



Legal News

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The Act for Establishment of Specialized Court of Appeal 2015

On 14 December 2015, the National Legislative Assembly has declared the Act for Establishment of Specialized Court of Appeal 2015 (“Act”) in the Government Gazette. The Act comes into effect after the date of declaration in the Government Gazette. For the sake of uniformity and consistency of court procedures and judgements, the establishment and formation of the Specialized Court of Appeal has been laid down in order to narrowly focus on certain specialized jurisdictions that fall within the area of intellectual property cases, taxation cases, labor cases, bankruptcy cases and juvenile and family cases. These cases shall go through the Specialized Court of Appeal and be determined by expert judges specializing in such areas.

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In the past, all appeals against judgements or orders of the specialized courts shall be submitted directly to the Supreme Court and decisions of the Supreme Court shall be final and binding. In this regard, the acts for establishment of the relevant Courts have also been revised in the part of appeal and dika appeal and to reflect the provisions of this new Act.

According to the Act, all cases that Specialized Court has rendered the judgement or given a court order before the opening date of the Specialized Court of Appeal shall be brought to the judicial court that has jurisdiction to hear such case from that Specialized Court prior to the effective date of this Act.

Any specialized cases that already have been appealed and are pending for the judicial proceedings of the court before the date of opening of the Specialized Court of Appeal, shall be continued in that court. This is provided that the said case shall be in compliance with the laws and regulations of the establishment and judicial proceeding of that court.

The date that the Specialized Court of Appeal will be in full service shall officially be declared in the Government Gazette thereafter.

The Bank of Thailand has relaxed the Currency Exchange Regulations



The Bank of Thailand has announced three Notices of the Competent Officer regarding rules and practices pertaining to currency exchange to ease the foreign exchange regulations according to Capital Account Liberalization Master Plan on 3 March 2016. A summary of the details of the three Notices of the Competent Officer are summarized below:

- Allowing resident to make a payment regarding derivatives linked to foreign variable other than foreign exchange rates involving Thai Baht such as difference, fee and guarantee deposit in foreign currency to commercial bank.
- Allowing resident to make a payment on fee regarding foreign currency loan from commercial bank and foreign currency deposit in foreign currency to commercial bank.
- Where the applicant requesting for purchasing or exchanging foreign currencies with an authorized juristic person must submit the form together with related documents.
 1. Service payment: service agreement or invoice from the service provider or the document summarized such service are required.
 2. Credit card or debit card payment: statement of credit card or debit card is required and the payment must not exceed the obligation or specified credit limit.
- Allowing institutional investors and retail investor to invest in foreign currency denominated bond issued and offered in Thailand linked to foreign exchange rates involving Thai Baht.

Ministry of Commerce Rulings on Business Operations of Foreign Companies in Thailand



Procurement and selling of the goods in the case where seller and buyer are abroad but the goods are stored in Thailand

Case 1

The Seller and Buyer are foreign juristic persons based outside of Thailand and have entered into an agreement for the procurement of goods contracted outside of Thailand. The goods are stored in Thailand and the Buyer or its agent will obtain such goods in Thailand. The Ministry of Commerce ruled that this transaction is considered as goods that are sold in Thailand because such goods are not exported. Therefore, the Ministry of Commerce deems that the Seller conducts the retail business under List 3 (14) or wholesale business under List 3 (15) of the Foreign Business Act B.E. 2542.

Case 2

In the case where the Seller is a foreign juristic person based outside of Thailand sells goods that are stored in Thailand to a distributor in Thailand for re-sale of such goods to the distributor's customers, The Ministry of Commerce ruled that the Seller conducts the wholesale business under List 3 (15) of the Foreign Business Act B.E. 2542. This is because such goods are sold to distributor in order to re-sale to its customers or to be used as material for production of goods.

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