

Foreign Business Law

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FOREIGN BUSINESS ACT

B.E. 2542 (1999)

(Non – Official Translation)

Bhumibol Adulyadej, Rex.

Given on this 24th day of November B.E. 2542 (1999)

Being the 54th year of the present reign.

His Majesty King Bhumibol Adulyadej has been pleased to proclaim that it was expedient to improve the law governing the business operation of foreigners.

This Act has some provisions relating to the restriction of the rights and liberty of individuals but, by implication of Section 29 in conjunction with Section 35 and Section 50 of the Constitution of the Kingdom of Thailand, the restriction can be implemented by virtue of the law.

By and with the advice and consent of the Parliament, His Majesty the King graciously order the enactment of this Act as follows:

Section 1. This Act shall be called the “Foreign Business Act, B.E. 2542 (1999)”

Section 2. This Act shall come into force immediately after the lapse of the 90 – day period that commences from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

1. Announcement No. 281 of the National Executive Council dated November 24, 1972.
2. The Act of 1978 amending Announcement No. 281 of the National Executive Council dated November 24, 1972.
3. Act No.2 of 1992 amending Announcement No. 281 of the National Executive Council dated November 24, 1972.

Section 4. In this Act,
“Foreigner” means:

1. Natural person not of Thai nationality.
2. Juristic person not registered in Thailand.
3. Juristic person registered in Thailand having the following characteristics:
 - (a) Having half or more of the juristic person’s capital shares held by persons under (1) or (2), or a juristic person having the persons under (1) or (2) investing with a value of half or more of the total capital of the juristic person.
 - (b) Limited partnership or registered ordinary partnership having the person under (1) as the managing partner or manager.

4. Juristic person registered in Thailand having half or more of its capital shares held by the persons under (1), (2) or (3) or a juristic person having the persons under (1), (2) or (3) investing with a value of half or more of its total capital.

For the purpose of the definitions, the shares of a limited company represented by share certificates that are issued to bearers shall be deemed as the shares of foreigners unless otherwise provided by the Ministerial Regulations.

“Capital” means the registered capital of a limited company, or paid-up capital of a public limited company or the amount of money invested in a partnership or a juristic person by its partners or its members.

“Minimum capital” means the foreigner’s capital in case that foreigner is a juristic person registered in Thailand. And in case that foreigner is a juristic person not registered in Thailand or is a natural person, “minimum capital” means the foreign currencies that the foreigner brings into the country at the commencement of the business operation in Thailand.

“Business” means the business operation in agriculture, industry, handicraft, commerce, services or other dealings for business purposes.

“License” means a business operation license.

“Licensee” means a foreigner who has obtained the License.

“Certificate” means a business operation certificate.

“Certificate Grantee” means a foreigner who has obtained the Certificate.

“Committee” means the Foreign Business Committee.

“Competent Official” means a person appointed by the Minister to undertake actions in compliance with this Act.

“Registrar” means a person appointed by the Minister as a foreign business registrar.

“Director-General” means the Director-General of Commercial Registration Department.

“Minister” means the Minister in charge of this Act.

Section 5. In permitting the foreigners to operate the businesses under this Act, the advantages and disadvantages to the nation’s safety and security, economic and social development, public order or good moral, art, culture and tradition of the country, national resource conservation, energy and environment, consumer protection, size of the enterprises, employment, technological transfer, and research and development shall be taken into account.

Section 6. The following foreigners shall be prohibited from operating any business in the Kingdom:

1. Foreigners deported or pending deportation under the law.
2. Foreigners staying in the Kingdom without permission under the law governing immigrants or other laws.

Section 7. The following foreigners may operate businesses upon obtaining a License from the Director-General and may operate only certain businesses and in the locality determined by the Minister with the approval of the Cabinet and published in the Government Gazette. The Minister may prescribe any conditions deemed expedient in the notification:

1. Foreigners born in the Kingdom but not granted Thai nationality under the law governing nationality or other laws;

2. A person who became a foreigner as a consequence of his nationality being revoked under the law governing nationality or other laws.

The application for a License, the issuance of the License and the period of permission shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In case the Director-General does not permit a foreigner under paragraph one to operate the business, the foreigner shall be entitled to lodge an appeal with the Minister and the provisions of paragraphs one and three of Section 20 shall be applicable mutatis mutandis.

Section 8. Subject to Section 6, Section 7, Section 10, and Section 12,

1. Foreigners shall be prohibited from operating the business not permitted to them with special reasons as prescribed in Schedule One.

2. Foreigners shall be prohibited from operating any business concerning national safety and security, business affecting art and culture, tradition and folk handicraft or the business affecting natural resources or environment, as prescribed in Schedule Two, unless permitted by the Minister with the approval of the Cabinet.

3. Foreigners shall be prohibited from operating the businesses in which Thai nationals are not yet ready to compete as prescribed in Schedule Three, unless permitted by the Director-General with the approval of the Committee.

Section 9. Amendments or changes to the business categories in the Schedules annexed hereto shall be made by a Royal Decree, except for the businesses in Schedule One or Schedule Two, Group 1, in which case the amendments or changes shall be made by an Act.

The Committee shall review the business categories in the Schedules annexed hereto at least once every one-year period from the date this Act comes into force and shall submit its opinion to the Cabinet.

The foreigners who has operated the business not prescribed in the Schedules annexed hereto prior to the amendments or changes of the business categories under paragraph one and later that business requires a permission under this Act and the foreigners wish to continue operating that business, shall notify the Director-General in order to obtain a Certificate in accordance with the rules and procedures prescribed in Section 11.

During the period prescribed in paragraph three and while the Certificate has not yet been issued, the foreigners shall not be deemed as non-licensed business operators under this Act.

Section 10. The provisions of Section 5, Section 8, Section 15, Section 17, and Section 18 shall not be applicable to the foreigners operating the business that are classified in the Schedules annexed hereto with a temporary permission from the Government of the Kingdom of Thailand.

The foreigners operating the business classified in the annexed Schedules under a treaty in which Thailand is a party or is obligated to abide shall be exempted from the application of the Sections stated in paragraph one and shall comply with the provisions of the treaty which may in return include the entitlement of Thai nationals and Thai enterprises to operate the businesses in the country of the foreigners.

Section 11. The foreigners qualified under Section 10, wishing to operate the businesses in the annexed Schedules shall notify the Director-General in accordance with the rules and procedures prescribed in the Ministerial Regulations to obtain a Certificate. The Director-General shall issue the

Certificate to the foreigners within 30 days from the date on which the written notification is filed, unless the Director-General is of the opinion that the written notification does not comply with the rules and procedures prescribed in the Ministerial Regulations or is not in accordance with Section 10. The Director-General shall in that case promptly notify the foreigners within 30 days from the date on which the written notification is filed.

The certificate shall also specify the conditions prescribed by the Government or by the treaty.

Section 12. If the business of a foreigner has received an investment promotion under the investment promotion law or a written permission to operate an export-oriented industry or trade under the law governing the Industrial Estate Authority of Thailand or other laws and the business is classified as one in Schedule Two or Schedule Three annexed hereto, the foreigner shall notify the Director-General in order to obtain a Certificate. After the Director-General or his assigned Competent Official has examined the validity of the investment promotion certificate or the permit, the Director-General shall issue the Certificate within 30 days from the date on which he is notified of the acquisition of the investment promotion certificate or the permit as the case may be. In such case, the foreigner shall be exempted from the application of this Act, except for Section 21, Section 22, Section 39, Section 40, and Section 42, throughout the period that the business is investment promoted or permitted for the export industry or trade operation as the case may be. The issuance of the Certificate under paragraph one shall be in accordance with the rules and procedures prescribed by the Director-General.

Section 13. In the case where the provisions of other laws regulate shareholding, foreigners' partnership or investment, permission or prohibition for the foreigners in operating certain businesses or prescribe rules on the foreigners' business operation, the laws shall prevail and the provision of this Act shall not be applicable to the areas that the other laws specifically govern.

Section 14. The minimum capital used at the commencement of the business operation in Thailand shall not be less than that prescribed by the Ministerial Regulations and shall in no case be less than two million Baht.

In the case where the businesses in the preceding paragraph require the licenses under the Schedules annexed hereto, the minimum capital to be prescribed in the Ministerial Regulations for each of the businesses shall in no case be less than three million Baht.

The Ministerial Regulations issued by virtue of this Section may also prescribe the time frame for the minimum capital to be brought or remitted into Thailand.

The provisions of this Section shall not apply in the events where the foreigners invest the money or property, derived from the business that has previously been in operation in Thailand, in another business or use them as a share or an investment in other enterprises or juristic persons.

Section 15. The foreigners shall be able to operate the businesses in Schedule Two only if Thai nationals or juristic persons not considered foreigners by this Act, hold the shares of not less than 40% of the capital of that foreign juristic person. Unless there are reasonable grounds, in which case the Minister, with the approval of the Cabinet, may reduce the proportion requirement, but it shall not be less than 25 percent and the number of Thai directors shall not be less than two-fifths of the total number of directors.

Section 16. Foreigners applying for a License shall have the following qualification and shall not have the prohibited characteristics below:

1. Being not younger than 20 years old;
2. Having residency in the Kingdom or being permitted to temporarily enter into Thailand under the immigration law;
3. Being neither incompetent nor quasi-incompetent;
4. Not being a bankrupt;
5. Never having been punished by a court judgement or fined for an offense under this Act or Announcement No. 281 of the National Executive Council, dated November 24, 1972, unless they have been released at least five years prior to the date of the license application.
6. Never having been imprisoned for fraudulent acts, creditor cheating, embezzlement, offenses connected to trade under the Criminal Code or for offenses relating to fraudulent loans to the public or for offenses under the immigration law, unless they have been released at least five years prior to the date of the license application.
7. Not having a License issued under this Act or under Announcement No. 281 of the National Executive Council, dated November 24, 1972 revoked during the five-year period prior to the date of the license application.

In case of a juristic person being the License applicant, the foreign directors, managers or persons responsible for its operation shall also have the qualifications and shall not have the prohibited characteristics referred to in paragraph one.

Section 17. In applying for the permission to operate a business, the foreigners shall submit the applications to the Minister or Director-General in accordance with the rules and procedures prescribed in the Ministerial Regulations. The Cabinet, in case of the businesses under Schedule Two, or the Director-General, in case of the businesses under Schedule Three, shall approve or give a permission, as the case may be, within 60 days from the date of submission of the application. In the case where there is a cause for the Cabinet to be unable to give the approval within the stated time frame, it shall be extended as necessary but shall not exceed 60 days from the lapse of the period.

When the Cabinet has given the approval or when the Director-General has given the permission under paragraph one, the Minister or the Director-General shall issue the License within 15 days from the date of the Cabinet's approval or the date of the Director-General's permission.

In giving the approval, the Minister may prescribe conditions as stipulated by the Cabinet or prescribed

in the Ministerial Regulations issued by virtue of Section 18 in case of the businesses in Schedule Two or the Director-General may prescribe conditions as prescribed in the Ministerial Regulations issued by virtue of Section 18 in case of the businesses in Schedule Three.

If the Cabinet does not permit the foreigners to operate the businesses under Schedule Two, the Minister shall notify the foreigners of the decision in writing within 30 days and the reasons for the disapproval shall be clearly indicated.

If the Director-General does not permit the foreigners to operate the businesses under Schedule Three, the Director-General shall notify the foreigners of the decision in writing within 15 days and the reasons for the disapproval shall be clearly indicated. The foreigners are entitled to lodge an appeal with the Minister, and the provisions of Section 20 shall apply mutatis mutandis.

Section 18. The Minister, with the advice of the Committee, is empowered to issue the Ministerial Regulations prescribing any of the following conditions for the foreign licensees to comply with:

1. The ratio of the capital and loans to be used in the permitted business.
2. The number of foreign directors who must have domicile in the Kingdom.
3. The amount of and the period for keeping the minimum capital in the country.
4. Technology or Assets.
5. Other necessary conditions.

Section 19. If it turns out that any Licensee or Certificate Grantee:

1. violates the conditions prescribed by the Minister under paragraph one of Section 7;
2. does not comply with the conditions prescribed in paragraph two of Section 11 or paragraph three of Section 17;
3. violates Section 15;
4. lacks a qualification or has a prohibited characteristic under Section 16 or
5. commits an offense under Section 35.

Then, in the case of (1), (2) and (3), the Director-General shall give a written notification to the Licensee or the Certificate Grantee instructing them to comply with the conditions under paragraph one of Section 7, paragraph two of Section 11, or paragraph three of Section 17, or correctly comply with Section 15, as the case may be, within a period that he deems appropriate. If the Licensee or the Certificate Grantee does not comply with the instruction as notified in writing by the Director-General, without appropriate reasons, the Director-General shall be empowered to temporarily suspend the License or the business operation for a period that the Director-General deems proper but it must not exceed 60 days from the date of the order. At the expiry of the period, if the foreigner has not yet made a complete correction, the Director-General shall consider revoking the License or Certificate or propose to the Minister to consider revoking the License as the case may be.

In the case of (4) and (5), the Director-General shall consider revoking the License or propose to the Minister to consider revoking the License as the case may be.

Section 20. If the Director-General temporarily suspends the License or the business operation or revokes the License or Certificate under paragraph two of Section 19, the Licensee or the Certificate Grantee shall be entitled to lodge an appeal in writing with the Minister within 30 days from the date on which he receives the order.

The appeal shall not stay the enforcement of the Director-General's order unless otherwise ordered by the Minister with the advice of the Committee.

The Minister shall give his ruling on the appeal within 30 days from the date on which the appeal is submitted. The Minister's ruling shall be final.

Section 21. Subject to Section 7, Section 19, and Section 20, the License shall be indefinitely valid until the Licensee stops doing the permitted business. The Certificate shall be valid for the period permitted by the Thai Government or as prescribed by the treaty for such business operation or for as long as such business has an investment promotion or a permission to operate an export-oriented

industry or trade as the case may be. Unless the Certificate Grantee stops the permitted business operation prior to the expiry of the period, the Certificate shall be valid until then.

The Licensee or the Certificate Grantee shall display the License or the Certificate at an overt place in his business premises.

If the License or the Certificate is damaged or lost, an application for a substitute shall be submitted to the Registrar within 15 days from the date on which the damage or loss is known.

The application for and the issuance of the substitute License or Certificate shall be in accordance with the forms and procedures prescribed by the Minister, but the period of time for issuing the substitute shall not exceed 30 days from the date of receipt of the application. The substitute shall be deemed the document substituting the License or Certificate until a new License or Certificate is obtained.

Section 22. If the Licensee or the Certificate Grantee stops the business operation or relocates the office or place of business, a notification shall be filed with the Registrar within 15 days from the date of stoppage or relocation in accordance with the forms and procedures prescribed in the Ministerial Regulations.

Section 23. There shall be a Foreign Business Committee consisting of the Permanent Secretary of the Ministry of Commerce, as the Chairperson, and representative of the National Economic and Social Development Board, representative of the Board of Investment, representative of the Ministry of Defense, representative of the Ministry of Finance, representative of the Ministry of Foreign Affairs, representative of the Ministry of Agriculture and Co-operatives, representative of the Ministry of Transport and Communications, representative of the Ministry of Interior, representative of the Ministry of Labor and Social Welfare, representative of the Ministry of Science, Technology and Environment, representative of the Ministry of Industry, representative of Ministry of Education, representative of the Ministry of Public Health, representative of the Office of the Consumer Protection Board, representative of the Royal Thai Police, representative of the Thai Chamber of Commerce, representative of the Federation of Thai Industries, representative of the Thai Bankers Association and not more than five learned persons appointed by the Minister, as Committee Members, and the Director-General of the Commercial Registration Department shall be the Committee Member and Secretary.

The learned persons shall have the knowledge and expertise in economics, law, commerce, science, technology, environment, trade, investment, business administration, or industry and shall not be advisors to political parties or hold any political position.

In the case where the representatives in paragraph one are the representatives of government units, they shall have the positions that, in ranking, are not lower than Director-General position or equivalent thereof. And, in the case where they are the representatives of the Thai Chamber of Commerce, the Federation of Thai Industries, or the Thai Bankers Association, they shall have the position ranking of not lower than a director of the chamber, federation or association.

Section 24. The learned person Committee Members shall have a tenure of two years.

If a Committee Member vacates the office prior to the expiry of his term, or if the Minister appoints additional Committee Members while the appointed Committee Members still have the tenure, the substitute Committee Members or the additional Committee Members shall remain in office for the remaining term of the originally appointed Committee Member.

The learned Committee Members leaving the office shall be eligible for reappointment but they may not retain the office for more than two consecutive terms.

Section 25. Apart from leaving the office under Section 24, the learned Committee Members shall leave the office upon:

1. Death;
2. Resignation;
3. Being removed by the Minister due to disgraceful conduct, malfeasance, breaching his duty or being deficient in abilities;
4. Being declared bankrupt;
5. Being incompetent or quasi-incompetent;
6. Being imprisoned by a final judgment, except for offenses of negligence or misdemeanor; or
7. Lacking the qualification under paragraph two of Section 23.

Section 26. The Committee has the authority as prescribed in this Act and shall have the following duties:

1. Advising, recommending or giving opinions to the Minister on the enactment of Royal Decrees and the issuance of the Ministerial Regulations under this Act or the prescription of business category and business operation locality of the foreigners under Section 7 or the application for the Cabinet's approval under Section 8 (2).
2. Studying, compiling and preparing reports on the foreign business operations in Thailand including the impacts and the appropriateness thereof, for presenting to the Minister from time to time, but not less than once a year.
3. Advising, recommending or giving opinions to the Minister on other matters as he may assign.

Section 27. In holding the meetings of the Committee, at least one-half of the total number of the Committee Members shall be present in order to constitute a quorum. If the Chairperson is not present or unable to perform the duty, the Committee Members attending the meeting shall elect one Committee Member to preside over the meeting.

The decision of the meeting shall be taken by the majority of the votes. One Committee member shall have one vote. In case of a tie vote, the chairperson of the meeting shall be entitled to a casting vote.

Section 28. The Committee shall have the power to appoint subcommittees to consider or undertake any task assigned by the Committee and Section 27 shall apply to the meetings of the subcommittees *mutatis mutandis*.

Section 29. The Commercial Registration Department of the Ministry of Commerce shall act as the Secretary Office of the Committee and shall have the following authority:

1. Performing work in accordance with the resolutions of the Committee or as assigned by the Committee;
2. Presenting opinions to the Committee regarding the foreign business operations in the Kingdom for the benefit of the study, information compilation, and preparation of reports to the Minister; and
3. Performing general administrative work of the Committee.

Section 30. The Registrars and the Competent Officials shall have the authority:

1. To inquire in writing or summon any person for explanation of any facts, including submissions of documents or evidence necessary for verification of the facts;
2. To enter the place where the foreigners operate the business, during business hours, to inspect and ensure the compliance with this Act, provided an approval in writing must first be obtained from the Director-General, except in case of utmost emergency. In performing the duty, they shall have the authority to inquire the facts or demand any documents or evidence necessary for examination of the facts from the persons at the said place.

In performing the duty under (2), the proprietor or the possessor of the place shall reasonably assist the Registrars and the Competent Officials. In this regard, the Registrars and the Competent Officials shall not act in a threatening manner or in a searching manner under the Criminal Procedure Code, and shall give a notice in writing to the proprietor or the possessor of the place not less than three business days in advance, except in case of utmost emergency and, upon the completion of the duty, a written report of the result shall promptly be made to the Minister.

Section 31. If any person requests an examination or copy of the documents or requests the Registrar to make copies or photocopies together with a certification thereof or requests the Registrar to certify the statements kept by the Registrar, the Registrar shall promptly grant a permission, except where the documents by its nature are prohibited by law governing official information or other laws from being disclosed. The applicant shall pay for the fees as prescribed in the Ministerial Regulations.

Section 32. The Competent Officials must have an identify card in accordance with the form prescribed in the Ministerial Regulations. In performing their duty, they must present their identity card to the persons concerned.

Section 33. In performing the duty under this Act, the Committee Members, the Director-General, the Registrars, and the Competent Officials shall be the Competent Officials under the Criminal Code.

Section 34. Any foreigner, granted a License or a Certificate, whose license being suspended or revoked or being ordered to stop the licensed business operation and having lost the right to appeal or being ordered by the Minister with a final decision to suspend or revoke the license or to stop the business operation, but still carrying on the business operation, shall be subject to an imprisonment of not more than three years or a fine from Baht 100,000 to Baht 1,000,000 or both, and also a fine of Baht 10,000 per day throughout the period of violation.

Section 35. If any foreigner, being granted a License to operate any business under this Act, takes part in a business owned by other foreigners not permitted to operate the business under this Act or operates the business jointly owned by such other foreigners by showing that he is the sole owner of the business in order for such other foreigners to avoid or violate the provisions of this Act, he shall

be subject to an imprisonment of not more than three years or a fine from Baht 100,000 to Baht 1,000,000 or both and the Court shall order the dissolution of such joint business or business operation. Violators of the Court's order shall be subject to a fine of Baht 10,000 to Baht 50,000 per day throughout the period of violation.

Section 36. Any Thai national or non-foreign juristic person under this Act, aiding or abetting or taking part in the business operation of the foreigners whose business is in the Schedules attached hereto and the foreigners are not permitted to operate that business, or taking part in the business operation of the foreigners by showing that he or it is the sole owner of the business or holding shares on behalf of the foreigners in any partnership or limited company or juristic person in order for the foreigners to operate the business in avoidance of or violation to the provisions of this Act, including the foreigners allowing Thai nationals or non-foreign juristic persons under this Act to do so, shall be subject to an imprisonment of not more than three years or a fine from Baht 100,000 to Baht 1,000,000 or both and the Court shall order a stoppage of the aiding, abetting or order a stoppage of the joint business operation or order a stoppage of the shareholding or a cessation of the partnership as the case may be. Violators of the Court's order shall be subject to a fine of Baht 10,000 to Baht 50,000 per day throughout the period of violation.

Section 37. Any foreigner who operates a business in violation of Section 6, Section 7 and Section 8 shall be subject to an imprisonment of not more than three years or a fine of Baht 100,000 to Baht 1,000,000 or both and the Court shall order a stoppage of the business operation or the dissolution of the business or a cessation of the shareholding or partnership as the case may be. Violators of the Court's order shall be subject to a fine of Baht 10,000 to Baht 50,000 per day throughout the period of violation.

Section 38. Any foreigner who operates a business in violation of Section 14, or violation of the conditions in Section 18(3) shall be subject to a fine of Baht 100,000 to Baht 1,000,000 and a fine of Baht 10,000 to Baht 50,000 throughout the period of violation.

Section 39. Any Licensee or Certificate Grantee who fails to comply with paragraph two or paragraph three of Section 21 or violates Section 22, shall be subject to a fine of not exceeding Baht 5,000.

Section 40. Any person failing to comply with the inquiry letters or summons of the Registrars or Competent Officials or not giving facts, or not submitting documents or evidence upon being inquired or summoned by the Registrars or Competent Officials or failing to provide cooperation to the Registrars or Competent Officials in accordance with Section 30 without proper reasons, shall be subject to a fine of not exceeding Baht 5,000.

Section 41. In the case where a juristic person commits the offenses under Section 34, Section 35, Section 36, and Section 37, the directors, partners or any persons authorized to act on behalf of the juristic person, who collaborate with such offense or do not reasonably manage to prevent such offense, shall be subject to an imprisonment of not more than three years or a fine of Baht 100,000 to Baht 1,000,000 or both.

Section 42. For the offenses under Section 39 and 40 the Director-General, or the persons assigned by him, shall be empowered to settle the case by fining. Once the accused has paid the fine of the

amount settled by the Director-General or his assignees within 30 days from the settlement date, the case shall be closed.

Section 43. All the Royal Decrees, Ministerial Regulations, Notifications and Orders being in force on the date this Act becomes effective shall still be in effect to the extent that they are not conflicting with or not contradictory to the provisions of this Act until the Royal Decrees, Ministerial Regulations, Notifications and Orders issued under this Act are in effect.

Section 44. The foreigners being granted the right or permitted to operate a business under Announcement No. 281 of the National Executive Council, dated November 24, 1972, prior to this Act coming into force, shall be entitled or permitted to continue operating that business in accordance with the conditions and periods stated in the granted right or permit.

Section 45. The foreigners, who have been operating the businesses prescribed in the Schedules attached hereto on the date this Act comes into force and business did not fall within any of the Schedules annexed to Announcement No. 281 of the National Executive Council, dated November 24, 1972 and wish to continue operating the businesses, shall notify the Director-General in order to obtain a Certificate in accordance with the rules and procedures prescribed in Section 11 within one year from the date on which this Act comes into force. While the foreigners have not obtained the Certificate, they shall not be treated as the foreigners who operate the business without a permission under this Act.

Section 46. The Minister of Commerce shall be in charge and control of the execution of this Act and shall have the power to appoint the Registrars and Competent Officials and to issue the Ministerial Regulations prescribing the fees within the limits of the rates attached hereto as well as to give fee exemption and to prescribe other matters for the execution of this Act.

The Ministerial Regulations shall come into force following publication in the Government Gazette.

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1. License Application

(a) Application for the License under Section 7	Baht 1,000
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(b) Application for the License under Section 17	Baht 2,000
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(c) Application for the Certificate under Section 11 or 12	Baht 2,000
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2. License

(a) License under Section 7	Baht 5,000
(b) License for a business in Schedule Two	
(1) Natural persons	Baht 40,000
(2) Juristic persons	Baht 10 for each Baht 1,000 of the registered capital, with the minimum of Baht 40,000 and the maximum of Baht 500,000, fraction of capital of Baht 1,000 is treated as Baht 1,000.
(c) License for a business in Schedule Three	
(1) Natural persons	Baht 20,000
(2) Juristic persons	Baht 5 for each Baht 1,000 of the registered capital, with the minimum of Baht 20,000 and the maximum of Baht 250,000, fraction of capital of Baht 1,000 is treated as Baht 1,000.
3. Certificate	Baht 20,000
4. Substitute License or Certificate	Baht 5,000
5. Appeal	
(a) Appeal against disapproval order under Section 7	Baht 1,000
(b) Appeal against disapproval order under Section 17	Baht 2,000
(c) Appeal against suspension or revocation of License or Certificate	Baht 2,000

under Section 20

6. Notification on closure or relocation of office or business premises Baht 1,000

7. Application for amendment to the particulars in the registration, or License or Certificate Baht 1,000

8. Searching or copying of documents Baht 200 for each item.

9. Certified copies or certified photocopies Baht 100 per page.

10. Certificate for registered statements Baht 100 for each item.

Schedules Annexed to the Act

Schedule One

The businesses not permitted for foreigners to operate due to special reasons:

1. Newspapers, radio and television broadcasting businesses.
2. Rice farming, field crops farming, or orchard farming
3. Animal farming
4. Forestry and timber from natural forests
5. Fishery, exclusively aquatic animals in Thai territorial waters and Thai specific economic zones.
6. Thai herbs extraction.
7. Trades and auctions in Thai antiques or objects of historical value to Thailand
8. Manufacturing or casting of Buddha images and alms bowls
9. Trade in land

Schedule Two

The businesses related to the national safety or security or affecting culture, arts, traditional customs and folk handicraft or natural resources and environment.

Group 1: The businesses related to the national safety or security.

(1) Production, selling, repairing and maintenance of:

- a. Firearms, ammunition, gun powder and explosives.
- b. Accessories of firearms, ammunition and explosives.

- c. Armaments, ships, aircrafts or military vehicles.
- d. War equipment or components of war equipment of all kinds.

(2) Domestic land, waterway or air transportation, including domestic airline business

Group 2: The businesses affecting culture, arts, traditional customs and folk handicraft.

- (1) Trading antiques or art objects being of Thai arts and handicraft.
- (2) Production of woodcarvings
- (3) Silkworm farming, Thai silk yarn production, Thai silk weaving or Thai silk pattern printing
- (4) Production of Thai musical instruments
- (5) Production of goldware, silverware, nielloware, bronzeware or lacquerware.
- (6) Production of crockery of Thai arts and culture.

Group 3: The businesses affecting natural resources or environment.

- (1) Production of sugar from sugarcane.
- (2) Salt farming, including subsurface salt production.
- (3) Rock salt mining.
- (4) Mining, including rock blasting and quarrying.
- (5) Wood processing for furniture and utensil production.

Schedule Three

The businesses in which the Thai people are not yet ready to compete with foreigners.

- 1. Rice milling and production of flour from rice and field crops.
- 2. Fishery, exclusively aquatic animal cultivation
- 3. Forestry from forestation.
- 4. Production of plywood, veneer board, chip board or hard board
- 5. Production of lime
- 6. Accounting service
- 7. Legal service
- 8. Architectural service
- 9. Engineering service
- 10. Construction, except:
 - (a) Construction of things providing fundamental services to the general public in the field of public utilities or transport requiring special tools, machinery, technology or construction expertise, with a foreign minimum capital of Baht 500,000,000 or more.
 - (b) Other categories of construction prescribed in the Ministerial Regulations.
- 11. Broker or agent business, except:
 - (a) Being broker or agent for underwriting securities or services related to future trading of agricultural commodities, financial instruments or securities.

(b) Being broker or agent for trading or procuring of goods or services necessary for production or rendering services amongst affiliated enterprises.

(c) Being broker or agent for trading, purchasing, or distributing or seeking both domestic and foreign markets for selling domestically manufactured or import goods in the manner of international business operation with a foreign minimum capital of Baht 100,000,000 or more.

(d) Being broker or agent of other kinds as prescribed in the Ministerial Regulations.

12. Auction, except :

(a) Auction in the manner of international bidding not being the auction of antiques, historical artifacts or art objects which are Thai art works, handicrafts or antiques or of historical value to the country.

(b) Auction of other kinds as prescribed in the Ministerial Regulations.

13. Internal trade connected with native products or produce not yet prohibited by law, except for agricultural futures trading at the Agricultural Futures Exchange of Thailand, which has no delivery or receiving of agricultural commodities in Thailand.

14. Retail of goods of all kinds having the total minimum capital less than Baht 100,000,000 or having the minimum capital of each shop less than Baht 20,000,000.

15. Wholesale of goods of all kinds having the minimum capital of each shop less than Baht 100,000,000.

16. Advertising business

17. Hotel business except for hotel management service.

18. Guided tour.

19. Selling food or beverages.

20. Plant cultivation and propagation business.

21. Other service businesses except the ones prescribed in the Ministerial Regulations.