



## Legal Update Week 7 - 8 (12 – 25 February 2019)

- Highlights:** - The NLA has passed 66 bills during 18 January - 8 February 2019
- Trial in absentia in criminal case is allowed under specified conditions

### Thailand legal news

- **12 February 2019:**

- The National Broadcasting and Telecommunications Commission (“NBTC”) suspended the broadcasting license of **Voice TV**, and its channel will be off-air for 15 days (until 28 February 2019). This was due to some political comments that the NBTC sees that they may cause public confusion and conflict. Voice TV appealed the order, and the Administrative Court granted the temporary suspension of the NBTC order while the case is being considered.

- **13 February 2019:**

- European Commission released a blacklist of 23 countries with weak anti-money laundering and terrorist financing regimes. The aim of this list is to protect the EU financial system. \*Thailand is not in the list.  
\*Newcomers: Libya, Botswana, Ghana, Samoa, the Bahamas and the four United States territories of American Samoa, U.S. Virgin Islands, Puerto Rico, and Guam.  
\*Others: Afghanistan, North Korea, Ethiopia, Iran, Iraq, Pakistan, Sri Lanka, Syria, Trinidad and Tobago, Tunisia, and Yemen.  
\*Removed: Bosnia, Guyana, Laos, Uganda and Vanuatu.

- **14 February 2019:**

- The NLA approved 3 draft bills within 3 hours. Those bills are:
  1. Draft Act amending the Revenue Code (No. ..) B.E. ....
  2. Draft Electronic Transactions Act (No. ..) B.E. ....
  3. Draft Conciliation Act B.E. ....

- **21 February 2019:**

- The NLA has passed 66 bills during 18 January - 8 February 2019 (412 bills in total under this government).

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- **24 February 2019:**

- The NLA has approved new draft Road Traffic Act. The ‘points system’ will be applied to control drivers’ behavior. Every driver will have initially 12 points, and such points will be deducted every time of traffic violation. When the points run out, the license will be suspended, and the additional training is required.

## New Cabinet resolutions

- **18 February 2019:**

- **Approved Draft:** Draft Federation of Thai Industries Act (No. ..) B.E. ....
  - Decrease the number of the Federation of Thai Industries Committee from 357 people to 251 people.
  - Appoint Administrative Commission.
  - Amend qualification of an ordinary member of the Federation of Thai Industries.
  - Etc.

- **21 February 2019:**

- **Approved Draft:** Draft Factory Act (No. ..) B.E. ....
  - Narrow down the definition of “Factory” under the government control to cover merely factory with machinery  $\geq 50$  hp and/or  $\geq 50$  employees. (Previously, 7 hp and/or 5 employees). This change will cause 70,000 factories (out of 140,000) to be out of government control under the Factory Act. \*This draft is disagreed by many entities, since it may lower the control standard and quality of factory.
  - Please find the drafts in the links below (TH):
    - [http://library.senate.go.th/document/mSubject/Ext84/84771\\_0001.PDF?fbclid=IwAR0uPN7drJA5DzMu\\_vQ84zyAD2kwsLLUwIDfKLCX72bTbK\\_buZ\\_t\\_f\\_2K\\_c](http://library.senate.go.th/document/mSubject/Ext84/84771_0001.PDF?fbclid=IwAR0uPN7drJA5DzMu_vQ84zyAD2kwsLLUwIDfKLCX72bTbK_buZ_t_f_2K_c)
    - [http://library.senate.go.th/document/mSubject/Ext84/84772\\_0001.PDF?fbclid=IwAR2sMQVEULwdPXJPMMpHHp\\_slHrt\\_EyjXatM0XK8XsgVtyd52v0k9\\_40yw](http://library.senate.go.th/document/mSubject/Ext84/84772_0001.PDF?fbclid=IwAR2sMQVEULwdPXJPMMpHHp_slHrt_EyjXatM0XK8XsgVtyd52v0k9_40yw)

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## Royal Gazette Update:

Date	Part	Subject
15 February 19	Gor	<ul style="list-style-type: none"><li>● Min. Reg. stipulating measures on occupational safety, health, and environment of confined space B.E. 2562</li></ul> <ul style="list-style-type: none"><li>- Confined space i.e. tunnel, cave, basement, etc.</li><li>- Prohibition sign: “Confined space - Dangerous - Do not enter”</li><li>- Employees/workers need to be trained before working in such areas.</li><li>- Etc.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/018/T_0012.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/018/T_0012.PDF</a></p>
18 February 19	Gor	<ul style="list-style-type: none"><li>● Narcotics Act (No.7) B.E. 2562</li></ul> <ul style="list-style-type: none"><li>- Allow to use extract of Marijuana and Kratom for medical purpose.</li><li>- The use of such substances shall be under the control of physicians.</li><li>- The use for recreation is still prohibited.</li></ul> <p>*Thailand is the first country in South East Asia that allows the use of Marijuana and Kratom for medical purpose.</p>
19 February 19	Gor	<ul style="list-style-type: none"><li>● Act amending Criminal Procedure Code (No. 33) B.E. 2562</li></ul> <ul style="list-style-type: none"><li>- Allows the court to conduct a criminal trial or render a verdict without the presence of the defendant (trial in absentia), if the defendant who flees the trial has not been caught within 3 months after the court issues a warrant of arrest.</li><li>- The above shall not apply to:<ol style="list-style-type: none"><li>1. the case with death penalty; and</li><li>2. the case that the defendant is 18 years old or lower on the prosecution date.</li></ol></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/020/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/020/T_0001.PDF</a></p>
20 February 19	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Bank of Thailand</li></ul> <ul style="list-style-type: none"><li>- 6 May 2019 (coronation ceremony) shall be a special holiday for financial institutions.</li></ul>

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22 February 19	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement regarding rules and regulations for International Money Transfer Agents. <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/047/T_0046.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/047/T_0046.PDF</a></li></ul>
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