visitor accommodation directory made available to the public under section 45 (visitor accommodation directory).

- Section 46(2)

(2) For the purposes of this section, the registration number for the premises is —

- (a) where the person is a VAP, the registration number issued by WRA to the person in respect of the premises under Part 2 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (asc 5), or

(b)[We recommend deleting 46(2)(b), as it becomes surplusage if Section 46(1) is amended to explicitly target VAPs.]

- Finally, we urge consideration of whether the aim of ensuring compliant self-catering units could be met through alternative measures within the Registration scheme under the 2025 Act. The current approach appears rooted in limited data and a misunderstanding of the sector, creating the mistaken impression that self-catering properties are inherently non-compliant, do not give back to local communities and require additional regulatory burden through licensing. Yet self-catering accommodation has long been central to Wales's visitor offer, particularly in rural communities with few alternative accommodation types. The Welsh Visitor Economy and rural communities rely on self catering accommodation guests to spend in local businesses (e.g. cafes, visitor attractions and activities, local shops) as well as the services required to operate self catering accommodation which must be local in order to operate (e.g. cleaning and turnover services, meet and greet, maintenance etc) so any legislation that is passed that could affect them must be introduced and properly scrutinised to avoid any unintended consequences that could affect the same local communities Welsh Government aims to support.