

Legal Update Week 3 – 4 (16 – 29 January 2023)

Thailand Legal News

Deposits under virtual banks will be covered by the same protection system as deposits in traditional banks (19 January)

As the Bank of Thailand (BOT) is planning to authorize the establishment of virtual banks, the Deposit Protection Agency (DPA) clarified that virtual banks are already under the definition of a “financial institution” under the Deposit Protection Act B.E. 2551. As a result, their deposits are covered by the deposit protection under the Act (currently at THB 1 million or approx. USD 30,000/person/bank).
<https://www.prachachat.net/finance/news-1180761>

Cabinet Resolutions

Emergency Decree on the suppression of bank accounts used as money mules (24 January)

The Cabinet approved in principle the Emergency Decree on the suppression of bank accounts used as money mules* in relation to scams or illegal activities as more criminals are using these accounts to funnel their illegally earned money to avoid the authorities. The decree will impose a criminal sanction to the offender of up to 3 years and a fine of up to THB 300,000 (approx. USD 9,000) for a person opening a bank account in his/her name but allowing others to use such an account instead. The said decree also allows banks and authorities to promptly freeze suspicious transactions to mitigate damages.

<https://www.thaibpsworld.com/cabinet-drafts-decree-to-deal-with-fraudulent-online-money-transfers/>

**Money mule refers to a person who, either knowingly or unknowingly, receives and/or transfers illegally earned money on behalf of another person.*

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Measures to encourage the transformation of property funds to REITs (24 January)

The Cabinet approved a draft decree on measures to assist and encourage the transformation of property funds to real estate investment trusts (REITs), which offer better flexibility and ease of operation. The measures include exemption on income tax for the investors, exemption on value added tax, specific business tax, and stamp duties that resulted from the transformation. Moreover, the real estate registration fee that occurs as a result of the transformation of property funds to REITs is reduced to 0.01% and capped at THB 100,000 (approx. USD 3,000). These measures are set to be effective until the end of 2024.

<https://www.bangkokbiznews.com/business/economic/1049553>

Measures to entice the implementation of the e-tax system (24 January)

The Cabinet approved an extension to the measures to entice businesses to implement an electronic tax (e-tax) system. As a result, several expenses for the implementation of the e-tax system will be 2 times tax deductible. In addition, the withholding tax which is done through the e-withholding tax system will be reduced from 5%, 4% and 2% to 1%. However, the final tax to be paid is still the same.

<https://www.thaigov.go.th/news/contents/details/64128>

Government Gazette

Regulations on the management of crypto wallets (16 January)

The Securities and Exchange Commission (SEC) issued notifications to ensure security for users of crypto wallets. The digital asset business operators are required to impose a written policy on the management of the wallet that complies with several requirements (e.g. digital assets management, safety, crisis management), as detailed in the notification, and report to the SEC office.

<https://ratchakitcha.soc.go.th/pdfdownload/?id=140D010S0000000000500>

Implementation of the Building Energy Code (24 January)

From 13 March 2023 onwards, 9 types of buildings, including educational institution buildings, office buildings, theaters, department stores or shopping centers, places of service, places of gatherings, hotels, medical centers, and condominiums, with usable space of more than 2,000 square meters are required to meet the minimum energy consumption standards, in order to obtain the building permit under the Building Control Act B.E. 2522. The building designed according to BEC standards will save energy costs by 10-20% and will pay back within 3 years, so it is worthwhile in the long run.

<https://ratchakitcha.soc.go.th/pdfdownload/?id=140D017S00000000002100>