

CHANDLER & THONG-EK LAW OFFICES LTD.

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Legislation Progress

1. A list of double tax treaties as of October 31, 2008 which Thailand has concluded with 52 countries is available in both English and Thai at the Library.

The following important legislation was published in the Government Gazette:

Commerce, Communication, Customs, Duty and Tax

1. Ministerial regulations No. 266 issued under Revenue Code increasing the amount of income tax exemption for the income paid as contributions to the provident fund, amount paid for buying investment units in retirement mutual fund, and long-term equity fund including the money paid as insurance premiums for life insurance; exempting income of community enterprise in an amount not exceeding Baht one million and two hundred thousand from inclusion for computation to pay income tax. (2805)
2. Decision of Committee on Tax and Duty Consideration No. 37/2551 re ordinary person income tax, in the case of tax credit on dividends, received from a company with duty to pay income tax under the law governing petroleum income tax, under Section 47 bis of Revenue Code (B1806)
3. Notification of Ministry of Finance re abrogation, addition and amendment of import of tariff in Part 2 of Royal Proclamation on Customs Tariff B.E. 2530. (3006)
4. Notification of Director-General of Revenue Department relating to specific business tax (No. 12) prescribing other juristic persons as other juristic persons under securities sale agreement. (1407)
5. Notification of Ministry of Finance re bases and conditions respecting reduction of rate of tax on diesel oil blended with bio-diesel B.E. 2551. (2407)
6. Notification of Ministry of Finance re bases and conditions respecting reduction of rate of tax on gasohol B.E. 2551. (2407)
7. Ministerial regulation prescribing form of letter of seizure or attachment of computer system. (2507)
8. Royal decree No. 473 governing deduction of wear and tear and depreciation of property. (0608)

9. Royal decree No. 474 governing reduction of rate of taxes and duties for listing of securities on the Stock Exchange of Thailand under the law governing securities and exchange during 1 January 2007 until 31 December 2008 and such has duly been listed within 31 December 2009. (0608)
10. Royal decree No. 475 governing reduction of rates of taxes and duties; the rates of income tax under (a) of (2) for the company or juristic partnership of the Schedule of Income Tax Rates annexed to Chapter 3 in Title 2 of the Revenue Code. (0608)
11. Royal decree No. 479 extending the period of reduction of value added tax from 10.0 per cent to 6.3 per cent until 30 September 2010 and to 9.0 per cent from 1 October 2010 onwards. (2308)
12. Ministerial regulations fixing rates of fees for registration, application for examination of documents, application for copying of documents and certification thereof, and other fees concerning partnership and limited company. (0909)
13. Order of Revenue Department No. Por.135/2551 re juristic person income tax, in case of amortization of value of capital increase shares not recovered from dissolution of debtor company as expenses of company which is not disallowed under Section 65 ter (12) of Revenue Code. (0808)

Drug, Energy, Export & Import, Finance

1. Notification of Ministry of Commerce prescribing stones as goods subject to permission to import. (2507)
2. Notification of Ministry of Commerce re bases, procedures and conditions respecting submission of application for consideration of prescription of measures protecting importation of additional goods. (1806)
3. Ministerial regulations governing application for and issuance of license to operate escrow business for financial institution. (0808)
4. Notification of Bank of Thailand No. Sor.Nor.Sor.21/2551 re permission to allow commercial bank and finance company to operate escrow business, particularly acceptance of deposition and keeping of money in escrow account. (0308)
5. Notification of Food and Drug Administration re display of nutrient function claims. (0308)
6. Two notifications of Fiscal Policy Office re (1) prescription of form of license to operate escrow business. (2) prescription of form of application for license to operate escrow business. (1308)
7. Notification of Bank of Thailand No. Sor.Nor.Sor.77/2551 re directive for compliance by financial institution respecting acceptance of deposits or receiving money from the general public. (0308)

8. Royal decree governing control and supervision of electronic payment service business. (1609)
9. Ministerial regulations prescribing electrical power imported into or exported out of the Kingdom to be exempted from enforcement under Section 5 of Customs Act (No.7), B.E. 2480. (2509)
10. Ruling No. KorKhor 1003/19720 dated 31 October 2008 of Permanent-Secretary for Ministry of Finance to Director General of the Department of Lands re clarification on nature of credit foncier business operation under the Financial Institutions Act B.E. 2551. (finance/land)

Industry and Investment

1. Ministerial regulation No. 17 issued under Machinery Registration Act, B.E. 2514 reducing the burdens on the collection of fees. (0808)
2. Ministerial regulation prescribing bases and procedures respecting application for and issuance of substitute license, removal of place specified in license, and transfer of license. (1508)

Labor and Land, Public Health

1. Notification of Ministry of Labor re bases and procedures respecting demanding or accepting from employee security for employment or security for damages from employment B.E. 2551. (0407)
2. Royal decree applying medium prices of lands used for assessment of local development contributions of B.E. 2521 to B.E. 2524 on assessment of local development contributions of B.E. 2551. (2006)
3. Notification of Ministry of Public Health re names and categories of active substances requiring warning or caution. (2507)
4. Letter of Ministry of Interior dated July 21, 2008 re application for acquisition of land by juristic person whose shares are held by foreigners. (land)

Miscellaneous

1. Ministerial regulations prescribing categories and bases on operation of hotel business B.E. 2551. (2305)
2. Ministerial regulations prescribing fees, bases and method of payment of fees for hotel business operation B.E. 2551. (0606)
3. Notification of Bank of Thailand No. Sor.Nor.Sor.4/2551 re holidays of commercial bank, finance company and credit foncier company for 2009. (2507)
4. Notification of Registrar throughout the Kingdom re owner of CNG or LPG modified car to bring car for condition inspection (0308)

5. Ministerial regulations prescribing equipment and components of vehicle used for transportation using liquefied petroleum gas as fuel. (2208)
6. Ministerial regulations prescribing equipment and components of car using liquefied petroleum gas as fuel. (2208)
7. Notification of the Capital Market Supervision Board No. ThorJor.27/2551 re special requirements regarding holding of securities for business takeover to relief impacts from overseas financial crisis dated 14 November 2008. (SEC)

Summary of laws and general matters approved by the resolutions of the Cabinet during June – October 2008

1. Approved the establishment of the PPP Committee (Policy Cooperation between Private Sector and Public Sector) and PPP Unit as proposed by the Budget Bureau. (0306)
2. Approved the tax strategy to support the use of E85 as proposed by the Ministry of Finance. (0306)
3. Approved the expansion of the Broadband IP network by the TOT Public Company Limited. (0306)
4. Approved draft royal decree re remunerations, expenses, rights and benefits of the Chairman and directors of the Energy Business Supervision Committee. (1006)
5. Approved the Provincial Electricity Authority to proceed with the construction of the Power Distribution System Reinforcement Project 7th stage in the amount of Baht 17,270 million. (1006)
6. Approved the 8th master plan of improvement of water work business of the Metropolitan Waterwork Authority, in the amount of Baht 7,494 million. (1006)
7. Approved the appointment of 13 members of the Committee of Provincial Electricity Authority. (1006)
8. Approved the proposal of the Ministry of Natural Resources and Environment to supersede four Cabinet Resolutions concerning the guideline for development of coal sources dated 12 July 2531, 5 June 2533, 10 March 2535 and 25 September 2544 (1706)
9. Approved the increase of civil work budget and advisory costs of Purple Line Rail Project Bang Yai-Bang. (1706)
10. Approved the signing of Heads of Agreement on Sale of Natural Gas from exploration block M9 in Gulf of Martaban of Myanmar between PTT Public Co., Ltd., the purchaser, and Myanma Oil and Gas Enterprise (MOGE), an agency under the supervision of the Ministry of Energy of Myanmar and PTTEP International Co., Ltd., a co-dealer, for development, production and use of gas from block M-9 in around 2012.

11. Approved the draft ministerial regulations specifying that the electricity energy imported or exported is exempted from the enforcement under Section 5 of the Customs Act (No.7), B.E.2480. (0107)
12. Approved the establishment of ASEAN Minerals Trust Fund with the budget of US\$15,000 yearly. (0807)
13. Approved the draft ministerial regulations prescribing prohibited characteristics of an alien who is to apply for a work permit as proposed by the Ministry of Labor. (2207)
14. Acknowledged the Judgment of the Constitutional Court holding that the announcement jointly made by Thai-Cambodia dated 18 June 2008 is the agreement which requires the approval from the Parliament under Section 190 of the Constitution of the Kingdom. (2207)
15. Approved the signing of ASEAN Petroleum Security Agreement made between the Ministry of Energy of Thailand and Ministries of Energy of ASEAN country members. (2907)
16. Approved the appointment of Mr. Suriyan Apiraksattayakul, Director of International Petroleum Operations Office, Department of Mineral Fuels, to be Chief of Administrative Officer of Thailand-Malaysia Joint Authority, with a 4-year term, effective from 1 October 2008 – 30 September 2012. (0909)
17. Approved the appointment of Mr. Kurujit Nakornthap, Deputy Permanent Secretary, Office of the Permanent Secretary, Ministry of Energy, to be Director-General of Department of Mineral Fuels, and Mr. Kririt Nilkuha, Director-General of Department of Mineral Fuels, to be Deputy Permanent Secretary of the Office of Permanent Secretary, Ministry of Energy, effective from the date of Royal appointment. (0909)
18. Approved the amount of reduction for computation of personal income tax to encourage the investors to invest in the Securities Exchange in Thailand. (1410)
19. Acknowledged the 2nd progress report on 6 measures 6 months project to get through the economic crisis as presented by the Office of the National Economic and Social Development Board. (2110)
20. Approved the draft royal decree stipulating type, size and nature of energy business exempted from license. (2810)
21. Approved draft royal decree extending bank deposit guarantee. (2810)