

Legal Update Week 43 - 44 (25 October – 7 November 2021)

Thailand Legal News

DBD monitors the use of nominee shareholders after Thailand re-opening on 1 November (7 November 2021)

- Thailand was one of the first Asian countries to re-open its border to foreign arrivals. At the same time, the DBD has to deal with foreign investors who tried to get around the rules, by using Thai nominees to hold their shares. Consequently, the monitoring target groups are tourism, real estate, and agriculture. For the registration of a legal entity, the DBD will request for a bank certificate from a financial institution to guarantee that a Thai shareholder, is capable of investing with foreigners, rather than simply acting as a nominee. After the registration is completed, the DBD will prepare the data of high-risk group, particularly the company where 49% of shares held by foreign shareholders or all authorized directors are foreigners, for continuous monitoring afterwards.

<https://www.commercenewsagency.com/news/4587>

Cabinet Resolutions 25 October 2021

Draft Royal Decree for Digital Platform:

- Both Thai and international digital platform operators (natural or juristic person) who offer products, services, or properties to customers in Thailand via digital platform services, are required by law to report their e-service platform operation to the Electronic

Transactions Development Agency (ETDA). Once the Royal Decree is enacted, the notification must be made within 30 days from such date.

<https://www.thaigov.go.th/news/contents/details/47360> (item no.1)

Draft Amendment to the Anti-Money Laundering (AML) Act:

- The Cabinet agrees that the AML Act should be improved to meet international AML/CFT standards. Therefore, the legislation will be amended to include additional offenses, measures, duties, and obligations. For example, trading in child pornography will be considered as a “Predicate Offense”. An offense involving the use of information, document, or evidence to conceal one’s identity in order to engage in financial transactions is also included. Additionally, the Act will establish new measures for the controls of cash transportation and cross-border negotiable instruments, as well as the responsibilities of associations, foundations, and non-profit organizations in the prevention of money laundering, terrorist financing, or proliferation of weapons of mass destruction financing.

<https://www.thaigov.go.th/news/contents/details/47809> (item no.1)

Min. Reg. regarding big bikes speed limit:

- According to the former Ministerial Regulations issued under the Land Traffic Act B.E.2522, motorcycles and big bikes were initially classified in the same group with the same speed restriction. However, as a result of the new Ministerial Regulation, these types of motorcycles will be subject to different maximum speed limits and divided into different groups, from 20 July 2022 onwards.

Legislations	Min. Reg. No.6 (B.E. 2522) – abolished by the new Min. Reg.	Min. Reg. No.10 (B.E. 2524) – abolished by the new Min. Reg.	New Min. Reg. (B.E. 2564)	
			Regular motorcycle	Big Bike – bike engine produces <u>at least 35 kW or engine size of 400 cc</u>
Bangkok, Pattaya, and municipal area	80 km/hr.	80 km/hr.	60 km/hr.	80 km/hr.
Others than the above-mentioned area	100 km/hr.	90 km/hr.	80 km/hr.	100 km/hr.

http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/077/T_0001.PDF

Notification of DLPW re: the Criteria and Method of Welfare Committee election in the establishment via electronic means

- The employer may establish a Welfare Committee at the place of business by electronic means, within 30 days from the date the 50-employee threshold is reached, or when the committee member vacates his office by rotation, or more than half of the positions are vacated or the whole committee resign, whichever the case maybe. http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/269/T_0047.PDF