



## Legal Update Week 35-36 (27 August – 9 September 2018)

Dear All,

### Thailand legal news

- **28 August 2018:**
  - The NLA prepared to announce its achievement over 4 years on 27 September 2018, saying that over 300 bills were qualitatively passed.
  - The Anti-Corruption Organic Act B.E. 2560, section 62, clearly specified that Public Sector Anti-Corruption Commission (PACC) can investigate higher level directors (equal to C9) or less without any legal issue, moreover, the concept is to centralize all corruption cases to be acknowledged by the National Anti-Corruption Commission (NACC) before NACC allocates cases to PACC or inquiry officials.
- **29 August 2018:**
  - The Supreme Court acquitted former PM Thaksin Shinawatra on TPI rehabilitation case which the NACC accused him of violation of the Criminal Code, section 157.
  - The Supreme Court, by majority votes, dismissed the case of Suchart Muankaew, former metropolitan police chief, accused of violating of section 157 of the Criminal Code on the 2008 crackdown on People's Alliance for Democracy protestors.
- **30 August 2018:**
  - Applying for Inheritance Administrator now can be done online through e-Form & e-Filing system and Video Call witness hearing. The court ruling will be delivered via mail. In every step, the parties do not need to be present in the court.
- **31 August 2018:**
  - The Civil Court found Mrs. Boonporn, CEO of Yuanta Securities (Thailand) Co., Ltd. (Yuanta), who was a former Co-CEO of Maybank Kim Eng Securities (Thailand) Pcl. (MBKET), guilty regarding the lawsuit on holding MBKET's confidential information of brokers remuneration and soliciting approx. 205 MBKET's employees to work with Yuanta. The Court

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sentenced her to compensate MBKET for THB 578 million with 7.5% interest, along with THB 1 million MBKET's lawyer fee. However, Mrs. Boonporn intended to appeal.

- **1 September 2018:**

- Taiwan government considered reducing visa-waiver for Thais from 6 times to 2 times per year (14 days/each) due to prostitution problem. According to the Immigration Bureau, 309 Thai prostitutes were arrested in 2017, while only 18 and 3 people in 2016 and 2015 respectively.

- **4 September 2018:**

- Labour Minister aimed to expand social security protection to 1 million informal workers to be an insured under section 40. Moreover, more benefits will be granted to the insured soon e.g. increasing child support from THB 400 to THB 600 per month, antenatal care, compensation, etc. The SSO also planned to increase capped monthly wage from THB 15,000 to THB 20,000 (i.e. the contribution will increase from THB 750 to THB 1,000 per month).

- **6 September 2018:**

- The Administrative Court ordered the State Railway (defendant) to pay THB 3,139,452.05 compensation and pay in lieu of advance notice (including interest) to Mr. Prapas Jongsa-nguan (plaintiff), former governor of the State Railway, who was early terminated due to the command of National Council for Peace and Order (NCPO) in 2014. The Court reasoned that the plaintiff did not breach the contract, and the defendant did not submit an advance notice (this termination condition was not specified in the contract as the case of termination without advance notice).

- **8 September 2018:**

- National Broadcasting and Telecommunication Commission (NBTC) claimed THB 4.2 billion in total for compensation on True Move customers' personal data leaking case to be levied as public revenue.

## New Cabinet resolutions

### 28 August 2018:

- **Approved Draft:** Draft on The Revenue Code Amendment Act (No. ..) B.E. .... (Income tax on debt securities investment through mutual fund)
  - Income from the transfer of investment unit in mutual fund is assessible income under section 40(4)(g). However, a person can enjoy tax exemption for transactions in Thai security market (profits from selling).
  - Thai person can choose to pay tax on 10% flat rate, and foreigners are subject to 10% withholding tax.
  - CIT rate for mutual fund is 15% of gross income before expenses.
- **Approved Draft:** Draft on Judicial Police Officer Act B.E. .... prescribing the definition of “Judicial Police Officer” duty and authority.
- **Approved Draft:** Draft on Ethics of Government Officer B.E. ....
  - Set ethics standard for government officers.
  - Authorize Ethics Standard Committee for Government Officer.
  - The Committee shall suggest and consult the Cabinet regarding policy and strategy for government ethics support.
  - Order every central personnel agency for government officers to provide code of ethics and enforcement.
- **Approved Draft:**
  1. Draft Min. Reg. prescribing rule and procedure for marine shipping business registration (No. ..) B.E. ....
  2. Draft Min. Reg. prescribing rule, procedure, and condition for data, statistic, and important detail informing regarding maritime business B.E. ....
- **Approved Draft:** Draft Min. Reg. prescribing rule, procedure, and condition for reparation of building that may cause danger to health, life, body, or property, danger from fire, may cause nuisance, or affect environmental quality conservation B.E. .... Amending Min. Reg. No. 47 (B.E. 2540) issued under Building Control Act B.E. 2522.
  - Revoke definition of “High Building” and “Edifice”.
  - Change definition of “Large Building” “Public Building” and “Apartment”.
  - Add definition of “Condominium” “Dormitory” etc.

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- Owner or possessor of old building shall provide safety inspection result.
- etc.
- **Approved Draft:** Draft on Min. Reg. No. .. (B.E. ....) issued under Anti-Money Laundering Act B.E. 2542 [prescribing that the e-payment system is a financial institution under anti-money laundering law.]

## 4 September 2018:

- **Approved Draft:** Draft on Research and Innovation Promotion Act B.E. .... prescribing research fund provided by the government and its conditions.
- **Approved Draft:** Draft on Royal Decree indicating expropriation area in parts of Nonthaburi and East Bangkok B.E. .... and Draft on Royal Decree indicating construction area for transportation in parts of Nonthaburi and East Bangkok B.E. .... (for **Pink line monorail project**: Khae Rai - Min Buri)
- **Approved Draft:** Draft on Min. Reg. prescribing rule, procedure, and condition for maintenance of insurance, financial securities, and attested certificate for civil liability for oil pollution damage caused by ships B.E. .... Obligated Thai ship carrying more than 2,000 tons of oil in bulk as cargo shall be required to obtain/maintain insurance or other financial security, such as Blue Card Insurance, the bank guarantee, etc.
- **Approved Draft:** Draft on an Announcement of the Ministry of Finance on restricted products for import and transfer from the Islamic Republic of Iran B.E. .... e.g. weapons.

## Royal Gazette Update:

Date	Part	Subject
29 August 18	Gor	• Regulation of the NACC on the commission supporting cooperation of government and people on anti-corruption B.E. 2561

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29 August 18	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Ministry of Health on Cosmetics Registration B.E. 2561 issued under Cosmetics Act B.E. 2558 prescribing how to register/issue/renew/amend notification receipt.</li></ul>
31 August 18	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Energy Regulatory Commission on service rate specification of natural gas for licenser B.E. 2561 (setting formula for service rate calculation)</li></ul>
31 August 18	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Energy Regulatory Commission on standard of service agreement for major electricity user B.E. 2561 prescribing standard form of electricity service agreement to protect major electricity user.</li></ul>
3 September 18	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Land Traffic Management Commission on standard symbol and sign in public transportation system B.E. 2561 e.g. public facilities, transport facilities, prohibition, warning etc.</li></ul>
5 September 18	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Department of Energy Business prescribing class and quality of Bio-Methane for vehicles B.E. 2561. To ensure customers and to support Bio-Methane fuel reproduction for commercial.</li></ul>