



## Legal Update Week 43-44 (22 October – 4 November 2018)

Dear All,

### Thailand legal news

- **22 October 2018:**
  - By the beginning of 2019, Student Loans Fund (SLF) will start to request private entities to deduct salary of the borrowers to pay for remaining SLF loan. This measure has already been applied to the government sectors.
- **31 October 2018:**
  - The arbitrator ordered Expressway Authority of Thailand (EXAT) to pay compensation of THB 9 billion to Bangkok Expressway and Metro (BEM) due to the failure to allow BEM to increase toll fees.
- **1 November 2018:**
  - The Constitutional Court ruled that the Foreign Minister, Don Pramudwinai, can retain his Cabinet seat, as his wife had complied with the new rule on share ownership within the legal deadline (she transferred the shares to her son, Puen Pramudwinai).
- **2 November 2018:**
  - The NLA reached unanimous vote to accept the draft act amending the Criminal Procedure Code that allows the court to conduct a criminal trial or render a verdict without the presence of the defendant (trial in absentia) for defendants who flee the trial.
- **4 November 2018:**
  - The Cabinet approved Draft Arbitration Act (No. ..) B.E. .... which allows foreigners to be an arbitrator or attorney to proceed arbitration duties in Thailand.

## New Cabinet resolutions

### 24 October 2018:

- **Approved Principle:** Draft Mediation Act B.E. ....
  - Allow both parties to end the civil or criminal dispute peacefully without court's ruling. Court-based mediation and execution are not included. Please find below the matters that are allowed or not allowed to mediate.

Mediation in Civil Cases	
Allow	Not allow
(1) Dispute on land which is not related to the ownership. (2) Estate dispute between heirs. (3) Other disputes stipulated in Royal Decree. (4) Apart from (1) (2) (3), the cases where the amount of money in dispute does not exceed THB 5 million.	1. Personal right. 2. Family right. 3. Ownership of the real estate.
Mediation in Criminal Cases	
Allow	Not allow
(1) Compoundable offences. (2) Petty offences as per section 390-395 and 397 of the Criminal Code. (3) Other petty offences which do not impact public.	Other than (1)-(3)

\*This is the first time Thailand has mediation over criminal case.

### 30 October 2018:

- **Approved Draft:** Draft Act Amending the Revenue Code (No. ..) B.E. .... (international information exchange for tax purposes)
  - This act aims to prevent tax evasion/avoidance and standardize tax information exchange system, since Thailand became member of the Global Forum on Transparency and Exchange of Information for Tax Purposes (Global Forum).

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- **Approved Draft:** Draft Appraiser Profession Act B.E. ....
- **Approved Draft:** Draft Court Jurisdiction Act (No. ..) B.E. ....
  - Clarify duration for objection to the jurisdiction of courts.
  - The committee shall make the consideration within 60 days.

## Royal Gazette Update:

**Announcement of the Trade Competition Commission** re: subordinate law for the Trade Competition Act dated 1 November 2018, part Ngor Piset:

1. Regulations for considering the business operator related to each other due to a policy or commanding power.
2. Guidelines for imposing market definition and market share.
3. Guidelines for considering prohibited action of the business operator in dominant position.
4. Guidelines for considering business combination to monopolize, reduce, or restrict competition.
5. Guidelines for considering actions resulting in damage on other business operators.

*\*Please find the legal summary from K. Arunrat.*

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