

CHANDLER & THONG-EK LAW OFFICES LTD.

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**The following important legislation was published in the Government Gazette:**

**Act, Account, Alien, Banking, Finance and Securities**

1. Notification of Exchange Control Officer (No. 5) re the authorized juristic person shall keep the foreign currency transaction form, document, order or text via authenticated SWIFT, application form, and documents issued by the authorized juristic person, including related documents, for not less than 5 years for examination by the Officer upon request. (2209)
2. Notification of Exchange Control Officer (No. 2) re the authorized person must provide a book of account and see to it that there be recorded the transactions concerning buying or selling of foreign bank notes and the book shall be kept for a period of not less than 5 years for examination by the Officer at all times. In buying or selling foreign bank notes, the authorized person shall provide an evidence which shall contain date of buying and selling, name, surname and address of the customer, kind and amount of foreign currency, etc. (2209)
3. Notification of Exchange Control Officer (No. 2) re bases and practice concerning operating business as international money transfer agent. (2209)
4. Notification of Exchange Control Officer re bases and practices concerning money management centre. (No. 2) (2209)

**Commerce, Communication and Export and Import**

1. Order of Central Partnerships and Companies Registration Bureau No. 102/2549 re supporting documents of application for registration of partnership and limited company. (BBSO9673/2007)
2. Regulations of Office of Trade Competition Commission governing guidelines on consideration of trade practices between wholesale/retail business operator and manufacturer or seller B.E. 2549. (1110)
3. Notification of National Telecommunication Commission re process of submission of license to provide international internet gateway service and internet exchange service type two. (2111)

4. Notification of National Telecommunication Commission re application for license to provide international internet gateway service and internet exchange service type three. (2111)
5. Notification of Department of Business Development re prescription of form of proxy (No. 4). (1511)
6. Department of Business Development re bases and procedures respecting filing of financial statements (No. 5). (1511)

### **Customs, Tax and Duty**

1. Notification of Ministry of Finance re exemption of excise tax for remote sensing satellite project of Thailand. (0610)
2. Order of Revenue Department No. Thor.Por. 155/2549 re accrual basis for computation of income and expenditure of company or juristic partnership. (2809)
3. Notification of Director-General of Revenue Department (No. 154) re bases, procedures and conditions respecting reduction of rate of income tax of commercial bank for income received from off-shore deposition or borrowing for off-shore lending. (1010)
4. Notification of Director-General of Revenue Department (No. 155) re bases, procedures and conditions respecting exemption of income tax of commercial bank for fees received by commercial bank by acting as loans provider of joint lending description. (1010)
5. Notification of Director-General of Revenue Department (No. 156) re bases, procedures and conditions respecting exemption of juristic person income tax for listed company in the Stock Exchange of Thailand under law governing securities and exchange on income paid for investment or addition, modification, extension or improvement of property which is not a repair thereof. (1611)
6. Notification of Director-General of Revenue Department (No. 157) re bases, procedures and conditions respecting exemption of juristic person income tax for company or juristic partnership on income received from sale of machinery used in business operation for buying new machinery for replacement thereof. (1611)
7. Notification of Director-General of Revenue Department (No. 165) re bases, procedures and conditions respecting submission of application for registration of value added tax and issuance of value added tax register. (2809)
8. Notification of Director-General of Revenue Department (No. 166) re forms, bases, procedures and conditions respecting reporting of changes of value added tax register and issuance of value added tax register duly changed. (2809)
9. Notification of Excise Department re meaning of bar code on liquor stamp for liquor sold in bonded warehouse located within customs airports. (1611)

### **Immigration, Industry, Insurance and Investment**

1. Notification of Ministry of Industry re factories which must have wastewater treatment system to install special equipment or accessories and additional equipment or accessories (No. 3). (1910)
2. Ministerial regulations prescribing forms, bases and procedures respecting application for permit and issuance of permit for aliens permitted to enter into the Kingdom under the law governing immigration under Agreement on Employment between the Government of the Kingdom of Thailand and the Governments of other Nations. (2711)

### **Labor, Land and Public Health**

1. Ministerial regulations governing application for permission and issuance of license to sell animal foods, B.E. 2546. (1109)
2. Notification of Food and Drug Administration prescribing beverages containing alcohol as goods subject to label control. (1310)
3. Order of Food and Drug Administration No. 504/2549 re prohibition of advertisement of beverages containing alcohol. (1310)
4. Notification of Ministry of Public Health re exemption of registration of naphthalene and p-dichlorobenzene. (1810)
5. Notification of Ministry of Public Health (No. 17) B.E. 2549 re designating names or categories of public places where there must be provided non-smokers health protection, and designating any or all parts of said public places as smoking area or non-smoking area, and designating conditions, descriptions and standards of smoking area or non-smoking area. (2909)
6. Notification of Ministry of Public Health (No. 10) B.E. 2549 re bases, procedures and conditions respecting display of toxic agents and carcinogens in label of cigarette under Tobacco Products Control Act, B.E. 2549. (2909)
7. Notification of Ministry of Public Health (No.11) re bases, procedures and conditions respecting display or pictures and statements of warning of hazards, date of manufacture, source of manufacture, and saleable only in Kingdom of Thailand, in labels of cigarette and cigar under Tobacco Products Control Act, B.E. 2535 (2909)
8. Notification of Ministry of Labor re minimum wage rate (No. 7) to be effective from January 1, 2007. The basic minimum wage rate shall be fixed at Baht 143.00 per day. The minimum wage rate shall be fixed at Baht 191.00 per day in Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakarn and Samut Sakorn; Baht 186.00 in Phuket, Baht172 in Chonburi, Baht 161.00 in Rayong, Baht159.00 in Chiangmai and Pang Nga., etc. (0811)

### **Miscellaneous**

1. Notification of Office of Central Board Governing Prices of Goods and Services fixing period of time for supervising and monitoring movements of prices of goods and services as a special case (No. 10). (0210)
2. Policy statement of the Council of Minister, English version, delivered by General Surayud Chulanont, Prime Minister of the Kingdom of Thailand to the National Legislative Assembly on Friday, November 3, 2006, is available at Library.
3. A list of progress of legislation as of November 30, 2006 is available at Library.
4. A list of double tax treaty as of November 30, 2006 which Thailand has concluded with 52 countries is available both English and Thai at Library.

### **Summary of laws and general matters approved by the resolutions of the Cabinet during October – November 2006**

1. Consideration of the Alcohol Control Bill proposed by the Ministry of Public Health and assigned the Deputy Prime Minister (Mr. Kosit Panpiemras) to review in detail with the related work units and re-submit to the Cabinet for consideration. (1710)
2. Approval of draft royal decree prescribing bases and procedures for electronic business in government sector, B.E..... (2410)
3. Approval of special condition in asset based financing for purchase of two Boeing B777-200ER of Thai Airways International Public Company Limited and giving assignment to the Ministries of Finance and Transports to issue letter of guarantee to Export Credit Agencies. The Office of the Council of State will arrange for legal opinion on this loan. (2410)
4. Approval of the Offence Relating Computer Bill, B.E.... which has been reviewed by the Office of the Council of State. The Bill will then be forwarded for consideration of the National Legislative Assembly. (3110)
5. Approval of the procurement of magnetic smart card by the Ministry of Interior to be issued by computer system in 1.5 million cards. (3110)
6. Approval of National Health Bill proposed by the Ministry of Public Health and will be forwarded to the National Legislative Assembly for consideration. (0711)
7. Approval of the Bill Dissolving Financial Institution's Assets Management Corporation, B.E.... (0711)
8. Approval in principle the guideline of development of 4 routes of mass rapid transit system in Bangkok and outskirts, i.e., (1) blue route (Hualampong-Bangkae and Bangsue-Thapra), (2) purple route (Bangyai-Bangsue), (3) red route (Bangsue-Rangsit, Bangsue-Talingchan and Bangsue-Makkasan-Huamark) and (4) light green route (Onnuj-Samutprakarn) and dark green route (Morchit-Sapanmai) (0711)

9. Approval granted to PTT Exploration and Production Public Co., Ltd. and the petroleum concession group No. 5/2515/9 for exploration block in Thai Gulf No. 14, 14A area, to extend the 3<sup>rd</sup> stage of petroleum exploration to 4 years (from 27 February 2006-26 February 2010) under Section 25 of the Petroleum Act, B.E. 2514. The Ministry of Energy will issue supplementary petroleum concession (No. 13) of Petroleum Concession No. 5/2515/9. (1411)
10. Approval of the operation of Apico (Khorat) Co., Ltd., the onshore petroleum concessionaire in Block No. L27/43, be postponed from September 24, 2006 to 24 September 24, 2007, under the obligation of petroleum exploration. The Ministry of Energy will issue a supplementary petroleum concession (No. 3) of Petroleum Concession No. 9/2546/66 according to the resolution of the Petroleum Committee adopted at the meeting No. 5/2549/373 held on September 11, 2006 (1411)
11. Approval in principle the open of permanent check point in Mittraparb 2 Bridge (Mukdaharn-Sawannaket) in Muang Mukdaharn District, Mukdaharn Province opposite Ban Nakae, Muang Kantaburi, Lao, to be effective from December 20, 2006. (1411)
12. Acknowledgement of report and measure on solving the problem of irritated noise from Suvannabhumi Airport from the Ministry of Natural Resources and Environment and Ministry of Transport. (1411, 2111)
13. Approval of memorandum of understanding on cooperation of exchange of financial report to prevent and suppression of money laundering between the Anti-Money Laundering Office and The Financial Report Authority of Cayman Island. (1411)
14. Approval of Establishment of Alternative Energy Production and Research Center of Bangchak Petroleum Public Co., Ltd. (2111)
15. Approval of national energy development plan and policy, guideline on supervision of electricity and natural gas, extension of electricity purchase from Lao and Petroleum Amendment Bill (No...), B.E.... (2111)
16. Approval of mega investment project of government, state enterprise, public organization or work units of state which must be submitted for consideration of the Cabinet under Section 4(8) of the Royal Decree Governing the Presentation of the Case and Cabinet Meeting, B.E. 2548. (2111)
17. Approval of Protection of Operation of International Telecommunication Satellite Organization, B.E.... (2111)
18. Approval in principle the draft royal decree issued under Revenue Code re tax measure for support the finance market by reducing special business tax from 3.0% to 0.01% to the bank, finance, securities, credit foncier businesses and other businesses similar to commercial bank for the income derived from the operation of finance market according to the bases, procedures and conditions prescribed by the Director-General of Revenue Department. (2811)

19. Approval in principle the Financial Institution Business Bill, B.E... as proposed by the Ministry of Finance. The bill will be forwarded for the Office of the Council of State's review. Major points of this bill are as follows: (2811)

The bill consists of 162 Sections dividing into 9 Chapters:

- Chapter 1 – Establishment and acceptance of application.
- Chapter 2 – Structure of financial institution.
- Chapter 3 – Supervision of financial institution.
- Chapter 4 – Inspection of financial institution.
- Chapter 5 – Measure of solving problem of financial institution.
- Chapter 6 – Take over of financial institution.
- Chapter 7 – Supervision of financial institution in special case.
- Chapter 8 – Penalty provision.
- Chapter 9 – Transitory provision.

The major sections are as follows:

Section 4 – Specification of the definitions of retail banks and commercial banks which are the affiliates of the foreign banks to be in line with financial master plan.

Section 5 – The Bank of Thailand is empowered to issue royal decree to use the provisions in this bill to enforce the business whose nature is the acceptance of deposit, loan or finance business of which such business affects the economic system of the nation and no specific law controls it.

Section 8 – The Ministry of Finance is in charge of this bill. It is the duty of the Bank of Thailand to clarify the method of solving the financial institution's problem or control the financial institution with the House of Representatives or Senators.

20. Approval in principle draft royal decree governing bases and procedures for issuance of electronic signatory, B.E..... (2811)
21. Approval of Cancellation of Cabinet Resolution dated 12 July 2005 re measure of solving national energy problem by prohibiting the selling of all types of fuel oil during 22.00 – 05.00 hours to be effective from December 1, 2006. (2811)
22. Approval of ministerial regulations (No...), B.E... issued under Revenue Code prescribing that the income paid for the insurance premium for health insurance for parents of the income earner as well as parents of the spouse in the actual amount but not exceed fifteen thousand baht; and income paid by the employer as insurance premium for group insurance for the part which covers medical care for employee, husband, wife and parents or descendants who are dependents of the employee, shall be assessable income which is exempted for income tax. (2811)