

Ministerial Regulation No. 12 (B.E. 2554)
Issued under the Provisions of the Anti-Money Laundering Act B.E. 2542

By virtue of the provisions of Section 4 and Section 17 of the Anti-Money Laundering Act B.E. 2542 (1999), being an Act containing certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 33, Section 35, Section 36, Section 41 and Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Prime Minister hereby issues a Ministerial Regulation as follows;

Article 1 This Ministerial Regulation shall come into force after a lapse of ninety days from its publication in the Government Gazette.

Article 2 Article 1 of the Ministerial Regulation No. 4, B.E. 2543 (2000), issued under the Anti-Money Laundering Act B.E. 2542 (1999), shall be revoked and replaced by the following

“Article 1 In filing a transaction report under Section 13, the following forms shall be used:

(1) For reporting under Section 13 (1) the Form Por Por Ngor 1-01 as attached to this Ministerial Regulation shall be used.

(2) For reporting under Section 13 (2) the Form Por Por Ngor 1-02 as attached to this Ministerial Regulation shall be used.

(3) For reporting under Section 13 (3) the Form Por Por Ngor 1-03 as attached to this Ministerial Regulation shall be used.

Financial institutions which are life insurance companies under the law governing life insurance or insurance companies under the law governing insurance shall use the Form Por Por Ngor 1-04-1, the Form Por Por Ngor 1-04-2 and the Form Por Por Ngor 1-04-3 as attached to this Ministerial Regulation. Where a transaction cannot be reported using the said Forms, the Form Por Por Ngor 1-01, the Form Por Por Ngor 1-02 and the Form Por Por Ngor 1-03 as attached to this Ministerial Regulation shall be used *mutatis mutandis*.

Financial institutions may use any other report form with the same information as the above forms through an electronic means.

In filing a transaction report under Section 13 (1) and (2) where transactions for money transfers or electronic payments are also covered, the Form Por Por Ngor 1-05-9 shall be used or the reporting may be done electronically under Article 6 Paragraph two (9).”

Article 3 Article 6 of the Ministerial Regulation No. 4, B.E. 2543 (2000) issued under the Anti-Money Laundering Act B.E. 2542, shall be revoked and replaced with the following

“Article 6 Reporting under Section 16 shall use the following Forms:

A. For cash transactions worth above the threshold.

(1) For reporting under Section 16 (1), the Form Por Por Ngor 1-05-1 as attached to this Ministerial Regulation shall be used.

(2) For reporting under Section 16 (2), the Form Por Por Ngor 1-05-2 as attached to this Ministerial Regulation shall be used.

(3) For reporting under Section 16 (3), the Form Por Por Ngor 1-05-3 as attached to this Ministerial Regulation shall be used.

(4) For reporting under Section 16 (4), the Form Por Por Ngor 1-05-4 as attached to this Ministerial Regulation shall be used.

(5) For reporting under Section 16 (5), the Form Por Por Ngor 1-05-5 as attached to this Ministerial Regulation shall be used.

(6) For reporting under Section 16 (6), the Form Por Por Ngor 1-05-6 as attached to this Ministerial Regulation shall be used.

(7) For reporting under Section 16 (7), the Form Por Por Ngor 1-05-7 as attached to this Ministerial Regulation shall be used.

(8) For reporting under Section 16 (8), the Form Por Por Ngor 1-05-8 as attached to this Ministerial Regulation shall be used.

(9) For reporting under Section 16 (9), the Form Por Por Ngor 1-05-9 as attached to this Ministerial Regulation shall be used.

B. For reporting of suspicious transactions, the Form Por Por Ngor 1-05-10 as attached to this Ministerial Regulation shall be used.

Businesses and professions under Section 16 (1) - (9) may resort to electronic reporting provided information shall be supplied in answer to the following tables attached to this Ministerial Regulation.

(1) For reporting under Section 16 (1), information shall be supplied in answer to Table 1 attached to this Ministerial Regulation.

(2) For reporting under Section 16 (2), information shall be supplied in answer to Table 2 attached to this Ministerial Regulation.

(3) For reporting under Section 16 (3), information shall be supplied in answer to Table 3 attached to this Ministerial Regulation.

(4) For reporting under Section 16 (4), information shall be supplied in answer to Table 4 attached to this Ministerial Regulation.

(5) For reporting under Section 16 (5), information shall be supplied in answer to Table 5 attached to this Ministerial Regulation.

(6) For reporting under Section 16 (6), information shall be supplied in answer to Table 6 attached to this Ministerial Regulation

(7) For reporting under Section 16 (7), information shall be supplied in answer to Table 7 attached to this Ministerial Regulation

(8) For reporting under Section 16 (8), information shall be supplied in answer to Table 8 attached to this Ministerial Regulation

(9) For reporting under Section 16 (9), information shall be supplied in answer to Table 9 attached to this Ministerial Regulation

(10) For reporting of suspicious transactions, information shall be supplied in answer to Table 10 attached to this Ministerial Regulation

Where businesses and professions under Section 16 (7) are also authorized to engage in business under Section 16 (9), their reporting shall be done using the Form Por Por Ngor 1-05-9 or electronically provided information shall be supplied in answer to Table 9 attached to this Ministerial Regulation

Article 4 Article 7 of the Ministerial Regulation No. 4, B.E. 2543 (2000), issued under the Anti-Money Laundering Act B.E. 2542, shall be revoked and replaced with the following

“Article 7 Businesses and professions under Section 16 (1) - (9) shall report cash transactions under Section 16 Paragraph one by filing a Report Form or sending electronic information under Article 6 to the Office within the month following the month during which the transaction occurred.

Businesses and professions under Section 16 (1) - (9) shall report suspicious transactions under Section 16 Paragraph one by filing a Report Form or sending electronic information under Article 6 to the Office within seven days from the date on which the suspicion occurred.

Businesses and professions under Section 16 (1) - (9) shall report facts under Section 16 Paragraph two within seven days from the date on which the fact was found out”

Article 5 The following is added as Article 7/1 of the Ministerial Regulation No. 4, B.E. 2543 (2000), issued under the Anti-Money Laundering Act B.E. 2542.

“Article 7/1 In case of transactions which are money transfers or electronic payments under Section 13 or Section 16, financial institutions and businesses and professions under Section 16 shall report each case of money transfers, payments or taking a transfer from a customer.

Article 6 (3) of Article 8 of the Ministerial Regulation No. 4, B.E. 2543 (2000), issued under the Anti-Money Laundering Act B.E. 2542, shall be revoked and replaced with the following

“(3) sending as electronic information under the law governing electronic transactions.”

Article 7 The following is added as Article 8/1 of the Ministerial Regulation No. 4, B.E. 2543 (2000), issued under the Anti-Money Laundering Act B.E. 2542:

“Article 8/1 Financial institutions and businesses and professions under Section 16 may file reports under this Ministerial Regulation in English. However, upon the receipt of a request from the Office for a Thai translation of the filled report form, they shall prepare the translation accompanied by a letter in certification thereof and send them to the Office within seven days from the date on which they received the request.

Given on 19 May B.E. 2554 (2011)

(Mr. Abhisit Vejjajiva)

Prime Minister

Rationale: As Section 13 of the Anti-Money Laundering Act, B.E. 2542 (1999) provides that financial institutions shall report transaction to the Anti-Money Laundering Office and Section 16 Paragraph one of the Anti-Money Laundering Act, B.E. 2542 (1999) as amended by the Anti-Money Laundering Act (No. 3), B.E. 2552 (2009), provides that businesses and professions under Section 16 Paragraph one (1) to (9) are required to file transaction reports to the Anti-Money Laundering Office and Article 17 of the said Act provides that reporting shall be done using forms, within duration and in accordance with rules and procedure prescribed by a Ministerial Regulation, it is appropriate to revise the forms, duration, rules and procedure for the reporting, it is, therefore, necessary to issue this Ministerial Regulation.