



## Legal Update Week 21 - 22 (21 May – 3 June 2019)

**Highlights:** - Drug price control measures took effect

- Land Transport Act: presenting of driver license and points system
- Mediation Act: allowing mediation over criminal case
- Act amending Criminal Code: toughen law against sexual crimes
- Personal Data Protection Act and Cybersecurity Act

### Thailand legal news

- **21 May 2019:**
  - Two consumers complained against private hospitals regarding overpriced drugs and medical services (THB 30,000 medical fees for a case of diarrhea, and unreasonably high medicine prices). These allegations are under the Consumer Protection Board's investigation. If such complaints can be proven true, the board will proceed under the Act on Prices of Goods and Services B.E. 2542.
- **23 May 2019:**
  - Under the new Government Lottery Act, selling overpriced lottery tickets is subject to THB 10,000 fine (Previously, THB 2,000). This law also imposes new penalties e.g. THB 10,000 fine for selling lottery in educational institution or selling lottery to people under the age of 20.
- **24 May 2019:**
  - The Ministry of Tourism and Sports prepared to collect insurance fees from tourists during their stays in Thailand as per the new National Tourism Policy Act. The insurance fee model will be concluded within 6 months and the collected fund will be spent directly on tourists' protection and natural resource recovery.
- **28 May 2019:**
  - The Cabinet approved a draft contract for the high-speed rail linked 3 airports project, between the State Railway of Thailand (SRT) and the winning consortium led by Charoen Pokphand group (CP), which is

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supposed to be signed on 15 June 2019. This mega project (THB 149 billion) was approved before forming the new government.

- **29 May 2019:**

- From 1 October 2019 onward, failure to pay outstanding traffic fines will not be able to renew road tax. Expired road tax is also subject to fine not exceeding THB 2,000.

- **30 May 2019:**

- Price control measures for drugs, medical supplies, and medical services took effect from 30 May 2019 onward. Three major principles consisting of “Fair Price”, “Consumers’ Choices”, and “Reasonable Treatment” will be applied.

## New Cabinet resolutions

### 21 May 2019:

- **Approved Draft:** Draft Office of the Civil Service Commission Regulation re: allowing civil servants (government workers) to continue to work after reaching 60 years old. This is available for some positions (e.g. academic expert or professional level, or general senior or specialist positions), to compensate for worker shortage and prepare for aged society problem.

## Royal Gazette Update:

Date	Part	Subject
22 May 19	Gor	<ul style="list-style-type: none"><li>• Land Transport Act (No.12) B.E. 2562</li><li>- <u>Effective date:</u> 19 September 2019</li><li>- Develop and modernize the law e.g. increasing traffic penalties.</li></ul>

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		<p>- Forms of driver license which can be presented to the officer:</p> <ol style="list-style-type: none"> <li>1. Original driver license; or</li> <li>2. Electronic methods e.g. digital driver license via official mobile application (DLT QR Licence); or</li> <li>3. Copy of the driver license as specified by DLT.</li> </ol> <p>- Points system will be implemented to control drivers' behaviour.</p> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0067.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0067.PDF</a></p>												
	<p>Gor</p>	<p>● Mediation Act B.E. 2562</p> <p>- <u>Effective date</u>: 23 May 2019 / 18 December 2019</p> <p>This law allows parties to settle some civil or criminal disputes peacefully without court's rulings (mostly small disputes and minor criminal charges). Court-based mediation and execution are not included in this Act. Please find below the matters that are allowed (or not) to mediate.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr style="background-color: #e0e0e0;"> <th colspan="2" style="text-align: center;">Mediation in Civil Cases</th> </tr> <tr> <th style="width: 50%; text-align: center;">Allow</th> <th style="width: 50%; text-align: center;">Not allow</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">                     (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.                 </td> <td style="vertical-align: top;">                     1. Personal right.                      2. Family right.                      3. Ownership of the real estate.                 </td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr style="background-color: #e0e0e0;"> <th colspan="2" style="text-align: center;">Mediation in Criminal Cases</th> </tr> <tr> <th style="width: 50%; text-align: center;">Allow</th> <th style="width: 50%; text-align: center;">Not allow</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">                     (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.                 </td> <td style="vertical-align: top; text-align: center;">                     Other than (1)-(3)                 </td> </tr> </tbody> </table> <p>*<u>This is the first time Thailand has mediation over criminal cases.</u></p> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0001.PDF</a></p>	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)
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	Gor	<ul style="list-style-type: none"><li>● Electronic Transactions Act (No.4) B.E. 2562</li><li>- <u>Effective date</u>: 23 May 2019</li><li>- Legalize digital identity verification.</li><li>- Impose controlling method for related service operators.</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0203.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0203.PDF</a>
	Gor	<ul style="list-style-type: none"><li>● Act amending the Revenue Code (No.52) B.E. 2562</li><li>- <u>Effective date</u>: 20 August 2019</li><li>- Bond investment by a mutual fund will be subject to corporate income tax at the rate of 15% of gross income.</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0103.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0103.PDF</a>
	Gor	<ul style="list-style-type: none"><li>● Act establishing the Council of the Consumer Organization</li><li>- <u>Effective date</u>: 21 July 2019</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0022.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/067/T_0022.PDF</a>
25 May 19	Gor	<ul style="list-style-type: none"><li>● Life Insurance Act (No.4) B.E. 2562</li><li>- <u>Effective date</u>: 21 December 2019</li><li>- Cover electronic transaction.</li><li>- Improve controlling methods/regulations for insurance agents and insurance brokers to prevent fraud.</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/068/T_0035.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/068/T_0035.PDF</a>
	Gor	<ul style="list-style-type: none"><li>● Non-Life Insurance Act (No.4) B.E. 2562</li><li>- <u>Effective date</u>: 21 December 2019</li><li>- Cover electronic transaction.</li><li>- Improve controlling methods/regulations for insurance agents and insurance brokers to prevent fraud.</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/068/T_0045.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/068/T_0045.PDF</a>
27 May 19	Gor	<ul style="list-style-type: none"><li>● Act amending Criminal Code (No.27) B.E. 2562</li><li>- <u>Effective date</u>: 28 May 2019</li><li>- Increase penalties and toughen law against sexual crimes.</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0127.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0127.PDF</a>

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Gor	<ul style="list-style-type: none"><li>● Administrative Procedure Act (No.3) B.E. 2562</li><li>- <u>Effective date</u>: 28 May 2019 / 23 December 2019</li><li>- Specify clear procedure and period for administrative execution.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0115.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0115.PDF</a></p>
Gor	<ul style="list-style-type: none"><li>● Consumer Protection Act (No.4) B.E. 2562</li><li>- <u>Effective date</u>: 25 August 2019</li><li>- Amend compositions and authorities of the Consumer Protection Board.</li><li>- Establish the board for safety of goods and services.</li><li>- The secretary-general of the Consumer Protection Board can conduct prosecutions on behalf of consumers.</li><li>- Adjust fines in accordance with current situation.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0096.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0096.PDF</a></p>
Gor	<ul style="list-style-type: none"><li>● Personal Data Protection Act B.E. 2562</li><li>- <u>Effective date</u>: 28 May 2019 / 27 May 2020</li><li>- Main purposes are to give protection on personal data and to lay down rules regarding the collection, use, and disclosure of personal data.</li><li>- Please find more information on <i>the Memorandum re: Personal Data Protection Act B.E. 2562</i>.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0052.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0052.PDF</a></p>
Gor	<ul style="list-style-type: none"><li>● Cybersecurity Act B.E. 2562</li><li>- <u>Effective date</u>: 28 May 2019</li><li>- Main purposes are to prevent cyberattack to public service systems and set minimum standard to protect government security.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0020.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/069/T_0020.PDF</a></p>