

Industrial Estate Authority of Thailand Act (No.3), B.E. 2539 (1996)

Translation

Whereas it is expedient to revise the law on Industrial Estate Authority of Thailand;

Section 1

This Act is called the "Industrial Estate Authority of Thailand Act (No.3), B.E. 2539 (1996)"

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The statement under Section 4 of the Industrial Estate Authority of Thailand Act, B.E. 2522 shall be abrogated and replaced by the following:

Section 4

In this Act:

"Industrial Estate" means a general industrial zone or export processing zone;

"General industrial zone" means an area designated for industrial activities or other activities beneficial to or connected with industrial activities;

"Export processing zone" means an area designated for industrial activities, trading or services for the purpose of exporting products and other activities beneficial to or connected with industrial activities or service for the purpose of exporting products.

"Industrial operator" means a person who is permitted to engage in industrial activities in an industrial estate;

"Trading for export" means trading or service for the purpose of exporting product;

"Trader of export" means a person who is permitted to engage in trading or service for the purpose of exporting product in an export processing zone.

"To produce" includes making, constructing, mixing, assembling or packing.

"Excise tax" means excise tax that is stipulated in the Revenue Code.

"Board" means the Board of Directors of the Industrial Estate Authority of Thailand.

"Governor" means the Governor of the Industrial Estate Authority of Thailand.

"Officer" means an officer of the Industrial Estate Authority of Thailand.

"Section 51

Goods imported and taken into an export processing zone under Section 48, Section 49 and Section 52 including products, by products and other items arising from the production in the export processing zone, if taken out of the export processing zone for use or disposed of within the Kingdom, shall be subject to payment of surcharge under the law on promotion of investment, export duty, value added tax and excise tax in accordance with their nature and value and at the rates of taxes and duties prevailing on the day they are taken out of the export processing zone as if they have been imported on the date they are taken out of the export processing zone."

Section 15

The statement under Section 54 of the Industrial Estate Authority of Thailand Act, B.E. 2522 amended by the Industrial Estate Authority of Thailand Act (No. 2), B.E. 2534 shall be abrogated and replaced by the following:

“Section 54

In case industrial operator and trader for export apply to IEAT for the permission to destroy unused or useless materials which are in the export processing zone or in case IEAT deems it appropriate to order the destruction of the above-mentioned materials, IEAT shall notify the industrial operator or trader for export, as the case may be, or his agent and the Director-general of the Custom Department or his designated representative of it in writing. The Director General of the Customs Department of his designated representative shall order the destruction thereof in accordance with the rules and procedure which the Director-General of the Customs Department prescribes.

In case IEAT is unable to notify the person in Paragraph 1, IEAT shall post a notice at the said person’s office which is in the export processing zone for 7 days. There after it will be considered as the said person has already been informed.

Goods destroyed in accordance with the rules and procedure under paragraph 1 shall be granted exemption from payment of surcharge under the law on promotion of investment, import duty, value added tax and excise tax”

Section 16

The statement under Section 57 of the Industrial Estate Authority of Thailand Act, B.E. 2522 shall be abrogated and replaced by the following:

“Section 57

The competent officials shall have power to enter the premises of industrial operator, trader for export or person engaging in other activities beneficial to or connected with industrial operation or trading for export, as the case may be, in an industrial estate during working hours in order to make inquiry into facts or examine documents or objects in connection with activities from persons at such premises as may be necessary. In such case, the said operators shall provide the competent official with appropriate facilities.

In the case, a competent official intends to enter the premises under Paragraph 1, the Governor or his designated representative shall notify the industrial operator, trader for export or other operators beneficial to or connected with industrial operation or trading for export, as the case may be, of it in writing not less than 20 hours in advance unless the Governor or his designated representative considers it to be a matter of urgency”

Section 17

To abrogate (7) under Section 66 of the Industrial Estate Authority of Thailand Act, B.E. 2522:

“Employee” means an employee of the Industrial Estate Authority of Thailand.

“Competent official” means a person appointed by the Minister for the execution of this Act.

“Minister” means the Minister having charge and control of the execution of this Act.

Section 4

The statement in (2) of Section 6 of the Industrial Estate Authority of Thailand Act, B.E. 2522 shall be abrogated and replaced by the following:

“(2) improvement of land under (1) in order to provide services as well as other facilities for an operation of industrial operators, traders for export and other operators beneficial or connected with industrial operation or trading for export, such as providing roads, drainage system, waste-water treatment plant, electricity, water works and telecommunication;

Section 5

The statement in (1) and (2) under Section 10 of the Industrial Estate Authority of Thailand Act, B.E. 2522 shall be abrogated and replaced by the following:

“(1) Surveying, planning, designing, construction, maintenance of facilities and provision of services to industrial operators traders for export and other operators beneficial or connected with industrial operation or trading for export, as the case may be.

(2) Designation of categories and sizes of industrial activities trading for export or other business beneficial or connected with permissible in an industrial estate shall be in accordance with the rules, procedure and conditions prescribed by the Board”

Section 6

The statement in (4) under Section 10 of the Industrial Estate Authority of Thailand Act, B.E. 2522 shall be abrogated and replaced by the following:

“(4) Control of the operations of industrial operators, traders for export other operators beneficial or connected with industrial operation or trading for export and persons utilizing land in industrial estate in accordance with rules, regulations, and laws including the carrying out of works in connection with public health or effecting environmental quality.”

Section 7

To add the following statement in Paragraph 4 under Section 36 of the Industrial Estate Authority of Thailand Act, B.E. 2522.

“The stipulation of any export processing zones to be an export processing zone including trading for export shall be approved by the cabinet and after its publication in the Government Gazette.”

Section 8

To add the following statement under Section 36 bis of the Industrial Estate Authority of Thailand Act, B.E. 2522:

“Section 36

Bis when there is an announcement of the Royal Decree in accordance with Section 36 Paragraph 3 concerning an establishment or amendment of export processing zone, public lands in the said zone will belong to Industrial Estate Authority of Thailand once the following conditions have been accomplished:

- (1) Public lands for common interest of the people, in case that the land is no more used for benefit of the people or it is changes from common interest and when the Ministry of Interior has given its consent, together with IEAT’s payment on land cost to the Ministry of Finance in an amount as set by the Ministry of Interior, or in case that the land is still being used y the people or it is still not changed the present condition from the land for common interest, once the Ministry of Interior has given its consent and IEAT has provided another land plot for common use of the people, by the publication in the Government Gazette, it will make that Royal Decree come into force to revoke the condition of public lands of that land with no need to revoke the condition of land or transfer under the land code.
- (2) Public lands that are particularly used for the common benefit of the country or lands that are reserved or forbidden for the need of civil service when the Ministry of finance has given its consent and IEAT has already paid for the land cost to the Ministry of finance in an amount of its assessment, by the publication in the Government Gazette, it will make that Royal Decree come into force which revokes public land condition or transfer under Real Property law.

- (3) Public lands that are uncultivated and waste or the lands that are expropriated or abandoned or returned back to public by other means under land code when the Ministry of Interior has given its consent and IEAT has paid the land cost to the Ministry of Finance in an amount set by the Ministry of Interior.

In the case there is an announcement of Section 36 Paragraph 2 to establish or modify general industrial zone, it has to enact the Royal Decree to adjust the conditions of public lands by specifying No. of Land plot and approximate areas that IEAT desires to own in the Royal Decree and when there is an enactment of that Royal Decree, IEAT will take ownership of that lands under the conditions in the same as the first paragraph.

Section 9

To abrogate the statement in Paragraph 3 under Section 38 of the Industrial Estate Authority of Thailand Act, B.E. 2522 and be replaced by the following:

"The immovable property acquired by the expropriation in accordance with Paragraph 1 shall become property of IEAT and IEAT shall have the power to transfer it to industrial operators, traders for export or other operators beneficial to or connected with industrial operations or trading for export as the case may be"

Section 10

To add the following statement into Section 39 bis of the Industrial Estate Authority of Thailand Act B.E. 2522.

"Section 39

Bis land allotment for industrial estate under Section 39 shall be conformed with the law on land allotment control of private sector; however, permission which is in authority of the committee according to that law shall be in authority of the board under this Act."

Section 11

To abrogate the statement under Section 44 and Section 45 of the Industrial Estate Authority of Thailand Act B.E. 2522 and be replaced with the following:

"Section 44

An industrial operator or trader for export may be permitted to own the land in industrial estate or in export processing zone required for his industrial activity in such size as the Board may deem appropriate even though it may exceed the limit permissible under other laws.

In the case which an industrial operator or trader for export who is a foreign national ceases his business or assigns it to another person, he shall dispose of the land and its fixture which he has been permitted to IEAT or the transferee of the business, as the case may be, within three years as from the date of the cease or transfer thereof, otherwise the Director-General of the Land Department shall dispose of the said land and its fixture to IEAT in accordance with the Land Code.

Section 45

Subject to the law on immigration only in so far as it is not provided otherwise herein, an industrial operator and trader for export may be permitted to bring into the Kingdom the foreign nationals who are:

- (1) Skilled workers:
- (2) Experts:
- (3) Spouse or dependents of persons under (1) or (2) in such numbers and for such period as the Board deems appropriate even though it may exceed the quota or period permissible under the law on immigration."

Section 12

To abrogate the statement in Paragraph 1 under Section 27 of the Industrial Estate Authority of Thailand Act, B.E. 2522 and replaced by the following:

“Section 47

An industrial operator and trader for export having domicile outside the Kingdom shall be permitted to take out or remit foreign currency from the Kingdom if such currency being:

- (1) capital brought into the Kingdom and dividends or other benefits accrued therefrom;
- (2) foreign loan for the purpose of investing in industrial operation or trading for export under an agreement approved by the Board including the interest therefrom;
- (3) money which has an obligation with a foreign country under an agreement in connection with the use of rights and services in carrying out industrial operation or trading for export and such agreement has been approved by the Board”

Section 13

The statement under Section 48 and Section 49 of the Industrial Estate Authority of Thailand Act, B.E. 2522 amended by the Industrial Estate Authority of Thailand Act (No. 2), B.E. 2534 shall be abrogated and replaced by the following:

“Section 48

Industrial operator and trader for export in an export processing zone shall be granted exemption from payment of surcharge under the law on promotion of investment, import duty, value added tax and excise tax on machinery, equipment, tools and supplies including the component thereof which are essential for the production of goods or trading for export, as the case may be, and on materials to be used for the construction, assembly or installation of factory or building in the export processing zone, provided that they shall be at such quantity as imported into the Kingdom and taken into the export processing zone and as approved by the Board and in compliance with such rules and conditions as prescribed by the Board.

Section 49

Goods imported and taken into an export processing zone by industrial operator and trader for export for use in the production of good or trading for export shall be granted exemption from payment of surcharge under the law on promotion of investment, import duty, value added tax and excise tax but all this including goods taken out of an export processing zone into other export processing zone”.

Section 14

The statement under Section 51 of the Industrial Estate Authority of Thailand Act, B.E. 2522 amended by the Industrial Estate Authority of Thailand Act (No. 2) B.E. 2534 shall be abrogated and replaced by the following:

Disclaimer

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