Revenue Code

Translation

Title 1
General provisions

Section 1
This Act shall be called the “Revenue Code”.

Section 2
In this Revenue Code, unless the context otherwise requires:

“Minister” means the Minister in charge of the enforcement of this Revenue Code;
“Director-General” means the Director-General of the Revenue Department or his authorized representative;
“Provincial Governor” shall include the Governor of Bangkok Metropolitan;
“Amphur” means Chief of Amphur (District), Chief of Area Revenue Branch Office (Sub-district);
“Chief of Amphur” shall include Chief of Khet (District) and Deputy Chief of Amphur who is also Chief of King-Amphur (Sub-district);
“Amphur Office” shall include Khet office (District) and King-Amphur office (Sub-district);
“State enterprise” means enterprise under the law concerning the setting up of state enterprise, enterprise under the specific state enterprise law, or business enterprise owned by the government which is not a juristic person;
“Thailand or Kingdom” shall include territorial waters which according to the international law and Conventions with other countries are designated to Thailand.

Section 3
For taxes collectible under this Revenue Code, a Royal Decree may be issued for the following purposes:

(1) to reduce or exempt tax as suitable to circumstances, nature of business, or local condition;
(2) to exempt tax to persons or international organizations under the commitment between Thailand and United Nations, under international laws, under Conventions, or under reciprocal basis; ¹
(3) to exempt tax to government, state enterprise, Tessaban (municipal), Sukapiban (municipal), religious body or public charitable organization;

The reduction or exemption under (1), (2) and (3) may be amended or revoked by issuing a Royal Decree.

Section 3 Bis
If the following official considers that an accused shall not be imprisoned or prosecuted, he shall be empowered to impose fine in the following offenses, except those under Section 13.

(1) Offense subject to fine only, or fine or imprisonment not exceeding six months, or both with an imprisonment not exceeding six month, occurred in Bangkok Metropolitan area shall be within the power of the Director-General. If it occurs in other provinces, it shall be within the power of the Provincial Governor.

¹ R.D.No.9 No.10 No.18
(2) Offense subject to fine or imprisonment exceeding six months but not exceeding one year or both with an imprisonment exceeding six months but not exceeding one year, shall be within the power of a Committee comprising the Director-General, the Director-General of department of Local Administration, and the Commissioner General of the Royal Thai Police or his authorized representative.

If an accused pays the fine in full within the time given, it shall be deemed that he shall not be further prosecuted for that case.

If the empowered person under paragraph 1 considers not to exercise such power, or the accused does not comply with the order to pay fine, or the accused agrees to pay fine but does not do so within the time given, the accused shall be further prosecuted. In this case he shall not be allowed to pay fine in accordance with other laws.

Section 3 Ter
Any person liable to surcharge in accordance with the Revenue Code, agrees and pays such surcharge in accordance with a Ministerial Regulation, it shall be deemed that such person is no longer liable to pay such surcharge.  

Section 3 Quarter
In the case where the provisions of the Revenue Code prescribes that a person shall pay tax at an Amphur office, the Minister may publish in the Government Gazette provisions to pay tax at another place. In such a case, the tax payment is deemed to be complete upon the receipt of the tax receipt signed by the Head of such office.

Section 3 Quinque
In the case where there is to believe that there is tax evasion, the Director-General shall have the power to enter or issue a written order to Revenue officials to enter any places or vehicles in order to search, seize or attach books of account, documents or other evidences related or believed to be related to tax evasion, throughout Thailand.

In any other province apart from Bangkok, the Provincial Governor or Chief of Regional Revenue Office shall have the power of the Director-General as prescribed under paragraph 1 in that province or region.

In exercising the power under paragraph 1 and 2, it shall be done during the hours between sunrise and sunset, or during business hours of an entrepreneur.

Section 3 Sex
If books of account, documents and other evidences related or presumed to be related to tax payable are in foreign languages, an assessment official or official may order a responsible person to translate them into Thai language within a reasonable period of time.

Section 3 Septem
For the purpose of collecting taxes in accordance with the Revenue Code, the accounts examination and certification shall be done only by person who has obtained a license from the Director-General.

A person who wishes to apply for the license mentioned in paragraph 1 shall possess the qualification and comply with the regulations prescribed by the Director-General with the approval of the Minister.

If a person obtained such license violates the regulations as prescribed by the Director-General, the Director-General may terminate such license.

The provisions of this Section may be in force in any province as the Director-General shall announce with an approval of the Minister.

The announcement shall be published in the Government Gazette.
Section 3 Octo

With regard to deadline for filing tax returns or other items, for appeal or for paying taxes as prescribed in the Revenue Code, if the liable person is not in Thailand or due to a cause of necessity fails to act within the deadline, it may be extended or postponed as necessary where the Director-General deems appropriate.

A deadline prescribed in the Revenue Code may be extended or postponed as necessary, where the Minister deems appropriate.  


Section 3 Novem

Any person intentionally does not accommodate or obstruct officials exercising his powers in accordance with Section 3 Quinque shall be liable to fine not exceeding 5,000 Baht or an imprisonment not exceeding 1 month, or both.

Section 3 Decem

Any person not complying with orders of an assessment official or official in accordance with Section 3 Sex shall be liable to fine not exceeding 5,000 Baht.

Section 3 Undecim

For the purpose of collecting taxes in accordance with the Revenue Code, the Director-General shall have the power to prescribe that taxpayers and the payer of income shall obtain and use Tax Identification Number in complying with the Revenue Code in accordance with rules and procedures prescribed by the Director-General with the Minister's approval.

The prescription under paragraph 1 shall be published in the Royal Gazette.

4N.DG.Re: Stipulating Requirement for Persons Having Duty to Pay Personal Income Tax, Companies or Juristic Partnerships, and Income Payers Having Duty to Withhold Tax at Source to Have and Use Identification Number in the Compliance with the Revenue Code.

Section 3 Duodecim

A person violating or failing to complying with the Director-General's announcement issued under Section 3 undecim shall be subject to fine not exceeding 2,000 Baht.

Section 3 Tredecim

For the purpose of tax collection, a Director-General shall be empowered to order the payer of assessable income under Section 40, who does not have to withhold tax under Title 2, to withhold tax at source in accordance with rules, conditions and procedures prescribed by the Ministerial Regulations. For this purpose, Section 52, Section 53, Section 54, Section 55, Section 58, Section 59, Section 60 and Section 63 shall apply.  

5M.R.No144

Section 3 Quattuordecim

In the case where withholding tax is required by the Revenue Code, a person required to withhold tax shall withhold tax at source and remit to the Revenue Department whether or not the payment of assessable income is made by Court order, laws or any other reasons.

Section 4

The Minister of Finance shall be in charge of the enforcement this Revenue Code and have the power to appoint an assessment official or official by publishing in the Royal Gazette, and shall issue Ministerial Regulations;
(1) to use or abolish stamps with the prescription to replace such stamps within reasonable period of time and under the conditions with minimum of 60 days notice.

(2) to prescribe other activities to comply with the Revenue Code.

Ministerial Regulations shall be effective after being published in the Royal Gazette.\(^6\)

\(^6\) M.R.No.134 No.161 No.189

**Section 4 Bis**

A foreigner departing Thailand shall pay tax due and/or tax payable even if it is not due, or to arrange for a collateral for payment of tax in accordance with the provisions of the Revenue Code before departure.

**Section 4 Ter**

A foreigner departing Thailand shall apply for a Tax Clearance Certificate in the form prescribed by the Director-General within fifteen days prior to departure, whether or not there is any tax payable.

An application under paragraph 1, where the foreigner is domiciled or resides in Bangkok or Thonburi province, shall be submitted to the Director-General or his authorized representative. If he is domiciled or resides in other province, it shall be submitted to the Provincial Governor or his authorized representative.

A foreigner who does not apply for Tax Clearance Certificate under paragraph 1 and 2, or does apply but has not received a Tax Clearance Certificate, departs Thailand or attempts to depart Thailand, he will not only be subject to punishment under the provisions of the Revenue Code, but also surcharge of 20 percent of tax payable. Surcharge under this Section is deemed to be tax.

**Section 4 Quarter**

Provisions of Section 4 Bis and Section 4 Ter shall not apply to a foreigner transiting Thailand, or entering and residing in Thailand for a period or periods aggregating not more than ninety days in a tax year without earning assessable income, or to a foreigner as prescribed by the Director-General with the Minister’s approval.\(^7\)

\(^7\) N.DG.Re. Stipulating Non-Requirement for Foreigners Departing from Thailand to Obtain Tax Clearance Certificate.

**Section 4 Quinge**

A person receiving an application under Section 4 Ter shall examine whether the applicant has any tax liability under Section 4 Bis or not. If there is no tax liability, a Tax Clearance certificate prescribed by the Director-General shall be issued to the applicant.

If the examination under the provision of paragraph 1 appears that the applicant has tax liability to be paid under Section 4 Bis and the applicant has fully paid tax, or if he does not pay tax in full or pays part of the tax but arranges for a guarantor or a collateral as the Director-General or a Provincial governor or his authorized representative deems appropriate as a collateral for tax payment, he shall be issued a Tax Clearance certificate by the Director-General or a Provincial Governor or his authorized representative.

**Section 4 Sex**

In the case where a person receiving an application under Section 4 Ter considers that an applicant has sufficient reason to leave Thailand urgently but temporarily, and an applicant has a collateral or assets in Thailand worth more than the amount of tax due or tax payable, the Director-General or Provincial Governor or an authorized representative shall issue a Tax Clearance certificate.
Section 4 Septem
Subject to Section 4 Octo, a Tax Clearance Certificate is valid for fifteen days from the date of issuance. If there is a request for extension before it expires, the Director-General or Provincial Governor or his authorized representative may extend it for another fifteen days.

Section 4 Octo
A foreigner who has to enter Thailand on a regular basis in relation to his occupation or profession may apply to the Director-General or Provincial Governor or his authorized representative as the case may be, to issue a Tax Clearance Certificate which is used regularly. If a person receiving the application considers that the applicant has a necessary cause as requested and has a collateral or assets in Thailand in the amount at least equal to tax due or tax payable, may issue a Tax Clearance Certificate in the form prescribed by the Director-General. Such Tax Clearance Certificate shall be valid during the time specified in such Certificate but shall not exceed one hundred and eighty days from the date of issuance.

Section 4 Novem
A foreigner departs Thailand without Tax Clearance Certificate as required by the Revenue Code shall be subject to a fine not exceeding 1,000 Baht, or an imprisonment not exceeding 1 month, or both.
A foreigner attempts to do as such shall be subject to the same punishment.

Section 4 Decem
The Director-General or an authorized representative shall pay interest to a taxpayer receiving tax refund at the rate of 1 percent per month or part of the month of the amount of tax refundable according to the rules and conditions prescribed by the Ministerial regulations.
Interest paid under paragraph 1 shall not exceed the amount of tax refundable and shall be paid out of tax collected under the Revenue Code.

Title 2
Revenue Taxes
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Chapter 1
General provisions

Section 5
Taxes and duties prescribed hereafter shall be within the power and control of the Revenue Department.

Section 6
In a case where a non-juristic body of persons, the director or the manager of the body shall be liable to perform the duty of such body.

Section 7
In a case where a company or juristic partnership is required to file particulars, reports or other documents, the director, partner or manager shall sign them.

Section 8
A summons, a notification to pay tax or any other letter issued to any person in accordance with this Title, shall be sent by registered mail or delivered by a revenue official at a place of
domicile or residence or office of such person during the sunrise and sunset or during office hours of such person. If a recipient cannot be found at a place of domicile or residence or office of the recipient, it shall be delivered to any person sui juris who resides or works in such house or office.

In the case where it cannot be delivered under the provisions of paragraph 1 or that person has left Thailand, it shall be posted at a prominent place of his residence, office or house where his name is currently in the record under the law regarding house registration or published a brief description in a newspaper regularly sold in that area.

If the above said procedure is followed, it shall be deemed to be received.

Section 9

Unless stated otherwise, if it is necessary to convert foreign currency into Thai currency in order to comply with this Title, it shall be converted using the exchange rate which the Ministry of Finance announces from time to time.¹

¹ N.MF.Re: Rates of Exchange of Foreign Currencies against Thai Currency under Section 9 of the Revenue Code.

Section 9 Bis

Unless stated otherwise, if it is necessary to evaluate assets or other benefits into money, the price or value receivable on the date that the asset or benefits is received shall be used.

Section 10

Any official who upon performing his duty learns about the operations of a taxpayer or any related persons shall be prohibited from informing any other persons or relay to others such information in any way unless he has a power to do so under the law.

Section 10 Bis

For the purpose of tax collection, the Director-General shall have the power to reveal the following information:

(1) name of VAT registrant, tax base and amount of assessed value added tax of that registrant;
(2) name of a taxpayer and amount of tax paid;
(3) name of auditor and behavior of an auditor in relation to the audit and certification of account under Section 3 Septem.

The above said provision is subject to regulations prescribed by the Minister.

Section 11

Unless stated or the Director-General ordered otherwise, the tax shall be paid at Amphur office and the tax payment is completed upon receiving the receipt signed by the Chief of Amphur.²

² N.DG.IT. No.95 No.104 No.106 No.107 No.108 No.111
N.DG.VAT. No.115 No.118
N.DG.SBT. No.6
N.DG.SD. No.21 No.22 No.32 No.33 No.37

Section 11 Bis

If a taxpayer requires a substitute receipt, there shall be obtained at the Amphur office with a fee of 50 Satang.
Section 12
Tax payable or remittable under this Title, when it is due but not paid or remitted shall be deemed as tax arrears.

In order to recover tax arrears, the Director-General shall have the power to seize or attach and sale by auction assets of a person liable to pay or remit tax throughout Thailand without the Court summons or order. The Director-General may delegate such power to a Deputy Director General or Chief of Regional Revenue Office.

In any other province apart from Bangkok, the Provincial governor or Chief of Amphur shall have the power of the Director-General under paragraph 2 within the province or region. However, for Chief of Amphur, he shall have the power to order sale by auction upon permission from the Provincial governor.

The procedure for seizure and sale by auction shall be in accordance with the Civil Procedures Code *mutatis mutandis*. For an attachment, the regulation prescribed by the Director-General with an approval from the Minister shall be followed.

Money received from sale by auction shall be deducted fees, expenses incurred from seizure and sale by auction, and tax arrears. The remaining shall be returned to the owner of the assets.

A person liable to pay tax under paragraph 2 shall include a partner with unlimited liability in a juristic partnership.

Section 12 Bis
Once the seizure or attachment order under Section 12 is issued, no one shall destroy, remove, hide or transfer the seized or attached assets to other persons.

Section 12 Ter
For the purpose of Section 12, an authorized person or Chief of Area Revenue Office shall have the power to:

1. issue summons to a person liable to tax arrears or any person reasonably believed to be beneficial for collection of tax arrears to give evidence,
2. order a person in (1) to bring books of account, documents or other evidence as necessary for collection of tax arrears for inspection,
3. order in writing to a revenue official to search or seize accounts, documents or other evidence of a person in (1).

The procedures in (1) and (2) shall be preceded after at least 7 days from the date that a summons or an order is received. The order and procedure in (3) shall be in accordance with the regulation as prescribed by the Director-General.

Section 13
Any official contravening the provision of Section 10 shall be subject to a fine not exceeding 500 Baht or an imprisonment of not exceeding 6 months or both.

Chapter 1 Bis
Commission of Taxation

Section 13 Bis
There shall be established a Commission of Taxation, comprising the Permanent Secretary of the Ministry of Finance as Chairman, the Director-General of Revenue Department, the
Director-General of Customs Department, the Director-General of Excise Department, Director of Fiscal Policy Office, Secretary-General of Council of State and experts of 3 persons appointed by the Minister.

The Commission shall appoint a government official of the Ministry of Finance to be secretary and assistant secretary.

Section 13 Ter
A Commission member appointed by the Minister under Section 13 Bis shall hold office for a term of 3 years. A Commission member who retires upon the expiration of the office term may be reappointed.

Section 13 Quatrum
Apart from retirement from the office under Section 13 Ter, an appointed Commission member shall vacate the office upon:

(1) death;
(2) resignation;
(3) removal by Minister;
(4) being incompetent or quasi-incompetent or bankrupt;
(5) having been imprisoned by the judgment of Court which is final, unless the offence is related to an act of negligence or a petty offence.

In the case where a Commission member retires before the expiration of the office term, the Minister shall appoint another person to replace him.

The appointed Commission member under paragraph 2 shall remain in office for the duration of unexpired term of the Commission member whom he replaces.

Section 13 Quinque
The meeting of the Commission of Taxation shall be not less than half of total Board members in order to form a quorum.

If the Chairman of the Commission of Taxation is not present at the meeting, the Commission members present shall elect one member to act as the Chairman.

Decision shall be made upon majority. Each Commission member has one vote. In the event of a tied vote, the Chairman of the meeting shall have a casting vote.

Section 13 Sex
A member of a Commission of Taxation shall be official for the purpose of the Penal Code.

Section 13 Septem
A Commission under Section 13 Bis shall have the power to:

(1) prescribe the scope of power exercised by assessment official and official;
(2) prescribe rule, procedure and duration for audit and assessment of tax;
(3) decide on tax related issue upon the Revenue Department request;
(4) give advice or proposal to the Minister regarding tax collection.

Upon the prescription of (1) and (2) being approved by the Cabinet and published in the Royal Gazette, assessment officials and officials shall follow such prescription.

Decisions made by the Commission of Taxation under (3) shall be final and in the case where there is a change in the decision at a later date, the decision shall not apply retroactively.
except in the case where there is a final Court judgment affecting such decision. In such a case, an assessment official or official shall have the power to enforce the unfavorable part of judgment retroactively only on the person who is party to the case.

Section 13 Octo
A member of a Commission appointed by the Minister who has an interest in the case presented for consideration under Section 13 Septem (3) cannot attend the meeting nor vote in that case.

Chapter 2
Procedures regarding assessment tax

Section 14
Assessment tax is such assessment tax as clearly prescribed in each particular Chapter.

Section 15
Unless stated otherwise in various Chapters in this Title, provisions of this Chapter shall be applicable to all types of assessment tax.

Section 16
“Assessment Official” means a person or a group of persons appointed by the Minister.

Part 1
Filing and Payment of tax

Section 17
In relation to tax return filing, it shall be filed within the time limit specified in the Chapters regarding taxes and in accordance with the form prescribed by the Director-General.

If the Director-General requires annual reports, or financial statements or other accounts together with tax return, he shall have the power to order so. The Director-General shall have the power to order a taxpayer to keep special book of account and to fill in the required information in that book. For the convenience of calculating tax payable in accordance with this Chapter, once the Director-General has given such order, the tax return filer or a person liable to tax shall follow such order.

For the purpose of tax collection:

1. The Director-General with the approval from the Minister shall have the power to order a person to keep a special book of account and to fill in the required information in such account. Such order shall be published in the Royal Gazette.

2. The Director-General shall have the power to order the tax return filer or a person liable to tax to keep a financial statement or other accounts or inform any other information and submit to an assessment official together with the filing of tax return in the form prescribed by the Director-General.¹

¹ N.DG.IT. No.10 No.12 No.61 No.123 No.126

Notification of the Director-General of Revenue Department on Income Tax and Business Tax No.1
Section 18
Particulars filed for tax purposes shall be assessed by Amphur or assessment official as prescribed in a particular Chapter. Once the tax is assessed, he shall inform the amount of assessed tax to the taxpayer. In this case, it may be appeal.

In the case where a taxpayer dies before being informed of the amount of assessed tax, Amphur or assessment official shall inform the amount of assessed tax to an estate administrator, an heir or possessor of the estate, as the case may be.

If after an assessment, there is no tax collectible or refundable, the amount of tax shall not be notified but Amphur or an assessment official may proceed in accordance with Section 19, Section 20 and Section 21.

Section 27 shall apply to the assessment under paragraphs 1 and 2 *mutatis mutandis*.

Section 18 Bis
In the case necessary for tax collection, an assessment official shall have the power to assess and requests a taxpayer to pay tax before the time limit. After the assessment, he shall notify the amount of tax to a taxpayer and the taxpayer shall pay tax within 7 days from the date of receiving the assessment. In this case, the assessment may be appealed.

The assessed tax under paragraph 1 shall be deemed tax credit in the tax calculation of the taxpayer.

In exercising the power under this Section, an assessment official may order a taxpayer to file a tax return in the form prescribed by the Director-General.

Section 18 Ter
Subject to Section 18 Bis, in the case where an assessment official has made tax assessment, a person liable to tax shall pay such tax with fine and surcharge under the provisions of this Chapter within 30 days from the date of receiving the assessment.

Section 19
Unless stated otherwise, in the case where an assessment official has a reasonable cause to believe that any person has filed a false or incomplete tax return, the assessment official shall have the power to issue a summons call upon that tax return filer for interrogation and issue a summons call upon a witness and order that tax return filer or witness to show accounts, documents or any other evidence but he shall give at least 7 days in advance from the date of delivery of summons. Nevertheless, the summons must be issued within 2 years from the date of tax return filing whether or not the filing was done within the time limit prescribed by law or the time extended by the Minister or Director-General, which ever is the later date.

Except there is evidence or reasonable doubt that a tax return filer has intention to evade tax or in the case necessary for the purpose of tax refund, a Director-General may extend the time for the issuance of such summons in excess of 2 years but not exceeding 5 years from the date of tax return filing. However, the extension of time limit for the purpose of tax refund shall not exceed the time limit for refund.

Section 20
After proceeding with Section 19, an assessment official shall have the power to adjust an amount of assessed tax or an amount calculated in the tax return base on evidence and shall notify the amount of tax payable to the person liable to tax. In this case, after such person has been notified, the assessment may be appealed.

Section 21
If a person liable to tax does not comply with the summons or order of an assessment official under Section 19 or does not answer questions without justifiable reason, an assessment
official may assess the amount of tax to the best of his knowledge and notify the amount of tax payable to a person liable to tax. In this case, the assessment shall not be appealed.

Section 22
In the assessment under Section 20 or Section 21, a person liable to tax shall be liable to fine equal to the amount of tax payable.

Section 23
In a case where a person fails to file tax return, Amphur or an assessment official, as the case may be, shall have the power to issue summons to call such person to give evidence and issue summons to call for witness and order a non filer or witness to bring an account or evidence related to the matter but shall give at least 7 days in advance from the date of delivery of summons.

Section 24
After proceeding with Section 23, Amphur or an assessment official shall have the power to assess tax and notify the amount of tax payable to the person liable to tax. In this case, after such person has been notified, the assessment may be appealed.

Section 25
If a person receiving the summons or order of Amphur or an assessment official, as the case may be, does not comply with such summons or order under Section 23, or does not answer questions without justifiable reason, Amphur or an assessment official may assess the amount of tax to the best of his knowledge and notify the amount of tax payable to person liable to tax. In this case, the assessment shall not be appealed.

Section 26
Unless stated otherwise in this Title, in the case of an assessment under Section 24 or Section 25, a person liable to tax shall be liable to fine double the amount of tax payable.

Section 27
A person failing to pay or remit tax within the time limit prescribed in various Chapters of this Title regarding assessment of tax, shall pay surcharge of 1.5 per cent per month or part of a month of an amount of tax payable or remittable excluding fine.

In the case where a Director-General extends the time limit for tax payment or tax remittance, and the tax is paid or remitted within the extended time, the surcharge under paragraph 1 shall be reduced to 0.75 per cent per month or part of a month.

The calculation of surcharge under paragraphs 1 and 2 shall begin from the day after the last day of the time limit for tax return filing or tax remittance until the date of tax payment or remittance. However, the amount of surcharge shall not exceed the amount of tax payable or remittable whether or not the amount of tax payable or remittable arising from the assessment or order of an official or decision of Commission of Appeal or Court decision.

Section 27 Bis
Fine under Section 22 and Section 26, and surcharge under Section 27 shall be deemed tax.

Fine under paragraph 1 may be waived or reduced in accordance with the regulations prescribed by the Director-General with an approval from the Minister. Such regulations shall be published in the Royal Gazette.

Section 27 Ter
Unless stated otherwise, the refund of tax and tax withheld and remitted in an amount in excess of what should have been remitted or without a duty to pay, a person entitled for the
refund shall submit the request within 3 years from the due date of the filing of tax return, except in the following cases:

(1) in the case where an entitled person has filed a tax return after the due date or has filed within the due date that the Minister or Director-General had extended or postponed, an entitled person shall submit a request for tax refund within 3 years after the filing date.

(2) in the case where an entitled person has appealed in accordance with the provisions under this Chapter or has a case in Court, an entitled person shall submit a request for tax refund within 3 years from the date of receiving the appealed decision in writing or from the date of receiving the final court decision, as the case may be.

The refund requested under this Section shall be in accordance with the form prescribed by the Director-General and an entitled person shall submit the request at Amphur official where he is a resident or at any other place as prescribed by the Director-General.

Section 27 Quatrum

For the purpose of tax refund under the provisions of the Revenue Code, assessment official may send a notification to a person claiming the refund or other person involved to give affidavit or send documents or other evidence for his consideration as he deems appropriate.

Part 2
Appeal

Section 28
An appeal shall be made in the form prescribed by the Director-General.

Section 29
In an appeal against an assessment under the responsibility of Amphur, shall be as follows;

(1) shall appeal the assessment of Amphur to an assessment official within 15 days from the date of receiving the assessment;

(2) subject to Section 21 or Section 25, shall appeal the assessment of assessment official to Provincial Governor within 15 days from the date of receiving a decision of Commission of appeal, or the date of receiving the assessment under Section 18 Bis, Section 20 or Section 24;

(3) subject to Section 33, shall appeal the decision of Provincial Governor to Court within 15 days from the date of receiving appeal decision.

Section 30
In appealing against tax assessment which Amphur does not have duty to assess, it shall be appealed within 30 days from the date of receiving the assessment. The appeal shall be in accordance with the following rule and procedure;

1. subject to Section 21 or Section 25;
   i. if an assessment official whose office is in the Bangkok or Thonburi province region, it shall be appealed to the Commission of Appeal which comprises the Director-General or his representative, a representative from Office of the Attorney General and a representative from Ministry of Interior.
ii. if an assessment official whose office is in other provinces, it shall be appealed to the Commission of Appeal which comprises the Provincial Governor or his representative, Chief of Regional Revenue Office or his representative and Provincial Attorney General or his representative;

2. subject to Section 33, it shall be appealed against the decision of the Commission of Appeal to Court within 30 days from the date of receiving the appeal decision.

Commission of Appeal under (a) may have several commissions.

Section 31
The appeal is not a deferral of tax payment. If a taxpayer fails to pay tax within the time limit prescribed by law, it shall be deemed as tax arrears under Section 12, except in the case where an appellant is granted a permission from the Director-General to wait for a decision of Commission of appeal or Court's decision, then he shall pay within 30 days from the date of receiving the decision of Commission of appeal or the result of final Court's decision, as the case may be.

In the case where the decision of Commission of appeal orders to pay more tax, the appellant shall pay within the same time limit as the previous paragraph.

Section 32
For making an appeal decision under Section 29 or Section 30, an assessment official, Provincial Governor or a member of the Commission of Appeal, as the case may be, shall have the power to issue a summons to call upon an appellant for interrogation, issue summons to call upon a witness and order an appellant or a witness to provide books of account or other evidence relating to the matter but he shall give at least 15 days from the date of delivery of summons.

Section 33
Any appellant who does not comply with summons or order under Section 32 or does not answer questions without justifiable reason, such person shall not be entitled to appeal against the decision of the Commission of Appeal.

Section 34
A decision of Commission of Appeal under Section 29 or Section 30 shall be in writing and delivered to an appellant.

Section 35
A person failing to comply with Section 17, Section 50 Bis or Section 51, unless in case of a force majeure, shall be subject to fine not exceeding 2,000 Baht.

Section 35 Bis
A person contravening Section 12 Bis shall be subject to an imprisonment for a term not exceeding 2 years and fine not exceeding 200,000 Baht.

In a case where a person in paragraph 1 is a juristic person, a managing director, director or representative of that juristic person shall also be subject to the punishment in paragraph 1 unless he can prove without doubt that he does not involve in the offense of such juristic person.

Section 36
A person consciously or intentionally fails to comply with summons or orders of Director-General, a representative of Director-General, Chief of Area Revenue Office, Assessment official, Provincial Governor or commissioner, issued under Section 12 Ter, Section 19, Section
23 or Section 32, or does not answer questions, such person shall be subject to an imprisonment not exceeding 1 month or penalty not exceeding 2,000 Baht or both.

**Section 37**

A person;

(1) intentionally notifies false statement or gives false statement or answers with a false statement or shows false evidence in order to evade taxes under this Title, or

(2) with faulty facts, fraudulent, artifice or other similar nature, evades or attempts to evade tax under this Title, shall be subject to an imprisonment from 3 months to 7 years and penalty from 2,000 Baht to 200,000 Baht.

**Section 37 Bis**

A person intentionally fails to file tax returns prescribed under this Title in order to evade or in an attempt to evade tax, shall be subject to a fine of not exceeding 5,000 Baht or an imprisonment for a term not exceeding 6 months or both.

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**Chapter 3**

**Income Tax**

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**Part 1**

**General Provisions**

**Section 38**

Income tax is an assessment tax. An assessment official shall make assessment on tax under this Chapter.

**Section 39**

In this Chapter, unless the context otherwise requires:

"Assessable income” means income that is taxable under this Chapter. Such income also includes a property or any other benefit received which may be computed into a monetary value, any amount of tax paid by the payer of income or by any other person on behalf of a taxpayer and tax credit under Section 47 Bis.

"Associated companies or juristic partnerships” mean two or more companies or juristic partnerships having relationship in any of the following manners:

(1) More than one half of the same shareholders or partners in a juristic person constitutes more than a half of the number of the shareholders or partners in another juristic person;

(2) The shareholders or partners holding more than fifty per cent of the value of the total capital of a juristic person are also the shareholders or partners holding more than fifty per cent of the value of the total capital of another juristic person;

(3) A juristic person is a shareholder or partner holding more than fifty per cent of the value of the total capital of another juristic person;

(4) Persons constituting more than one half of the number of the directors or partners controls the management of a juristic person are also directors or partners who control the management of another juristic person.
“Tax year” means calendar year.

“Listed company” means a company listed in the Securities Exchange of Thailand.

“Investment Management Company” means a security company licensed to carry on business of investment management under the law governing the control of trading activities that affect public safety and welfare.

“Mutual fund” means a body of persons who participate in a fund that is established and operated by an investment management company for a project under the law governing the control of trading activities that affect public safety and welfare.

“Finance company” means a finance company or a credit foncier company established under the law governing the control of trading activities that affect public safety and welfare.

“Company or juristic partnership” means a company or juristic partnership established under a Thai or foreign law, and shall include:

1. A business operating in a commercial or profitable manner by a foreign government, organization of a foreign government or any other juristic person established under a foreign law;
2. A joint venture, operating in a commercial or profitable manner, between a company or juristic partnership on one hand and companies, juristic partnerships, individuals, non-juristic body of persons, ordinary partnerships on the other hand;\(^1\)
3. A foundation or association carrying on revenue generating business, but does not include the foundation or association as prescribed by the Minister in accordance with Section 47 (7) (b).\(^2\)
4. Any juristic person as prescribed by the Director-General with the approval of the Minister and published in the Government Gazette.

“Sale” includes sale with right of redemption, exchange, gift, transfer of ownership or possessory right in an immovable property by any means, and whether with or without any consideration, but does not include:

1. A sale, exchange, gift or transfer of ownership or possessory right in an immovable property to a government authority or a state enterprise that is not a company or juristic partnership under the rules, conditions and at the price or value prescribed by a royal decree.\(^3\)
2. A transfer of ownership or possessory right in an immovable property to an heir by way of inheritance.

“Sale price” includes the price determined by an assessment official under Section 49 Bis.

“Possessory right” means possessory right in the holding of an immovable property.

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**Part 2**

**Personal Income Tax**

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Section 40
Assessable income is income of the following categories including any amount of tax paid by the payer of income or by any other person on behalf of a taxpayer.

(1) Income derived from employment, whether in the form of salary, wage, per diem, bonus, bounty, gratuity, pension, house rent allowance, monetary value of rent-free residence provided by an employer, payment of debt liability of an employee made by an employer, or any money, property or benefit derived from employment.

(2) Income derived from a post or from performance of work, whether in the form of fee, commission, discount, subsidy, meeting allowance, gratuity, bonus, house rent allowance, monetary value of rent-free residence provided by a payer of income, payment of debt liability of a taxpayer made by a payer of income, or any money, property or benefit derived from a post or from performance of work, whether such post or performance of work is permanent or temporary.

(3) Fee of goodwill, copyright or any other rights, annuity or annual payment of income derived from a will, any other juristic act, or court decision.

(4) Income that is:
(a) Interest on a bond, deposit, debenture, bill, loan whether with or without security, the part of interest on loan after deduction of withholding tax under the law governing petroleum income tax, or the difference between the redemption value and the selling price of a bill or a debt instrument issued by a company or juristic partnership or by any other juristic person and sold for the first time at a price below its redemption value. Such income also includes income assimilated to interest, benefit or other consideration derived from the provision of a loan or from a debt-claim of every kind whether with or without security.

(b) Dividend, share of profits or any other gain derived from a company or juristic partnership, a mutual fund or a financial institution established under a specific law in Thailand for the purpose of providing a loan in order to promote agriculture, commerce or industry; the part of dividend or share of profits after deduction of withholding tax under the law governing petroleum income tax.

For the purpose of income calculation under paragraph 1, if a lawful child who is a minor derives income and the marital status of the parents exists throughout the tax year, the income of the child shall be treated as income of the father. However, if the marital status of the parents does not exist throughout the tax year, the income of the child shall be treated as income of the parent who exercises parental power, or of the father if both parents jointly exercise parental power.

The provisions of paragraph 2 shall apply mutatis mutandis to an adopted child who is a minor deriving income.

(c) bonus paid to a shareholder or partner of a company or juristic partnership;

(d) a decrease of the capital holdings in a company or juristic partnership which does not exceed the total amount of profits and reserves;
(e) an increase of capital holdings in a company or juristic partnership that is determined from the total amount of profits or reserves;

(f) a benefit derived from the amalgamation, acquisition or dissolution of a company or juristic partnership and having the monetary value which exceeds the capital;

(g) gains derived from transfer of partnership holdings or shares, debentures, bonds, or bills or debt instruments issued by a company or juristic partnership or by any other juristic person.6

6 M.R.No.126 Clause 2 (30)

(5) Money or any other gain derived from:

(a) rent of property,

(b) breach of a hire-purchase contract,

(c) breach of an installment sale contract, where the seller regains the property sold without paying back the money or gains already received.

In the case of (a), if an assessment official has reason to believe that the taxpayer underreports the amount of income, he shall have the power to assess the income according to the reasonable rent of property under normal circumstances, and the amount so assessed shall be deemed assessable income of the taxpayer. In such case, the taxpayer may appeal against the assessment and shall apply the provisions on appeals under Part 2, Chapter 2, Title 2 mutatis mutandis.

In the case of (b) and (c), all the money and gains received from the date of entering into contract to the date of breaching the contract shall be deemed assessable income of the year of which the contract is breached.

(6) Income from liberal professions, namely, laws, arts of healing, engineering, architecture, accounting, fine arts or other liberal professions as prescribed by a Royal Decree;

(7) Income derived from a contract of work where the contractor has to provide essential materials besides tools;

(8) Income from business, commerce, agriculture, industry, transport or any other activity not specified in (1) - (7).

The amount of tax under paragraph 1, which is paid for by the payer of income or by any other person on behalf of taxpayer on any category of income or in whichever tax year, shall be treated as income of the same category and of the same tax year as the income where payment of tax is made.

Section 40 Bis

Any person who exports goods abroad, to or under the instruction of the head office, branch, principal, agent, employer or employee shall be deemed as also having made sale in Thailand, and the market price of good as on the date of export shall be deemed the price of good sold.

The provisions of the previous paragraph shall not apply to cases where the goods are-

(1) goods sent exclusively as samples or for the purpose of research,

(2) goods in transit,

(3) goods imported into Thailand and returned to the sender within one year from the date of import,

(4) goods exported out of Thailand and returned to the sender in Thailand within one year from the date of export.
Section 41

A taxpayer who in the previous tax year derived assessable income under Section 40 from an employment or from business carried on in Thailand, or from business of an employer residing in Thailand or from a property situated in Thailand shall pay tax in accordance with the provisions of this Part, whether such income is paid within or outside Thailand.

A resident of Thailand who in the previous tax year derived assessable income under Section 40 from an employment or from business carried on abroad or from a property situated abroad shall, upon bringing such assessable income into Thailand, pay tax in accordance with the provisions of this Part.

Any person staying in Thailand for a period or periods aggregating 180 days or more in any tax year shall be deemed a resident of Thailand.

Section 41 Bis

In the case where the ownership or possessory right in an immovable property is transferred without any consideration, the transferor shall be treated as a taxpayer and pay tax in accordance with the provisions of this Part.7

Section 42

The assessable income of the following categories shall be exempt for the purpose of income tax calculation:

1. Per diem or transport expenses that an employee or a person performing work spends honestly, necessarily, exclusively and wholly in carrying out his duties.

2. Transport expenses and traveling per diem at the rates prescribed by the Government in the Royal Decree governing the rates of transport expenses and traveling per diem.

3. The part of traveling expenses paid by the employer to the employee which the employee spent wholly and necessarily in traveling from a different place to take up employment for the first time or for returning to his place of origin after the termination of the employment. However, this exemption shall not cover traveling expenses received by an employee who returns to his place of origin and then takes up employment with the same employer within 365 days from the last working day of the previous employment.

4. Where a contract of employment which was bona fide entered into before the entry into force of the Royal Act on Income Tax B.E. 2475 requires that the employer shall pay to the employee upon the termination of employment a single payment of gratuity, fee, commission or bonus, such payment shall be excluded for the purpose of income tax calculation, notwithstanding the whole amount that is paid after the entry into force of the provisions of this Part.

5. Special post allowance, house rent allowance and rent free residence granted to an official of a Thai embassy or consulate abroad.

6. Income from a sale or discount received from purchase stamp duties or government postage stamps.

7. Board or committee meeting allowance and teaching and examination fees paid by the government or public educational institutions.

8. The following interest:
   (a) Interest from Government savings lotteries, or interest on demand deposit with the Government Savings Bank;

7 M.R.No.126 Clause 2 (18) (26) (28) (29)
(b) Interest on savings deposit with a cooperative;
(c) Interest on savings deposit with a bank in Thailand which is repayable on demand; only in the case where the total amount of interest received by any taxpayer does not exceed 10,000 Baht throughout tax year, in accordance with the rules, procedures and conditions as prescribed by the Director-General.\(^8\)

8 R.D.No.301
N.DG.IT.No.55 No.64

(9) Sale of a movable property acquired from inheritance or acquired not in a commercial or profitable manner, but not including ship or vessel with freight of 6 tons or over, steam boat or motor boat with freight of 5 tons and over or floating house.

(10) Income derived from maintenances and support under moral purposes or from inheritance, or gift received in a ceremony or on occasions in accordance with custom and tradition.

(11) Award for the purpose of education or technical research, government lottery and government savings prize, prize given by government authority in contest or competition to a person other than a professional contestant or competitor, or reward paid by government authority for the purpose of prevention of wrongdoing.

(12) Special pension, special gratuity, inherited pension or inherited gratuity.

(13) Compensation against wrongful acts, amount derived from insurance or from funeral assistance scheme.

(14) Share of profits derived from a non-registered ordinary partnership or a non-juristic body of persons liable to tax under this Part, but not including share of profits derived from a mutual fund.

(15) Income of a farmer from sale of rice cultivated by the farmer and/or his family.

(16) Income derived from an undivided estate liable to tax under Section 57 Bis.

(17) Income prescribed for exemption by Ministerial regulations.\(^9\)

9 M.R.No.126 No.201

(18) Red Cross lottery prize, income from a sale or discount received from purchase of Red Cross lotteries.

(19) Interest received under Section 4 decem.\(^10\)

10 M.R.No.161

(20) (Repealed by R.C.A.A. (No.26) B.E. 2525 S.5)
(21) (Repealed by R.C.A.A. No.29) B.E. 2534 S.6)
(22) (Repealed by E.A.R.C. (No.14) B.E. 2529 S.8)

(23) Income from sale of investment units in a mutual fund.

(24) Income of a mutual fund.

(25) Compensatory benefit received by the taxpayer from the social security fund under the law governing social security.

**Section 42 Bis**

For the assessable income under Section 40 (1) and (2), a standard deduction of 40 per cent shall be allowed as expense. However, the amount deducted shall not exceed 60,000 Baht in total.
In a case where both husband and wife have income under paragraph 1 and their marital status exists throughout tax year, each shall be entitled to deduct expenses in the amount specified in paragraph 1.

**Section 42 Ter**
For the assessable income under Section 40 (3) with respect to only fee for copyrights, a standard deduction of 40 per cent shall be allowed as expense. However, the amount deducted shall not exceed 60,000 Baht in total.

In a case where both husband and wife have income under paragraph 1 and their marital status exists throughout tax year, each shall be entitled to deduct expenses in the amount specified in paragraph 1.

**Section 43**
For the assessable income under Section 40 (5), deduction of expenses shall be allowed in accordance with a Royal Decree.  
\[ R.D.No.11 \text{ Section 5} \]

**Section 44**
For the assessable income under Section 40 (6), deduction of expenses shall be allowed in accordance with a Royal Decree.  
\[ R.D.No.11 \text{ Section 6} \]

**Section 45**
For the assessable income under Section 40 (7), deduction of expenses shall be allowed in accordance with a Royal Decree.  
\[ R.D.No.11 \text{ Section 7} \]

**Section 46**
For the assessable income under Section 40 (8), deduction of expenses shall be allowed in accordance with a Royal Decree.  
\[ R.D.No.11 \text{ Section 8, 8 Bis} \]

**Section 47**
For the assessable income under Section 40, after deduction of expenses under Section 42 bis - Section 46, the following allowances may be further deducted in order to relieve tax burden:

1. Allowances for:
   - (a) the taxpayer, 30,000 Baht;
   - (b) the taxpayer’s spouse, 30,000 Baht;
   - (c) legitimate or adopted children of the taxpayer, including legitimate children of the taxpayer’s spouse:
     - (1) 15,000 Baht for each child born in or before B.E. 2522 or adopted before B.E. 2522
     - (2) 15,000 Baht for each child born after B.E. 2522 or adopted in or after B.E. 2522, but not exceeding 3 children in total.

In a case where a taxpayer has children both under (1) and (2), he shall first deduct allowance for the children under (1), followed by the children under (2). Except where the taxpayer has 3 or more living children under (1), he shall not deduct allowances for children under (2). If he has less than 3 children under
(1), he may deduct allowances for the children under (2); however, the total number of children shall not exceed 3.

In counting the number of children, only living children may be counted in the order of their ages. The counting shall also include those ineligible for deduction of allowance.

Child allowance shall be deducted only if the child is less than 25 years old and is still studying in a university or an equivalent educational institution or is a minor and an adjudged incompetent or quasi-incompetent person, and is under the taxpayer’s maintenance and support. However, no allowance shall be deducted for a child who has, during the tax year concerned, assessable income of 15,000 Baht or more which does not fall under Section 42.

Child allowance is deductible whether or not the ground for such allowance existed throughout the whole tax year. In a case of an adopted child, only a foster parent can deduct the allowance.

(d) Insurance premiums paid by the taxpayer during the tax year for the taxpayer’s life insurance policy shall be deducted in an amount actually paid but not exceeding 10,000 Baht, only in the case where the life insurance policy has a duration of 10 years or more and issued by an insurer carrying on business of life insurance in Thailand; \(^{15}\)

\(^{15}\) M.R.No.126 Clause 2 (61)

In a case where the taxpayer’s spouse carries life insurance policy and their marital status exists throughout tax year, the spouse shall be entitled to deduct allowance in an amount specified in paragraph 1.

(e) \(^{16}\) (Repealed by E.A.R.C. (No.16) B.E. 2534 S.8)

(f) the taxpayer’s child eligible under (c) who is still studying at a public educational institution, an educational institution under the law governing private educational institutions, or a private school under the law governing private school; additional education allowance of 2,000 Baht shall be deducted for each child.

(g) Contribution made by an employee to a provident fund in accordance with the rules, procedures and conditions prescribed by a Ministerial Regulation under Section 65 Ter (2) in an amount actually paid, but not exceeding 10,000 Baht.

In a case where the taxpayer’s spouse pays a contribution to a provident fund under Paragraph 1 and their marital status exists throughout the tax year, the spouse is entitled to deduct the allowance in an amount specified in Paragraph 1.

(h) Interest paid by the taxpayer to a bank or any other financial institution, a life insurance company, a cooperative or his employer, on loan granted to him for buying, hire-purchasing or constructing a residential building, where such building is mortgaged as collateral for the loan, in an amount actually paid but not exceeding 10,000 Baht; subject to the rules and procedures prescribed by the Director-General with the approval of the Minister and published in the Government Gazette. The aforesaid building includes land. \(^{16}\)

\(^{16}\) N.RD. Re: Evidence of Deduction of Allowance for Interest on Loan.

N.DG.IT.No.86

(i) Contribution made by the taxpayer to the social security fund under the law governing social security in an amount actually paid.
In a case where the taxpayer’s spouse pays a contribution to a social security fund under Paragraph 1 and their marital status exists throughout the tax year, the spouse is entitled to deduct the allowance in an amount specified in Paragraph 1.

(2) Where both husband and wife have income and their marital status exists throughout the tax year, the total allowance under (1) (a) and (b) shall be 60,000 Baht. If their marital status does not exist throughout the tax year, each may separately deduct an allowance under (1) (a) and for the allowance deducted under (c), (f) and (g), each may separately deduct, for each case, one half of the allowance in accordance with the prescribed rules.

(3) In the case where the taxpayer is not a resident of Thailand, the allowance under (1) (b) (c) and (f) shall be deductible only for the spouse and child who are residents of Thailand.

(4) In the case where the taxpayer dies during the tax year, the allowance shall be deductible as if the deceased were alive throughout the tax year in which he dies.

(5) In the case where the taxpayer is an undivided estate, the allowance of 30,000 Baht shall be deducted.

(6) In the case where the taxpayer is a non-registered ordinary partnership or non-juristic body of persons, the allowance shall be deductible under (1) (a) for each partner or person who is a resident of Thailand but shall not exceed 60,000 Baht in total.

(7) After the deduction of the allowances under (1), (2), (3), (4), (5), or (6), the taxpayer may further deduct the following donation allowance in an amount actually donated but not exceeding 10 per cent of the remaining amount after the deduction of expenses and allowances:

(a) money donated to public hospitals and educational institutions,
(b) money donated to charity organizations, hospitals or educational institutions as prescribed by the Minister and published in the Royal Gazette.\(^{17}\)

\(^{17}\) R.D.No.317

Notification of the Ministry of Finance on Income Tax and Value Added Tax. Re: Criteria for Consideration and Announcement of Organizations, Public Charitable Institutions, Clinics and Educational Institutions under Section 47 (7) (b) of the Revenue Code and Section 3 (4) (b) of the Royal Decree under the Revenue Code Regarding Value Added Tax Exemption (No.239), B.E. 2534 (1991) as Amended by the Royal Decree Issued under the Revenue Code Regarding Value Added Tax Exemption (No.254), B.E.2535 (1992)

**Section 47 Bis**

A taxpayer deriving income under Section 40 (4) (b) from a company or juristic partnership established under the Thai law shall receive a tax credit. The amount of tax credit is calculated by multiplying dividend or share of profit received with the income tax rate which is divided by the difference between 100 and the said income tax rate of the paying company or juristic partnership. In the case where the paying company or juristic partnership is subject to many income tax rates, it shall clearly specify the income tax rate of the business from which the payment is made in the certificate of withholding tax deduction.\(^{18}\)

\(^{18}\) N.DG.IT.No.62

The said tax credit under paragraph 1 shall be included as assessable income and calculated the income tax in accordance with Section 48. Then the said tax credit shall be deducted from
the total amount of tax payable. If the tax credit is less than the tax payable, the taxpayer shall pay the difference, if more, he shall be entitled to a refund.

The provisions of Paragraphs 1 and 2 shall not apply to a taxpayer who is not domiciled in Thailand and is not a resident of Thailand.

In the case where a company or juristic partnership paying dividends declares in the withholding tax certificate the information mentioned in paragraph 1 incorrectly and thereby the computed credit exceeds the amount that the taxpayer is entitled to, the payer of income shall be jointly liable with the recipient of income in an amount over-credited or underpaid. And if the payer or taxpayer fails to pay the amount within 7 days from the date of receiving a written notice from the assessment official, such amount shall be deemed tax arrears. If the assessment official finds out that the calculated tax credit is less than the amount receivable by the taxpayer, the taxpayer shall be informed of the right for refund under the law.

Section 48

The assessable income is subject to income tax as follows:

1. Assessable income after deduction in accordance with Section 42 Bis - 47 or Section 57 Quinque shall be net income subject to tax at the rates prescribed in the Income Tax Schedule at the end of this Chapter.\(^{19}\)

\(^{19}\) R.D.No.412

2. For a taxpayer having assessable income from 60,000 Baht or more, the tax calculated in accordance with (1) shall not be less than 0.5 per cent of the total amount of the assessable income.\(^{20}\)

\(^{20}\) R.D.No.376

The assessable income under (2) shall not include the assessable income under Section 40 (1).

3. The taxpayer may elect to pay tax at the rate of 15.0 per cent of the following income under Section 40 (4) (a) and (g) instead of calculating the amount of tax as under (1) and (2):

(a) Interest on a bond, interest on a deposit with a bank in Thailand, interest on a deposit with a cooperative, interest on a debenture, interest on a bill received from a company or juristic partnership or any other juristic person, interest received from a financial institution established under a specific law in Thailand for the purpose of providing a loan in order to promote agriculture, commerce or industry.\(^{21}\)

\(^{21}\) R.D.No.290

R.CT.No.19/2533

(b) The difference between the redemption value and the selling price of a bill or debt instrument issued by a company or juristic partnership or any other juristic person.

(c) Gains derived from transfer of a bond, debenture, bill or debt instrument issued by a company or juristic partnership.

The taxpayer who is a resident of Thailand may elect to pay tax at the rate of 10.0 per cent of the income, instead of calculating the amount of tax as under (1) and (2), only for the income under Section 40 (4) (b) received from a company or juristic partnership established under the Thai law, a mutual fund, or a financial institution established under a specific law in Thailand for the purpose of providing a loan in order to promote agriculture, commerce or industry.
The taxpayer may elect to pay tax, instead of calculating the amount of tax as under (1) and (2), only for the income under Section 40 (8) received from sale of an immovable property acquired by inheritance or acquired not in a commercial or profitable manner, as follows:

(a) For income from sale of an immovable property acquired by inheritance or by way of gift, the tax payable is calculated by deducting expenses at 50 per cent of the income, divided by the number of years of holding the property, multiply the income tax rate, and multiplied by the number of years.

(b) For income from sale of an immovable property acquired by inheritance or by way of gift, the tax payable is calculated by deducting expenses at the rate prescribed by a Royal Decree, divided by the number of years of holding the property, multiply the income tax rate, and multiplied by the number of years.  

22 R.D.No.165

In the case where the taxpayer elects to pay tax by this method other than (1) and (2), then the total tax payable shall not exceed 20 per cent of the sale price.

In the case where the taxpayer elects to pay tax by method (1) and (2), he may deduct expenses at the rate of 50 per cent of the income under (a), or in accordance with a royal decree under (b), as the case may be, and the remaining amount shall be included with other income in tax calculation.

The term “number of years of holding the property” in (a) or (b) means the number of years as from the year of the acquisition of ownership or possessory right in an immovable property to the year of the transfer of such ownership or possessory right. A period exceeding 10 years shall be treated as 10 years only, and a fraction of a year shall be counted as 1 year.  

23 R.CT.18/2533

The taxpayer may elect to pay tax, instead of calculating the amount of tax as under (1) and (2), the income under Section 40 (1) and (2) which is paid in lump sum by the employer due to the termination of employment contract which is calculated on the basis of the duration of employment and paid in accordance with the rules prescribed by the Director-General. The tax payable is calculated by deducting assessable income with expenses which is calculated by 7,000 Baht multiplied by the number of employment years but not exceeding the amount of assessable income, then further deduction is allowed at the rate of 50 per cent of the remaining income, and then multiplied by tax rate.

In the case where such assessable income is paid in the form of gratuity and in the form of pensions, only the gratuity shall be treated as lump sum payment made by the employer due to termination of employment contract, and the amount of expenses allowed shall be 3,500 Baht.

In the case of gratuity or similar payments made by a government authority, the number of employment years under Paragraph 1 shall be used as the basis in the calculation of such gratuity or similar payments in accordance with the law, rules or requirements of the government authority.

In the calculation of the number of employment years other than the case under Paragraph 3, a fraction of a year amounting to 183 days, shall be treated as 1 year, otherwise it shall be ignored.  

24 N.DG.IT.No.45

The income tax assessed by the assessment official that is less than 5 Baht shall be waived.
Section 48 Bis.

A government enterprise shall pay income tax on behalf of a seller who purchased goods at any or every stage from such enterprise in accordance with procedures, rates and types of goods as prescribed by a Ministerial regulation. Such income tax is paid only on income from the sale of such goods.

The tax paid on behalf the taxpayer under paragraph 1 shall be treated as credit of the taxpayer in tax calculation.\(^{25}\)

\(^{25}\)M.R.No.134

Section 48 Ter

(Repealed by R.C.A.A. (N0.30) B.E. 2535.)

Section 49

In the case where a taxpayer deriving income does not file a tax return, or the assessment official considers that he underreports the amount of his taxable income, the assessment official with the approval of the Director-General shall have the power to determine the amount of his net income on the basis of the money or property owned or possessed by such taxpayer, his expenditure or standard of living or his behavior, or the income statistics either of the taxpayer or of other persons carrying on a similar business. The official shall make an assessment accordingly and give the taxpayer a notice of the amount of tax payable. In this respect, the provisions of Section 19 through 26 shall apply mutatis mutandis.

Section 49 Bis

In the case where the ownership or possessory right in an immovable property is transferred whether with or without a consideration, and regardless of the market price, the assessment official shall determine the sale price by applying the appraised value used for collecting registration and juristic acts fees under the Land Code.

Section 50

A person, partnership, company, association or body of persons paying assessable income under Section 40 shall withhold income tax at every time of payment in accordance with the following methods:

1. In the case of paying assessable income under Section 40 (1) and (2), the amount of withholding tax is calculated as follows: multiply the assessable income paid with the number of times of payments; calculate the income tax in accordance with the rules in Section 48, and then divide the amount of tax calculated by the number of times of payment.

If the division of the calculated tax by the number of times of payments under paragraph 1 results in a fraction, such fraction shall be added to the amount of withholding tax on the last payment in that year so that the total withholding tax equals the tax liability for the whole year.

In the case of paying assessable income under Section 40 (1) and (2) in lump sum, by the employer due to the termination of employment contract, which is calculated on the basis of the duration of employment and paid in accordance with the rules prescribed by the Director-General, withholding tax shall be calculated in accordance with the rules in Section 48 (5).

In the case of paying assessable income under Section 40 (2), other than as described in paragraph 3, to a non-resident, withholding tax shall be made at the rate of 15.0 per cent of the income.\(^{26}\)

\(^{26}\)N.DG.IT.No.45
(2) In the case of paying assessable income under Section 40 (3) and (4), withholding tax shall be made at the income tax rate; except:

(a) In the case of paying assessable income under Section 40 (3) and (4), not specified in (b), (c), (d) and (e), to a non-resident, withholding tax shall be made at the rate of 15.0 per cent of the income;[27]

R.D.No.270

(b) In the case of paying assessable income specified in Section 48 (3) (a) and (c), withholding tax shall be made at the rate of 15.0 per cent of the income;[28]

R.D.No.290

(c) In the case of paying assessable income specified in Section 48 (3) (b), the issuer of the bill or debt instrument or a juristic person who is the issuer of such bill or instrument shall be deemed to be the payer of assessable income and shall withhold income tax from the taxpayer at the rate of 15.0 per cent of the income.

(d) In the case of paying assessable income under Section 40 (4) (a) not specified in (b) and (c) of this Section, to a resident taxpayer, if the payer is not a juristic person, he is not liable to withhold tax under this Section;

(e) In the case of paying assessable income under Section 40 (4) (b), withholding tax shall be made at the rate of 10.0 per cent of the income.[29]

R.D.No.262 No.270
R.CT.No.20/2533 No.21/2533

(3) In the case of paying assessable income under Section 40 (5) and (6) to a non-resident taxpayer, withholding tax shall be made at the rate of 15.0 per cent of the income.

(4) Except for the case in (5), where payer of income under this Section is the Government, a government enterprise, a municipality, a sanitation district or any other local government authority and pays assessable income under Section 40 (5), (6), (7) or (8), except payment for the purchase of agricultural produce, at a total amount of 10,000 Baht or more to any one recipient; even if that total payment is divided into individual payments, the amount of which is less than 10,000 Baht at one time; withholding tax shall be made at the rate of 1 per cent. However, withholding tax from the prize won in a contest or competition shall be made at the income tax rate.

(5) In the case of paying assessable income under Section 40 (8), to a seller of an immovable property, withholding tax shall be made as follows:

(a) In respect of an immovable property acquired by inheritance or by way of gift, tax shall be calculated in accordance with the rule in Section 48 (4) (a), and withholding tax shall be made at such amount.

(b) In respect of an immovable property acquired by any means other than (a), deductions shall be allowed as prescribed by a royal decree; tax shall be calculated in accordance with Section 48 (4) (b); and withholding tax shall be made at such amount.[30]

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(6) In the case of transfer of ownership or possessory right in an immovable property without any consideration, the transferor shall withhold tax in accordance with (5) and shall be deemed to be the payer of income.
Section 50 Bis.

The person liable to withhold tax shall issue to the taxpayer, from whom tax is withheld, a withholding tax certificate in duplicate, each copy having the same contents, as follows:

(1) In the case of Section 3 Tredecim, the certificate shall be issued immediately every time tax is withheld.

(2) In the case of Section 50 (1), the certificate shall be issued within the 15th day of February in the year following the tax year, or within one month from the date of the termination of employment during the tax year of the taxpayer from whom tax is withheld.

(3) In the case of Section 50 (2) (3) or (4), the certificate shall be issued immediately every time tax is withheld.

A withholding tax certificate shall be in the form prescribed by the Director-General.\(^{31}\)

\(^{31}\text{N.DG.IT.No.62}\)

The Director-General has the power to exempt the issuance of a withholding tax certificate in the case where he deems appropriate.\(^{32}\)

\(^{32}\text{N.DG.IT.No.9}\)

Section 51

For the purpose of examination of withholding of taxes, the assessment official may send a notice to a person, partnership, company, association, or body of persons requiring him to produce accounts showing payments of the assessable income under Section 40 (1), (2), (3), (4), and (7) or other relevant evidences as he deems appropriate. The recipient of the notice shall comply within 15 days from the date of receiving the notice.

Section 52

A person, partnership, company, association or body of person liable to withhold tax under Section 50 (1) (2) (3) and (4) shall, whether or not the tax has already been withheld, remit the tax at the Amphur office within 7 days from the date of payment.\(^{33}\)

\(^{33}\text{N.MF. Re: Extension of Timeframes for Remittance of Withholding Income Taxes, Remittance of Income Taxes, Remittance of Value Added Taxes and Filing of Returns.}\)

The person liable to withhold tax under Section 50 (5) and (6) shall remit the tax to the competent official who execute registration of rights and juristic acts at the time of registration, and such official shall not execute the registration unless the tax is remitted correctly in full amount. In the case where the registration of rights and juristic acts is not needed, the remittance shall be made under Paragraph 1.

The tax withheld under Paragraph 2 shall be remitted as government revenue under the regulation prescribed by the Minister.

Section 52 Bis

A taxpayer deriving assessable income, which is not subject to withholding tax, in an amount of 10,000 Baht or more may, prior to the time limit for filing returns under Section 56, pay tax in accordance with the rules in Section 48 at the Amphur office as well as file a return in the form prescribed by the Director-General.\(^{34}\)

\(^{34}\text{N.DG.IT.No.28}\)

The tax paid under the Paragraph 1 shall be treated as credit against his tax liability in the tax calculation.
Section 53  
In the case where the government enterprise or an organization of the government pays assessable income under Section 40, the official making the payment shall have the duty to ensure that the amount of tax to be withheld under Section 50 has been duly calculated and entered in the Disbursement Requisition Form, and to withhold the said amount before making payment. If no disbursement is made, the official making the payment shall comply with Section 50, Section 52 and Section 59 *mutatis mutandis*.

Section 54  
If the payer of income under Section 50 and 53 does not withhold and remit tax or remits incorrect amount of tax, he shall be jointly liable with the taxpayer to pay the tax payable in an amount not withheld or remitted or in the missing amount, as the case may be.

In the case where the payer of income has withheld tax under Section 50 or Section 53, the taxpayer shall be discharged from the liability to pay tax in an amount equal to the amount withheld by the payer of income and only the payer of income shall be liable to that tax amount.

Section 55  
The collection of tax by withholding at source in accordance with Section 50 and Section 53 shall not prevent the assessment official to collect such tax by other methods.

Section 56  
Every taxpayer except a minor or a person adjudged incompetent or quasi-incompetent shall, on or before the last day of March every year, file to the official appointed by the Minister a tax return reporting the assessable income that he received in the preceding tax year in the form prescribed by the Director-General, if such person:

\[35\] N.DG.IT.No.28

1. has no spouse and has the assessable income of the preceding tax year exceeds 30,000 Baht,
2. has no spouse and has the assessable income of the preceding tax year under only Section 40 (1) exceeds 50,000 Baht,
3. has a spouse and the assessable income of the preceding tax year exceeds 60,000 Baht, or
4. has a spouse and the assessable income of the preceding tax year under only Section 40 (1) exceeds 100,000 Baht.

In the case where an ordinary partnership or a non-juristic body of persons has assessable income during the preceding tax year exceeding the amount specified in (1), its director or manager shall in its name file a tax return of the income that it received in the preceding tax year within the time limit and in the form as prescribed in Paragraph 1. The director or manager shall, in such case, be liable for tax payment in the name of such partnership or body of persons on the total amount of the assessable income as if such partnership or body of persons were a single undivided individual. Each partner or person in the body is not required to file a separate tax return. However, if the partnership or body of persons has tax arrears, every partner or person in the body shall be jointly liable to pay such tax arrears.\[36\] N.DG.IT.No.28

R.CT.No.24/2536

Section 56 Bis  
For the purpose of tax collection prior to the time limit under Section 56, the taxpayer liable to file a tax return under Section 56, Section 57, Section 57 Bis, and Section 57 Ter shall file a
tax return in the form prescribed by the Director-General, within the month of September of every tax year, reporting only the income under Section 40 (5), (6), (7) or (8) derived during the period from January to June.  

Income under Section 40 (5) in accordance with paragraph 1 does not include any key money, construction cost contribution, repairing charge, value of buildings or houses received in ownership.

With respect to tax return filing under paragraph 1, tax shall be calculated in accordance with Section 48, by deducting allowances under Section 47 but only for one half; and the tax shall be paid, if any, at the time of filing such tax return to the official under Section 56.

The tax paid under Paragraph 3 shall be treated as credit against tax liability in tax calculation in accordance with Section 57 Quarter.

Section 57
If a taxpayer who has assessable income under paragraph 1 of Section 56 is a minor, a person adjudged incompetent or quasi-incompetent, or a foreign resident, then his legal representative, guardian, curator, or manager of the business generating such assessable income, as the case may be, shall comply with the provisions of paragraph 1 of Section 56, and shall be his agent for payment of tax.

Section 57 Bis
If a taxpayer who has assessable income under paragraph 1 of Section 56, dies before he has complied with the provisions of Paragraph 1 of Section 56, or before his legal representative, guardian or curator has complied with the provisions of Section 57, an estate administrator, his heir or the possessor of the estate, as the case may be, shall have the duty to file the tax return on his behalf and shall include all assessable income derived by the deceased and his estate throughout the tax year in which he died as the total amount of assessable income.

In respect of the following years, if the undivided estate of the deceased derives the assessable income in the tax year concerned which exceeds the amount specified in Section 56 (1), the estate administrator, or heir or possessor of the estate, as the case may be, shall have the duty to comply with the provisions of this Part in the name of the undivided estate of the deceased.

Section 57 Ter
For the purpose of income tax collection from husband and wife, if their marital status exists throughout the preceding tax year, the assessable income of the wife shall be treated as income of the husband, and the husband shall be liable to file a tax return and pay tax. However, in case of tax arrears, if the wife has received an advance notice of not less than 7 days, she shall also be jointly liable to pay the arrears.

The husband or wife who wishes to file a separate tax return may do so by notifying the assessment official within the time limit for filing tax returns. However, such separate filing shall in not change the amount of tax payable.

The assessment official may, if he deems appropriate, notify the husband and wife to pay tax separately according assessable income of each. However, if one has tax arrears and the other one has received an advance notice of not less than 7 days, that other one shall also be jointly liable to pay the arrears.

The husband and wife living in different areas or occasionally living apart shall be deemed as living together.
Section 57 Quarter

Subject to the provisions of Section 64, if there is any tax payable with respect to tax return filing under Section 56, Section 57, Section 57 bis, Section 57 Ter or Section 57 Quinque, the tax shall be paid at the local Amphur office within the time limit together with the tax return filing.

Section 57 Quinque

If a wife has assessable income under Section 40 (1) during the preceding tax year, whether with or without any other assessable income, she may file a tax return and pay tax separately from the husband only for the assessable income under Section 40 (1), which shall not be treated as income of the husband in accordance with Section 57 Ter.

In a case where the wife files a separate tax return in accordance with Paragraph 1, the husband and wife shall each deduct the allowances as follows:

1. Allowance for the taxpayer under Section 47 (1) (a),
2. One half of the child allowance deductible under Section 47 (1) (c) and (f),
3. Insurance premium allowance under Paragraph 1 of Section 47 (1) (d),
4. Contribution made by the taxpayer to the social security fund under Section 47 (1) (i),
5. Contribution paid into a provident fund under Section 47 (1) (g),
6. One half of the interest on loan under Section 47 (1) (h),
7. Each one’s portion of donation allowance under Section 47 (7).

In the case where the taxpayer is not a resident of Thailand, the allowance under (2) shall be deducted only for the child who is a resident of Thailand.

If in the tax year concerned, the husband and wife have combined assessable income under only Section 40 (1) at an amount not exceeding the amount prescribed in Section 56 (4), regardless of the amount derived by each one, the husband and wife are not liable to file a tax return.

Section 58

Within the month of January every year:

1. the head of a ministry, department, local area office, or government enterprise shall file to the assessment official a tax return in the form prescribed by the Director-General indicating the payment of assessable income under Section 40. However, he may be exempted from compliance if the Director-General deems it appropriate;
2. a person, partnership, company, association or body of persons liable to withhold tax under Section 50 shall file to the assessment official a tax return in the form prescribed by the Director-General indicating the assessable income under Section 40 (1), (2) and (4).\(^{38}\)

Section 59

Together with the tax remittance under Section 52, a person, partnership, company, association or body of persons shall file a tax return in the form prescribed by the Director-General indicating tax withheld of each individual person deriving assessable income.\(^{39}\)

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\(^{38}\)N.DG.IT.No.19 No.58

\(^{39}\)N.MF. Re: Extension of Timeframes for Remittance of Withholding Income Taxes, Remittance of Income Taxes, Remittance of Value Added Taxes and Filing of Returns.

N.DG.IT.No.28 No.58 No.106 No.111
Section 60
For the purpose of calculating the total amount of assessable income of a taxpayer, the tax withheld and remitted in accordance with Section 50, Section 52 and Section 53 shall be deemed assessable income derived by the taxpayer. The amount of tax withheld and remitted shall be treated as credit against tax liability of the taxpayer in tax calculation.

Section 60 Bis
In the case necessary for the purpose of tax collection in accordance with this Chapter, the assessment official shall have the power to assess and charge tax on any person prior to the time limit for tax return filing in accordance with Section 56, Section 57 or Section 57 Bis, as the case may be. After the assessment, he shall notify the amount of tax assessed to the taxpayer. In this case, the taxpayer may appeal against the assessment.

The tax assessed and charged in accordance with the provisions of paragraph 1 shall be treated as credit against tax calculated from taxpayer’s net income.

Section 61
Where the name of any person appears in any important document showing that:

(1) he is the owner of the property specified in a written document and such property generates an assessable income, or

(2) he derives an assessable income by virtue of such document;

the assessment official shall have the power to assess and charge the whole amount of tax on such income to the person whose name appears in such document. However, if such person transfers the assessable income to another person, he is entitled to deduct the tax amount imposed on the amount of assessable income which is transferred to that other person.

Section 62
In the case where a minor, a person adjudged incompetent or quasi-incompetent, a deceased, a person who has appointed an agent to manage his properties, or a trust beneficiary is a person deriving income in excess of the threshold, his legal representative, guardian, curator, estate administrator, heir or other person in possession of the estate, agent or trustee, as the case may be, shall have the obligation to comply with the provisions of this Part on behalf of such minor, person adjudged incompetent or quasi-incompetent, deceased, person who has appointed an agent to manage his properties, or trust beneficiary.

Section 63
A person whose tax had been withheld and remitted in an amount that exceeds the amount that he should pay under this Part, shall be entitled to a refund of that amount. However, he shall file a claim to the assessment official within 3 years from the last day of the year in which the excess tax amount was withheld.

Section 64
Except in the case under Section 18 Bis, if the tax liability in accordance with the provisions of this Part is an amount of 3,000 Baht or over, the taxpayer may pay the tax in 3 equal installments; namely:

(1) In the case where he is liable to pay tax in accordance with Section 56 Bis or Section 57 Quarter, the first installment shall be paid within the time limit prescribed in such Section, the second installment shall be paid within 1 month from the date when the first installment is due, and the third installment shall be paid within 1 month from the date when the second installment is due.
(2) In any other case, the first installment shall be paid within 30 days from the date of receiving notice of the amount of the tax assessed, the second installment shall be paid within 1 month from the date when the first installment is due, and the third installment shall be paid within 1 month from the date when the second installment is due.

For payment of tax under (1), if any installment under (1) is not paid within the time limit prescribed under (1), the taxpayer shall no longer be entitled to pay in installments and shall pay surcharge in accordance with Section 27 on the unpaid installment as well as the subsequent installments.

Payment of tax under (2) does not constitute a ground for exemption of payment of surcharge in accordance with Section 27 and if the taxpayer does not pay any one installment within the prescribed time limit, he shall no longer be entitled to pay tax in installments.

Part III
Corporate Income Tax

Section 65
Taxable income under this Part is net profit which is calculated by deducting income from business or income arising from business carried on in an accounting period with expenses in accordance with conditions prescribed in Section 65 Bis and Section 65 Ter. An accounting period shall be twelve months except in the following cases where it may be less than twelve months:

(1) a newly incorporated company or juristic partnership may elect to use the period from its incorporation date to any one date as the first accounting period.

(2) a company or juristic partnership may file a request to the Director-General to change the last day of an accounting period. In such a case, the Director-General shall have the power to grant approval as he deems appropriate. Such an order shall be notified to the company or juristic partnership who files the request within a reasonable period of time and in the case where the Director-General grants the permission, the company or juristic partnership shall comply to the accounting period as prescribed by the Director-General.

The calculation of income and expenses in paragraph 1 shall use an accrual basis. Income arising in an accounting period, even though it is not yet received in such accounting period, shall be included as income for that accounting period. All expenses relating to such income, even though they are not yet paid, shall be included as expenses for such accounting period.

In a necessary case, a taxpayer may file a request to the Director-General to change the accrual basis and accounting method for the calculation of income and expenses under paragraph 2, and when approved by the Director-General, he shall comply with the accounting period as prescribed by the Director-General.1

1N.RD. Re: Computation of Net Profits and Net Loss of Companies or Juristic Partnerships that are Granted Investment Promotion.
R.CT.No.8/2528 No.16/2530 No.35/2540

Section 65 Bis
The calculation of net profit and net loss under this Part shall follow the following conditions:

(1) Items specified in Section 65 Ter shall not be deductible as expense.
(2) Depreciation and depletion of assets shall be deductible under the rules, procedures, conditions and rates specified by a Royal Decree.\(^2\)

\(^2\)R.D.No.145

N.DG.IT.No.51

The depreciation and depletion of assets shall be deductible in proportion to the period from the acquisition of such assets.

(3) Value of assets other than (6) shall use the normal purchase price of such asset and in the case of appreciation in the value of the asset, such appreciation shall not be included in the calculation of net profit or net loss. If any item of assets is entitled to depreciation or depletion, depreciation and depletion shall be deductible in the calculation of net profit or net loss in accordance with the rules, procedures, conditions and previous rates applicable before the appreciation in the value of assets by deducting and only the remaining period and remaining cost of capital of the assets shall be deducted.

(4) In the case of transfer of assets, provision of service or lending of money without remuneration, fee or interest; or with remuneration, fee or interest that is lower than the market price without reasonable cause, an assessment official shall have the power to assess such remuneration, fee or interest in accordance with the market price on the date of transfer, provision or lending.

(5) Money, asset or liability having value or price in foreign currency on the last day of an accounting period, shall be converted into value or price in Thai currency as follows:

(a) in the case of a company or juristic partnership other than (b), the value or price of money or assets shall be converted to Thai currency using the average buying rate of commercial banks that is calculated by the Bank of Thailand. The value or price of liability shall be converted to Thai currency using the average selling rate of commercial banks that is calculated by the Bank of Thailand.

(b) In case of a commercial bank, or other financial institution as prescribed by the Minister, the value or price of money, assets or liability shall be converted to Thai currency using the average buying and selling rates of commercial banks that are calculated by the Bank of Thailand.

Money, assets or liability having value or price in foreign currency that is received or paid during an accounting period shall be converted into value or price in Thai currency using the market price on the day of such receipt or payment.

(6) Value of stock on the last day of an accounting period shall be calculated in accordance with the cost or market price, whichever is lower, and such value shall be deemed to be the value of stock carried forward into the new accounting period.

Once the calculation of cost in Paragraph 1 is calculated in accordance with an accounting rule, such rule shall continue to be used in the future unless the Director General grants approval to change the rule.

(7) In calculating the cost of goods imported from abroad, the assessment official shall have the power to assess by comparing with the cost of the same type and kind of goods imported into other countries.

(8) If the cost of goods is in foreign currency, it shall be converted into Thai currency using the market exchange rate on the day of the acquisition of the goods unless
such foreign currency is convertible under official rate, then it shall be converted into Thai currency using that official rate.

(9) Writing off bad debts from debtor’s account shall be done only if it follows rules, procedures and conditions prescribed by a Ministerial Regulation, however, if debt payment is received in any accounting period, it shall be included as income for that accounting period.\footnote{M.R.No.186}

If any bad debt that is included as income is paid afterwards, it shall no longer be included as income again.

(10) For a limited company incorporated under Thai laws, dividends received from a company incorporated under Thai laws, mutual fund or financial institution incorporated under the specific Thai laws for the purpose of lending to promote agriculture, commerce or industry and share of profits derived from a joint venture shall be included as income, but only half of the amount received. However, the following limited companies incorporated under Thai laws shall not include as income the dividends received from a company incorporated under Thai laws, mutual fund or financial institution incorporated under the specific Thai laws for the purpose of lending to promote agriculture, commerce or industry and share of profits from a joint venture as income;\footnote{R.D.No.263}

\begin{itemize}
\item[(a)] listed company
\item[(b)] limited company other than (a) which hold shares in a limited company paying dividends at least 25% of voting shares and the limited company paying the dividends does not hold shares in the limited company receiving the dividends, whether directly or indirectly.
\end{itemize}

Paragraph 1 shall not apply in a case where a limited company or a listed company deriving income which is the said dividend or share of profits by holding shares or investment units which incur the dividends or share of profits less than 3 months as from the date of acquisition of the shares or the investment units to the date in which such income arises, or by transferring shares or investment units 3 months from the date in which such income arises.

Dividends from the investment of provident funds under Section 65 Ter (2) shall not be deemed to be dividends or share of profits under Paragraph 2.\footnote{R.D.No.10 Section 5 Bis}

(11) Interest on loan which is subject to withholding tax under the law governing Petroleum Income Tax shall be included in the calculation of income, but only the amount remaining after the tax is withheld under the above law.

(12) Dividends or share of profits which is subject to withholding tax under the law governing Petroleum Income Tax, shall be included in the calculation of income, but only the amount remaining after the tax is withheld under the above law, and if the recipient is a listed company or is a company incorporated under Thai laws and not falling under Section 75, the provisions in (10) shall apply mutatis mutandis.\footnote{R.D.No.10 Section 5 Novem}

(13) A foundation or association which carries on business that produces revenue shall not include registration fees or maintenance fees from members, or cash or assets received as donations or gifts, whichever the case may be, in the calculation of his income.
(14) An output tax received or receivable by a company or juristic partnership which is a VAT registrant, and the value added tax which is not a tax under Section 82/16 and refunded under Chapter 4 shall not be included as income.

Section 65 Ter

The following items shall not be allowed as expenses in the calculation of net profits:

(1) Reserves except:
   (a) Insurance premium reserves for life insurance set aside before calculation of profit, but only the amount not exceeding 65% of the amount of insurance premiums received in an accounting period after deducting premiums for re-insurance.

   In a case where money is paid out on an amount insured on any life insurance policy whether in full or in part, only the paid amount which does not exceed the reserves under Paragraph 1 for such policy shall not be allowed as expense.

   In a case where any life insurance policy contract is terminated, the amount of remaining reserve under Paragraph 1 for such policy shall be calculated in the calculation of income in the accounting period in which the contract is terminated.

   (b) Insurance premium reserves for any other insurance set aside before the calculation of profit, but only the amount not exceeding 40% of the amount of insurance premiums received in an accounting period after deducting premiums for re-insurance and this amount of reserves set aside shall be income in the calculation of net profit for tax purposes in the following accounting period.

   (c) A reserve set aside for bad debts or suspected bad debts from liability arising from the provision of credit which a commercial bank, finance company, securities company or credit foncier company sets aside under the laws governing commercial banks or laws governing the finance business, securities business and credit foncier business, as the case may be; but only the amount set aside which increases from such type of reserve appearing in the balance sheet of the previous accounting period.

   For the increased reserve set aside under paragraph 1 and treated as expense for the purpose of calculating net profit or net loss in any accounting period, if afterwards, there is a reduction of such reserve, such reduced reserve which was already used as expense shall be included as income in the accounting period in which the reserve is reduced.

(2) Fund except provident fund under the rules, procedures and conditions prescribed by a Ministerial regulations.\(^7\)

(3) Expense for personal, gift, or charitable purpose except expense for public charity, or for public benefit as the Director-General prescribes with the approval of the Minister, shall be deductible in an amount not exceeding 2% of net profit. Expense for education or sports as the Director-General prescribes with the approval of the Minister shall also be deductible in an amount not exceeding 2% of net profit.\(^8\)

(4) Entertainment or service fees that are not in accordance with the rules prescribed by a Ministerial Regulation.\(^9\)

\(^7\)M.R.No.183

\(^8\)N.DG.ITNo.44

\(^9\)M.R.No.143
(5) Capital expense or expense for the addition, change, expansion or improvement of an asset but not for repair in order to maintain its present condition.

(6) Fine and/or surcharge, criminal fine, income tax of a company or juristic partnership.¹⁰

(6 Bis) Value added tax paid or payable and input tax of a company or juristic partnership which is a VAT registrant except value added tax and input tax of a registrant paid under Section 82/16, input tax not deductible in the calculation of value added tax under Section 82/5(4) or other input tax as prescribed by a Royal Decree.¹¹

(7) The withdrawal of money without remuneration of a partner in a juristic partnership

(8) The part of salary of a shareholder or partner which is paid in excess of appropriate amount.

(9) Expense which is not actually incurred or expense which should have been paid in another accounting period except in the case where it cannot be entered in any accounting period, then it may be entered in the following accounting period.

(10) Remuneration for assets which a company or juristic partnership owns and uses.

(11) Interest paid to equity, reserves or funds of the company or juristic partnership itself.

(12) Damages claimable from an insurance or other protection contracts or loss from previous accounting periods except net loss carried forward for five years up to the present accounting period.¹²

(13) Expense which is not for the purpose of making profits or for the business.

(14) Expense which is not for the purpose of business in Thailand.¹³

(15) Cost of purchase of asset and expense related to the purchase or sale of asset, but only the amount in excess of normal cost and expense without reasonable cause.

(16) Value of lost or depleted natural resources due to the carrying on of business.

(17) Value of assets apart from devalued assets subject to Section 65 Bis

(18) Expense which a payer cannot identify the recipient.

(19) Any expense payable from profits received after the end of an accounting period.

(20) Expense similar to those specified in (1) to (19) as will be prescribed by a Royal Decree.¹⁴

Section 65 Quarter

A government enterprise shall pay income tax on behalf of the seller of goods being a company or juristic partnership which purchases goods from a government enterprise under procedures, rates and type of goods prescribed by a Ministerial Regulations, but only on the income from the sale of such goods.¹⁵
The tax paid on behalf the taxpayer under paragraph 1 shall be treated as credit of the taxpayer in tax calculation.

**Section 66**

A company or juristic partnership incorporated under Thai laws or incorporated under foreign laws and carrying on business in Thailand shall pay tax in accordance with the provisions in this Part.

A company or juristic partnership incorporated under foreign laws and carrying on business in other places including Thailand shall pay tax on the net profits from the business or related to the business carried on in Thailand in an accounting period and the calculation shall follow Section 65 and Section 65 Bis. However, if the above net profits cannot be calculated, the provisions regarding the assessment of taxes under Section 71 (1) shall be applied mutatis mutandis.

**Section 67**

The payment of tax under this Part shall be in accordance with the rates specified in the table of Income Tax rates attached to this Part. Except in the case of a company or juristic partnership under paragraph 2 of Section 66 carrying on international transportation business, it shall pay tax on the transportation business under the following rules:

1. In case of carriage of passengers, it shall pay tax at the rate of 3% of fares, fees and other benefits chargeable in Thailand before deducting any expense from such carriage of passengers.

2. In case of carriage of goods, it shall pay tax at the rate of 3% of freight charges, fees and other benefits, whether chargeable in Thailand or not, before deducting any expense from such carriage of goods.

**Section 67 Bis**

For the purpose of collecting tax prior to the time limit under Section 68, a company or juristic partnership shall file a tax return in the form prescribed by the Director-General together with tax payment at the local Amphur office within 2 months from the last day of a six-month period from the first day of an accounting period as follows:

1. In the case of a company or juristic partnership other than described in (2), it shall estimate net profit or net loss from the business or relating to the business which is already carried on or is going to be carried on in an accounting period and shall calculate and pay tax in an amount of one half of the estimated profit in such accounting period.

2. In the case of a listed company, a commercial bank under the laws governing commercial banks, or a finance company, securities company or credit foncier company under the laws governing the finance business, securities business and credit foncier business, or a company or juristic partnership under the rules, procedures and conditions prescribed by the Director-General, it shall calculate and pay tax from net profit of a six-month period from the first day of an accounting period under conditions specified in Section 65 Bis and Section 65 Ter.\(^{16}\)

\(^{16}\)N.DG.IT.No.43 No.107

The tax paid on behalf the taxpayer under paragraph 1 shall be treated as credit of the taxpayer in tax calculation.

Paragraph 1 shall not apply to a company or juristic partnership whose first or final accounting period is less than 12 months.\(^ {17}\)

\(^{17}\)N.DG.IT.No.16
Section 67 Ter
In the case where a company or juristic partnership does not file a tax return and pay tax under Section 67 Bis (1) or filed a return and paid tax under Section 67 Bis (1) by underestimating net profits exceeding twenty five per cent of the net profits deriving from the business or relating to the business carried on in an accounting period without reasonable cause, such company or juristic company shall pay surcharge of twenty per cent of the amount of tax payable under Section 67 Bis (1) or half of the amount of tax payable in that accounting period or of tax which should have been paid as the case may be.

In the case where a company or juristic partnership does not file a tax return and pay tax under Section 67 Bis (2) or incorrectly filed a tax return and paid tax under Section 67 Bis (2) without reasonable cause resulting in an amount of the underpaid tax, such company or juristic company shall pay surcharge of twenty per cent of the amount of tax payable under Section 67 Bis (2) or of tax which should have been paid as the case may be.

Surcharge under paragraphs 1 and 2 shall be deemed tax and may be reduced in accordance with regulations prescribed by the Director-General with the approval of the Minister.

Section 68
Within 150 days from the last day of an accounting period, a company or a juristic partnership shall file a tax return showing items necessary for tax calculation in an accounting period in the form prescribed by the Director-General together with tax payment at the Amphur office. \(^{18}\)

Section 68 Bis
For the purpose of tax calculation, a company or juristic partnership should keep a balance sheet, an operating account and a profit and loss account in an accounting period in accordance with Section 65.

A company or juristic partnership under Paragraph 2 of Section 66 which carries on international transportation business shall keep an account of gross income before deduction of expenses regarding passenger fees, freight fees, other taxable benefits instead of a balance sheet, an operating account and a profit and loss account in the accounting period specifically for such transportation business.

Section 69
Within 150 days from the last day of an accounting period, a company or juristic partnership shall file a tax return showing items necessary for tax calculation in accordance with Section 65, Section 65 Bis, Section 66 and Section 67 regarding income, expenses, net profits and other information to an assessment official in the form prescribed by the Director-General together with a balance sheet, an operating account and a profit and loss account, income account, expenditure or gross income account which a person under Section 3 Septem examines and certifies for the above accounting period, as the case may be. \(^{19}\)

Section 69 Bis
Subject to Section 70, if the Government, a government enterprise, Tessabarn, Sukapibarn or other local government agency is the payer of assessable income under Section 40 to any company or juristic partnership, it shall withhold income tax at the rate of 1 per cent. The tax withheld shall be treated as a credit in income tax calculation of the company or juristic partnership for the accounting period within which the tax was withheld. For this purpose, Section 52, Section 53, Section 54, Section 58 and Section 59 shall apply \(\text{mutatis mutandis}\). \(^{20}\)

\(^{18}\)N.DG.IT.No.16 No.96

\(^{19}\)N.DG.IT.No.16

\(^{20}\)N.DG.IT.No.16 No.111

R.CT.No.4/2526
Section 69 Ter
A person, partnership, company, association or a body of persons pays assessable income under Section 40 (8) to a company or juristic partnership which sells immovable property shall withhold income tax at the rate of 1 per cent and remit it to an official responsible for registration of rights and juristic acts at the time of registration and provisions of Paragraphs 2 and 3 of Section 52 shall apply mutatis mutandis.

Tax withheld and remitted under Paragraph 1 shall be treated as a credit in income tax calculation of the company or juristic partnership which tax was withheld for the accounting period in which the tax was withheld.

Section 70
A company or juristic partnership incorporated under foreign laws and not carrying on business in Thailand but receiving assessable income under Section 40 (2) (3) (4) (5) or (6) which is paid from or in Thailand, shall be liable to pay tax. The payer of income shall deduct corporate income tax from such assessable income at the corporate income tax rate and remit it to the local Amphur office together with the filing of a tax return in the form prescribed by the Director General within 7 days from the last day of the month in which such income is paid. Section 54 shall also apply mutatis mutandis. 21

21.R.D.No.10 No.299
N.DG.IT.No.16 No.95

The provisions of Paragraph 1 shall not apply in the case where a company or juristic partnership incorporated under foreign laws receives assessable income being interest from the Government or a financial institution incorporated under the specific Thai laws for the purpose of lending to promote agriculture, commerce or industry.22

22.R.D.No.308
N.DG.IT.No.16 No.95

Section 70 Bis
A company or juristic partnership disposing its profits or other type of money that is set aside from profits or is deemed to be profits from Thailand shall pay income tax by deducting from such disposed amount of money in accordance with the corporate income tax rate for the company and juristic partnership and shall remit it to the local Amphur office together with the filing of a tax return in the form prescribed by the Director-General within 7 days from the date of disposal.

Disposal of profits under Paragraph 1 shall include

1. Disposal of profits or other type of money that is set aside from profits or is deemed to be profits from profit and loss account or other book of account in order to settle debt or to set off against liability or to enter as a credit in an account of any person abroad; or
2. in the case where there does not appear the fact in (1) there is a request to purchase and transfer foreign currency which is profit or other money that is set aside from profits or is deemed to be profits disposed abroad; or
3. any other action which results in (1) or (2).

Section 70 Ter
For any company or juristic partnership sending goods abroad to or under an order of a head office, branch, associated company or juristic partnership, principal, agent, employer or
employee, such sending of goods shall be deemed to be also a sale in Thailand and the market price of goods on the sending date shall be deemed to be the income for the accounting period in which the goods are sent.

The provisions in Paragraph 1 shall not apply if such goods

1. are samples or for research purpose
2. are transit goods
3. are goods imported into Thailand and re-exported to the sender within one year from the date that such goods is imported into Thailand
4. are goods exported out of Thailand and returned to the sender in Thailand within one year from the date in which such goods is exported out Thailand.

Section 71 In the case where:

1. a company or juristic partnership does not file particulars necessary for tax calculation under the provisions of this Part or does not keep a book of account or does not follow requirements prescribed under Section 17 and Section 68 Bis or does not bring books of account, documents or other evidence to an assessment official for interrogation under Section 19 or Section 23, the assessment official shall have the power to assess tax at the rate of 5 per cent of gross income before deduction of any expenses or gross sales before deduction of expenses of the accounting period, whichever is higher. If gross income before deduction of expenses or gross sales before deduction of expenses cannot be determined, the assessment official shall have the power to assess by comparing with the gross amount of the previous accounting period. If the amount of the previous accounting period cannot be determined, he shall assess as he deems appropriate.

2. If any company or juristic partnership does not record particulars or records incompletely or does not record accurately within an account as prescribed under Section 17 and Section 68 Bis resulting in paying no tax or less tax, an assessment official shall have the power to assess missing tax at the rate specified in Section 67 and may order that person to pay surcharge of two times of the amount of missing tax.

3. If any company or juristic partnership does not comply with the Director-General’s order which is exercised under Section 17, an assessment official shall have the power to order that company or juristic partnership to comply with the Director-General’s order within thirty days from the date of receiving the order of such assessment official or he may order it to provide a person to comply with the Director-General’s order at the office of the assessment official within the above time period. If the company or juristic partnership does not comply or complies incompletely, the assessment official shall have the power to assess tax at the rate and procedures as mentioned in (1).

The provisions of this Section do not prevent the rights of an assessment official to assess tax payment under the provisions of other Section.

The assessment under the provisions of this Section may be appealed.
Section 72
In the case where a company or juristic partnership dissolves, an account liquidator and a manager shall jointly notify an assessment official about the dissolvement of that company or juristic partnership within 15 days from the date that an official registers the dissolvement. If such person does not comply, the assessment official may order that company or juristic partnership to pay additional tax of one time of the amount of tax payable. This additional amount is deemed to be a tax.

In a case where such company or juristic partnership is already dissolved, for the purpose of tax calculation, the date that the official registers the dissolvement is deemed to be the last day of the accounting period. An account liquidator and a manager shall have the duty and joint liability in filing a tax return and pay tax in the form and within the time limit prescribed under Section 68 and 69 mutatis mutandis.

If an account liquidator and a manager cannot file a tax return and pay tax within the time limit prescribed in paragraph 1 and files a request to the Director-General within thirty days from the date the official registers the dissolvement, the Director-General may order the extension of the time limit, if he deems appropriate. In a case where there is account liquidation, the Director-General may also order the extension of the accounting period.

In a case where a juristic partnership dissolves without an account liquidation, a manager of that juristic partnership shall have the same duty and liability as those of an account liquidator and jointly with a partner who has the management power in a partnership as provided in Paragraphs 1 to 3.

Section 73
In a case where a company or juristic partnership merges with another company or juristic partnership, for the purpose of tax calculation, each company or juristic partnership shall be deemed to be dissolved and the new merged company or juristic partnership shall have the duty and liability in filing a tax return and paying tax for each company or juristic partnership which is deemed dissolved. In this case, the provisions of Section 72 shall apply mutatis mutandis, and for a juristic company, a director of the new juristic company shall have the same duty and liability as those of an account liquidator as provided under Section 72.

Section 74
In a case where a company or juristic partnership dissolves or merges with another company or juristic partnership, the calculation of net profits for tax purpose shall be in accordance with procedures under Section 65, Section 65 Bis and Section 66 except

1. an evaluation of assets
   (a) In the case of dissolvement of a company or juristic partnership, the evaluation shall be made by applying the market price on the date of dissolution.
   (b) In the case where a company or juristic partnership merges together, the evaluation shall be made by applying the market price on the date of merger but such price shall not be deemed to be income or expense in the calculation of net profit or net loss of the former company or juristic partnership and the newly merged company or juristic partnership shall evaluate the value of assets on the basis if the price which appears in the account of the former company or juristic partnership on the date of merger for the purpose of calculation of net profits or net loss until such assets are alienated. Any assets entitled to depreciation and depletion shall be depreciated for the purpose of calculating net profit or net loss under the rules, procedures, conditions and rates which the former company or juristic partnership applied only during the
remaining life and value of that asset. The net loss of the former company or juristic partnership shall not be claimed as expense in the calculation of net profit or net loss.

(c) In a case where there is a transfer of business between a company or juristic partnership whereby the transferor must register the dissolution and an account liquidation is made in an accounting period in which the business transfer occurs, the evaluation shall be made by applying the market price on the date of registration for dissolution and the provisions of (b) shall apply mutatis mutandis.

(2) Reserve or profits carried forward from previous accounting periods, but only the part that has not paid tax, shall be included as income the last accounting period.

(3) In a case where a company or juristic partnership carries on insurance business, it shall include reserves that are set aside in the previous accounting periods under Section 65 Ter (1) in the calculation of income, but only the part that has not been previously included as income.

The provisions of this Section shall not apply to a company or juristic partnership under Paragraph 2 of Section 66 which carries on international transportation business through other countries.

Section 75
(Repealed by an Act Amending Revenue Code (No. 26) B.E. 2525)

Section 76
(Repealed by an Act Amending Revenue Code (No. 26) B.E. 2525)

Section 76 Bis
For a company or juristic partnership incorporated under foreign laws which has an employee, an agent or a go-between for carrying on business in Thailand and as a result receives income or profits in Thailand, such company or juristic partnership shall be deemed to be carrying on business in Thailand and the person who acts as an employee, an agent or a go-between for the business, whether he is an individual or a juristic person, shall be deemed to be the representative of the company or juristic partnership incorporated under foreign laws and shall have the duty and liability to file a tax return and tax payment in accordance with the provisions of this Part, with respect to only the above mentioned income or profits.

In the case mentioned in paragraph 1, if a person who has the duty and liability to file a tax return and tax payment cannot calculate net profits for tax purposes under the provisions of this Part, the provisions regarding tax assessment under Section 71 (1) shall apply mutatis mutandis.

The assessment under this Section may be appealed.

Section 76 Ter
(Repealed by an Act Amending Revenue Code (No. 16) B.E. 2502)
Income Tax Rates Schedule

(1) For Personal income tax

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<td>4,000,000</td>
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1 R.D.No.412

(2) For Corporate income tax

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2 R.D.No.260 No.387 No.394
3 R.D.No.270
4 R.D.No.250

Chapter 4

Value Added Tax

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Part 1

General Provisions
Section 77
Value added tax is an assessment tax.

Section 77/1
In this Chapter, unless the context otherwise requires:

(1) "person" means a natural person, a non-juristic body of persons, or a juristic person;

(2) "natural person" includes an estate;

(3) "non-juristic body of persons" means a non-registered ordinary partnership, non-juristic fund or foundation, and shall include non-juristic private organizations or business carried on by two or more natural persons;

(4) "juristic person" means a company or juristic partnership under Section 39, a government enterprise under Section 2, co-operative and other organization constituting a juristic person under any law;

(5) "business person" means a person selling goods or providing services in the course of his business or profession, and whether or not such actions are for any benefit or a consideration, and whether or not he is a VAT registrant;

(6) "VAT registrant" means a business person registered under Section 85 or 85/1, or temporarily registered under Section 85/3;

(7) "agent" includes a person concluding contracts or responsible for maintaining a stock of goods, securing orders or taking any other actions in the course of business within Thailand on behalf of a business person outside Thailand;

(8) "sale" means disposal, distribution, or transfer of goods whether or not for benefit or a consideration and shall also include:

1. hire purchase contract, installment sale contract which the ownership of goods sold is not transferred on the delivery of goods to the purchaser or contract to sell goods in accordance with the rules or conditions prescribed by the Director-General with the Minister's approval,

2. delivery of goods to an agent for sale,

3. export of goods out of Thailand,

4. use of goods except for the purpose of a person’s own business in accordance with rules, procedures and conditions prescribed by the Director-General,

5. shortage of goods in a report of goods and raw material in accordance with Section 87(3) or paragraph 2 of Section 87,

6. inventories or assets held for the purpose of the business on the date of the cessation of business, but excluding such inventories and/or assets held as a result of merger or transfer of business as a going concern which the merged business person or transferee of the business as a going concern shall be liable to pay value added tax in accordance with Section 82/3,

7. other cases as prescribed in Ministerial Regulations;

8. "goods" means corporeal or incorporeal property susceptible of having a value and of being appropriated whether or not for sale, use or any purposes, and shall include every imported item;
(10) "service" means any actions in return for consideration which is not sale of goods and shall include services for the purpose of a person's own business, but excluding:

R.CT.No.36/2540

(a) the use of services or goods directly for the purpose of a person's own business in accordance with rules, procedures and conditions as prescribed by the Director-General,

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(b) the use of money for benefit by depositing with banks or purchasing bonds or securities,

(c) any other actions as prescribed by the Director-General with the Minister's approval;

(11) "importer" means a business person or other persons undertaking importation;

(12) "import" means bringing goods into Thailand and shall include taking goods, subject to or exempt from import duties under the Customs laws, out of Customs free zones but not for the purpose of exportation;

(13) "exporter" means a person undertaking exportation;

(14) "export" means sending goods out of Thailand to a foreign country and shall include:

(a) taking domestic goods from Thailand into customs free zones, however, it is only applicable to goods subject to or exempt from export duties under the Customs laws, in accordance with rules, procedures and conditions prescribed by the Director-General,

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(b) sale of goods by a duty free shop under the Customs laws to a traveler departing Thailand in accordance with rules, procedures and conditions as prescribed by the Director-General;

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(15) "purchase" means receiving transfer of goods or taking delivery of goods sold;

(16) "price" means money, property or any other benefit calculable into money paid or to be paid for sale of goods or provision of services;

(17) "output tax" means value added tax collected or collectible by a registered person from the purchaser of goods or services under paragraph 1 of Section 82/4 and value added tax which a registered person is required to pay on sale of goods under (8) (d), (e), (f), (g) or on provision of services under (10) but excluding tax payable in accordance with Section 82/16;

(18) "input tax" means value added tax collected from a registered person by another registered person in accordance with paragraph 4 of Section 82/4 and shall include

(a) value added tax paid by a VAT registrant on the import of goods,

(b) value added tax paid by a VAT registrant on being transferred of imported goods classified in duty exemption category under the law on Customs tariff in accordance with Section 82/15,

(c) value added tax remitted under Section 83/5, 83/6 and 83/7;

(19) "excise tax" includes liquor taxes, tobacco stamps, playing card stamping fees and other taxes or fees of a similar nature as prescribed by the Royal Decree;
(20) "place of business" means a place where a business person regularly carries on his business and shall include places where manufacture and storage of goods regularly take place,

In a case where a business person does not have a place of business as defined in paragraph 1, a place of residence of the business person shall be deemed to be his place of business, and if a business person has several residences, he shall select one to be his place of business;

(21) "customs free zone" means duty free areas under the Customs law, export processing zone under the law governing the Industrial Estate Authority of Thailand and import duty exemption areas designated by laws;

(22) "tax invoice" includes abbreviated tax invoice, credit note, debit note, receipt issued by government body on sale by auction or by other means in accordance with Section 83/5 and receipt issued by Revenue Department, Customs Department or Excise Department;

(23) "tax month" means calendar month, except-

(a) in a case where business person commencing the business which is subject to value added tax or registering for value added tax in any tax month, the first tax month shall commence on the date of business commencement or value added tax registration, as the case may be, in accordance with Section 81/3 and end on the last day of the tax month,

(b) in a case where a VAT registrant is approved to cancel his value added tax registration, or ceases to carry on business subject to value added tax, or dies and his estate administrator or heir does not file a request to continue the business, or has his registration canceled by the Director-General in any tax month, the last tax month shall end on the date of striking the name of registered person off the value added tax register by the order of Director-General in accordance with Section 85/19,

(c) in a case where there exists the Royal Decree making provision for a VAT registrant to file a tax return and pay tax according to taxable periods specified in Section 83/1.

Section 77/2

The following businesses in Thailand shall be subject to value added tax under the provision in this Chapter;

(1) sale of goods or provision of services by a business person,

(2) import of goods by an importer.

Provision of services in Thailand means services performed in Thailand whether or not the services are used in a foreign country or in Thailand.

Provision of services performed in a foreign country and used in Thailand shall be deemed services performed in Thailand.

Section 77/3

Businesses subject to or exempt from specific business tax under Section 91/2 and 91/3 respectively shall not be subject to value added tax under Chapter 4, except the businesses specified under Section 91/4.
Section 77/4
For the purpose of value added tax examination, the following persons concluding a sale or service contract with a business person shall have the duty to submit a copy of contract or other relevant documents as specified to revenue official at local Amphur office in which the said person resides within the fifteenth day of the month following the month which the contract is concluded.

(1) Ministries, departments or local government authorities shall submit a copy of contract in accordance with category, description and value of such contract as prescribed by the Director-General.

(2) Other persons as specified by the Director-General with the Minister’s approval shall submit a copy of contract or other relevant documents in accordance with category, description and value of contract or document as prescribed by the Director-General with the Minister’s approval.

Value of contracts under (1) and (2) shall not be less than 500,000 Baht.

Section 77/5
In determining whether the business is sale of goods or provision of services, the Director-General shall have the power to set ruling and such ruling shall be final.

Part 2
Tax Liability

Section 78
Subject to Section 78/3, value added tax liability for sale of goods shall be in accordance with the following rules:

(1) Tax liability for sale of goods, other than those specified in (2), (3), (4) or (5), shall take place at the time of delivery of goods, except in the case where the following events take place before the delivery of goods the tax liability shall be at the time when such events take place;
   (a) transfer of ownership of goods,
   (b) payment received for goods sold, or
   (c) issuance of tax invoice,
   However the tax liability shall take place upon the parts of such event as the case may be;

(2) Tax liability for sale of goods under hire-purchase contract or installment sale contract which the ownership of goods sold is not yet transferred to the purchaser on the delivery, shall take place at the time each periodic payment due, except in the case where the following events take place before each periodic payment due then the tax liability shall be at the time such events take place;
   (a) payment received for goods sold, or
   (b) issuance of tax invoice, however the tax liability shall take place upon parts of such event, as the case may be;

(3) Tax liability for sale of goods through an agent appointed to sell and goods have been delivered to the agent, however, only under agency contract to sell certain
categories of goods and in accordance with rules, procedures and conditions prescribed by the Director-General with the Minister's approval, shall take place at the time of delivery of goods to the purchaser, except in the case where the following events take place before goods delivered to the purchaser, then the tax liability shall be at the time such event take place-

(a) an agent transfers the ownership of goods to the purchaser;
(b) an agent receives payments for goods sold;
(c) an agent issues tax invoice; or
(d) goods are used whether by an agent or other persons;

However the tax liability shall take place upon parts of such event, as the case may be;

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(4) Tax liability for export of goods, shall take place as follows-

(a) tax liability for export other than those specified in (b) or (c), shall take place at the time of payment of export duty, placing of security, or providing guarantee, except in the case where goods are not subject to or are exempt from export duty as the case may be, then tax liability shall take place on the date of passing an entry under the Customs law;

(b) tax liability for export by way of taking goods into customs free zone in accordance with Section 77/1 (14) (a), shall take place on the date domestic goods taken into the said zone;

(c) tax liability for export of goods stored in bonded warehouse under the customs law, shall be at the time when the liability under the Customs law takes place;

(5) tax liability for sale of goods subject to value added tax at zero rate under Section 80/1 (5) and subsequently transferred resulting in liability to pay value added tax by a transferee in accordance with Section 82/1 (2), shall take place at the time when the ownership of goods is transferred.

To lessen the burden of tax return filing and tax payment of a VAT registrant from sale of goods to a ministry, department, or local authority, prescribed by Ministerial Regulation, the Director-General, with the Minister's approval, shall have the power to specify the tax liability indicated in (1), (2) and (3) differently.

Section 78/1

Subject to Section 78/3, tax liability taking place as a result of provision of services shall be in accordance with the following rules-

(1) tax liability for provision of services, other than those stated in (2), (3) and (4), shall take place at the time of receiving payment of services performed, except in the case where the following events take place before receiving the payment, then the tax liability shall be at the time such events take place;

(a) issuance of tax invoice; or

(b) use of services whether by himself or other persons;

However, the tax liability shall take place upon parts of such events, as the case may be,

(2) the tax liability for the provision of services under a contract which a consideration is paid upon part of services performed, shall take place at the time of payment for
each part of completed services, except in the case where the following event takes place before receiving payment of each part of services, then the tax liability shall be at the time such events take place-

(a) issuance of tax invoice; or
(b) use of services whether by himself or other persons;

However, the tax liability shall take place upon parts of such events, as the case may be,

(3) all or part of tax liability for provision of services performed in a foreign country and used in Thailand, shall take place at the time the payment is received wholly or partly, as the case may be;

(4) tax liability for the provision of service subject to value added tax at zero rate under Section 80/1 (5) and subsequently transferred resulting in the transferee being required to pay value added tax in accordance with Section 82/1(2), shall take place at the time of receiving payment.

To lessen the burden of tax return filing and tax payment of a VAT registrant from the provision of services to a ministry, department or local authority, under contract and on payment made according to rules, procedures and conditions prescribed by a Ministerial Regulation, the Director-General, with the Minister's approval, shall have the power to specify the tax liability indicated in (1) and (2) differently.

Section 78/2
Tax liability for import shall be in accordance with the following requirements-

(1) for import other than those under (2), (3), or (4), tax liability shall take place at the time of payment of import duty, depositing of security, or providing guarantee, except in the case where goods are not subject to or exempt from import duty, then tax liability shall be at the time of passing the entry under the Customs law;

(2) for import way of bringing domestic goods into Customs free zone and subsequently taking them out of the zone but not for the export purpose as prescribed in Section 77/1 (12), the tax liability shall take place on the date of taking such goods out of the zone but not for the export purpose;

(3) for import of overtime goods under the customs law, tax liability shall take place at the time of sale by auction or any other mean by government authority in order to bring the proceeds of the sale to pay taxes, storage fees, removal fees or charges in accordance with the procedures prescribed in the Customs law;

(4) for import of goods classified in duty-exemption category under the law on Customs tariffs and exempt from value added tax according to Section 81 (2) (c), if subsequently goods are subject to duty under the law on Customs tariffs resulting in the liable person under such law or transferee of goods being liable to value added tax under Section 82/1 (3), the tax liability shall take place at the same time as the liability under the law on Customs tariffs.

Section 78/3
Tax liability for sale of goods or provision of services in the following cases shall be in accordance with Ministerial Regulations-

(1) sale of incorporeal goods such as rights in patent, goodwill, sale of electric current, sale of goods of a similar nature, or sale of certain goods which the time of delivery cannot be determined precisely because of its nature;
(2) sale of goods or provision of services through automatic machines which the method of payment is by insertion of money, coins, or notes into a machine or by other mean of a similar nature;

(3) sale of goods or provision of services which the payment is made by credit cards or by other mean of a similar nature;

(4) sale of goods under contract to sell goods under Section 77/1 (8) (a);

(5) sale of goods under Section 77/1 (8) (d), (e), (f) or (g).

The Ministerial Regulation may prescribe the liability to take place differently according to category of goods or services.\textsuperscript{11}

\textsuperscript{11} M.R.No.189

Section 79 Subject to Section 79/1, tax base of sale of goods or provision of services is the total value received or receivable by a business person from sale of goods or provision of services including excise taxes under Section 77/1 if any.

Value of tax base shall include money, property, consideration, service fees or benefits calculable into money term.\textsuperscript{12}

\textsuperscript{12} R.D.No.291

Value of tax base shall not include-

(1) discount or allowance given by a VAT registrant at the time of sale of goods or provision of services and expressly shown on the tax invoice issued, in the case of issuing an abbreviated tax invoice in accordance with Section 86/6 or 86/7, the VAT registrant is not required to expressly show such discount or allowance on the abbreviated tax invoice,

(2) rebate or subsidy as prescribed by the Director-General with the Minister's approval,

(3) output tax,

(4) consideration of descriptions and conditions prescribed by the Director-General with the Minister's approval.\textsuperscript{13}

\textsuperscript{13} N.DG.VAT.No.40, R.CT.No.33/2540

Section 79/1 Tax base of certain sale of goods or provision of services shall be according to the following rules-

(1) tax base of export of goods is the F.O.B. price plus excise tax specified under Section 77/1(19), and other taxes and fees as prescribed by Royal Decree but excluding export duty. F.O.B. price is the price of goods at customs station excluding insurance and transport costs from the Customs station to a foreign country;

(2) tax base of the provision of international transport services-

(a) in the case of transport of passengers, is the value of transport fares, fees and any benefits collected in Thailand prior to deduction of any expenses arisen from such transport of passengers;

(b) in the case of transport of goods, is the value of freight charges, fees, and any benefits collected in or outside Thailand prior to deduction of any expenses arisen from such transport of goods out of Thailand;

(3) tax base of certain sale of goods or provision of services other than those under (1) or (2) shall be in accordance with Royal Decree.
Section 79/2

Tax base of import of goods shall be according to the following rules.

Tax base of import of goods is the C.I.F. price plus import duty, excise tax under Section 77/1 (19), special fees under the Investment Promotion law and any other fees as prescribed by Royal Decree.

In a case where an importer is granted exemption or reduction of import duty under the law on custom tariff or other laws, the exempted or reduced import duty shall be included in the value of tax base.

C.I.F. price is the price of goods plus insurance and transport costs to the customs station of importation except:

(a) in the case where the Director-General of the Customs Department announces that the market price of certain types of goods are subject to duty on average price under the law on Custom tariff, such price shall be deemed the price of goods in the calculation of C.I.F. price,

(b) in the case where the customs official assesses the price for the purpose of payment of duty under the law on Customs, such price shall be deemed the price of goods in the calculation of C.I.F. price;

(1) tax base of import of goods classified in duty exemption category under the law on Customs tariff and exempt from value added tax in accordance with Section 81(2)(C), if subsequently such goods are subject to duty under the law on Customs tariff resulting in the liable person under such law or transferee of goods to be liable to value added tax according to Section 81/1 (3), the tax base of such goods is the value of goods in condition and quantity as on the date of taking place of tax liability in accordance with Section 78/2(4).

Section 79/3

In calculating tax base of sale of goods or provision of services in accordance with Section 79, the value of tax base at the time tax liability taking place shall be taken into the calculation, except in the following cases-

(1) for sale of goods or provision of services is not for a consideration, or for a consideration lower than market price without reasonable cause, the value of tax base shall be the market price of goods or services on the date tax liability takes place;

(2) for sale of goods or provision of services in the case where a business person using goods or services whether by himself or other persons not directly for the purpose of a business carried on by him as specified in Section 77/1 (8) (d), (10), the tax base shall be the market price of goods or services on the date the tax liability takes place.

(3) for sale of goods under Section 77/1 (8) (e) by way of shortage of goods in a report of goods and raw material in accordance with Section 87 (3) or paragraph 2 of Section 87, the tax base shall be the market price of goods or services on the date the tax liability takes place;

(4) for sale of goods which subject to value added tax at the zero rate under Section 80/1 (5), and subsequently transferred resulting in liability to pay value added tax by a transferee in accordance with Section 82/1 (2), the tax base shall be the market price of goods in condition and quantity as on the date the tax liability takes place;
(5) for sale of goods in the case where business person holds inventories and/or assets related to his business on the date of cessation of business, the tax base shall be the market prices on the date of cessation.

The market price under this Section shall be the average of market price on the date tax liability taking place after the rule on price examination specified by the Director-General has been followed. In the case where the market price cannot be determined, the Director-General by Minister's approval shall have the power to announce the method of determining the market price.

Section 79/4
In the case where value of tax base received or receivable from sale of goods, provision of services or import is expressed in a foreign currency, such value shall be converted into Thai currency in accordance with the following rules-

(1) in a case where foreign money is received from sale of goods or provision of services and such money is sold for Thai money in the month the tax liability taking place, then the Thai money shall be deemed the value of tax base received or receivable from sale of goods or provision of services, as the case may be. In the case where the foreign money is not sold in the month the tax liability taking place, then the exchange rate applicable shall be the average selling rate of commercial banks which calculated on the last working day of the month the tax liability taking place by the Bank of Thailand;

(2) in the case of import of goods, the C.I.F. price of imported goods expressed in foreign currency which shall be converted into Thai currency at the rate which the Customs Department applies in the calculation of import duty under the customs law.

Section 79/5
Tax base of import and sale of tobacco in category and kind prescribed by the Director-General with the Minister's approval shall be in accordance with the following rules:-

(1) for import, it shall be in accordance with Section 79/2;

(2) for sale, it is the value of tobacco derived from deducting value added tax amount from the full retail price of tobacco. The value added tax amount shall be calculated at the value added tax rate on the full retail price.

Section 79/6 Tax base of import and sale of crude oil and oil products as defined in this Section shall be in accordance with the following rule:-

(1) for import, it shall be in accordance with Section 79/2;

(2) for sale;

(a) in a case of crude oil, it shall be in accordance with Section 79;

(b) in a case of each kind of oil product, it is the value of such kind of oil product derived from deducting value added tax amount from the full retail price of the such oil product. The value added tax amount shall be calculated at value added tax rate on the full retail price. The retail price of each kind of oil product in paragraph 1 shall be calculated in accordance with rule and condition prescribed by the Ministerial Regulation.

"Crude oil" means crude oil under the law on petroleum except where the Director-General prescribes otherwise.
"Oil products" means gas oil, kerosene, fuel oil for jet plane, Diesel oil, heavy oil, bunker oil, lubricant oil, liquidified petroleum gas and other oil products, however only products which the central committee of price fixing and monopoly prevention has set the retail price.

Section 79/7 Tax base of sale of goods, provision of services or import of goods which is not provided for under the provision of this part shall be according to the Royal Decree and the provision of Royal Decree may prescribe any rules and conditions for the calculation of value of tax base of such business.  

Part 4
Value Added Tax Rate

Section 80
The tax rate of 10.00% shall be used in value added tax calculation for the following businesses other than those specified under Section 80/2

1. sale of goods;
2. provision of services;
3. importation;

The rate under paragraph 1 may be reduced by Royal Decree but the rate for each sale of goods, provision of services or importation shall be the same rate.

Section 80/1 Zero rate shall be used in value added tax calculation for the following businesses:

1. export of goods which is not exempt from value added tax under Section 81(3);
2. provision of services performed in Thailand and used in a foreign country in accordance with the type, rule, procedure and condition prescribed by the Director-General;
3. provision of services performed in Thailand and used in a foreign country shall include provision of services performed in Thailand for the production of goods in Customs free zone for the purpose of exportation and the provision of services performed in such zone for the production of goods for the export purpose;
4. provision of international transport services by aircraft or ship by juristic business person;
5. sale of goods or provision of services to ministry, department, local authority, or state enterprises under overseas loan program or assistance program in accordance with rule, procedure and condition prescribed by the Director-General with the Minister's approval;
6. sale of goods or provision of services to UN, special agencies of the UN, embassy, consulate office in accordance with rule, procedure, and condition prescribed by the Director-General;
(6) sale of goods or provision of services between bonded warehouses, between business persons which carrying on business in Customs free zone whether they be in the same zone or not, or between bonded warehouses and business person carrying on its business in Customs free zone prescribed by the Director-General; 

Bonded warehouse under paragraph 1 shall mean bonded warehouse under the Customs law.

Section 80/2
The tax rate of 2.5% shall be applied in calculating value added tax payment in accordance with Section 82/16;
Rate in paragraph 1 may be reduced by Royal Decree but the rate must be the same for every sale of goods and provision of services.

Part 5
Value Added Tax Exemption

Section 81
Value added tax shall be exempt on the following businesses-

(1) sale of goods but not for export purpose or provision of services as follows:

(a) sale of agricultural products whether they are trunks, branch, leaf, bark, offshoot, root, bud, bulb, pod, seed or other parts of plants and their by-products in fresh or preserved condition in order to temporarily prevent from spoiling during transportation by chilling, frozen means or by other means or preservation to prevent from spoiling for retail sale or whole sale by chilling, frozen, drying, grinding, segmentation method or by other method, white rice or by-product from rice milling but not including wood, firewood or products from wood sawing or food products in can container or package processed on manufacturing basis in accordance with terms and conditions prescribed by the Director-General.

(b) sale of alive or dead animals, and in the case of non-alive animal whether it be flesh, parts of animal, egg, milk or by-product from animal in fresh or preserved condition to temporarily prevent from spoiling during transportation by chilling, frozen means or by other mean or preservation to prevent from spoiling for retail sale or wholesale by chilling, frozen, dried, grind, segmentation means, or by other means, but not including food product in can container or package done on manufacturing basis in accordance with terms and condition prescribed by the Director-General;

(c) sale of fertilizers;

(d) sale of fish meal, animal feed;

(e) sale of pharmaceutical or chemical products used on plants or animal for nourishing, preventing, destroying, or eliminating pesticide or disease of plants and animals,
(f) sale of newspaper, magazine or school books, ⁹
⁹R.CT.No.32/2538

(g) provision of educational services of public educational institutions, educational institutions under the law governing private universities or private schools under the law governing private school,

(h) provision of services relating to art and cultural work in field and category of business as prescribed by the Director-General with the Minister's approval, ¹⁰
¹⁰N.DG.VAT.No.11

(i) provision of services in medical treatment, accounting, lawyer or other liberal professional services as prescribed by Revenue Department with Minister's approval and governed by the laws governing such liberal professional services;

(j) provision of medical service of health institution under the law governing such health institution;

(k) provision of research or academic services as prescribed by the Director-General with the Minister's approval;

(l) provision of services in library, museum, zoo;

(m) provision of services under employment contract;

(n) provision of services on organizing amateur sports;

(o) provision of services by public entertainer as prescribed by the Director-General with the Minister's approval;

(p) provision of domestic transport;

(q) provision of international transport excluding transport by aircraft or ship;

(r) rental of immovable property;

(s) provision of service of local authority excluding commercial services of local authority or service generating income or benefit whether it is infrastructure business or not;

(t) sale of goods or provision of services of a ministry, department which remit all revenue to the state without deducting expenses;

(u) sale of goods or provision of services for the benefit of religions or public charity in Thailand and profits arising therefrom are not used for other purposes

(v) sale of goods or provision of services as prescribed by Royal Decree; ¹⁴
¹⁴R.D.No.239

(2) import of the following goods;

(a) goods specified under (1) (a) to (f);

(b) goods from abroad imported into customs free zone but applicable only to goods exempt from import duty under the law governing such matter;

(c) goods classified into duty exemption category under the law on customs tariff;
(d) goods imported and kept under care of Customs officials, and sent back abroad and import duty has been returned under the customs law;

(3) export of goods or services by VAT registrant which is required to pay value added tax under Section 82/16.

In relation with exemption of value added tax under this Section, the Director-General may propose to the Commission of Taxation to determine category of business and conditions for exemption under this Section and when the Commission of Taxation has set the ruling, such ruling shall be published in the Royal Gazette, and if the business is not in accordance with category and condition prescribed, such business shall not be exempt from value added tax under this Section.

Section 81/1

Business person, carrying on the business of sale of goods or provision of services subject to value added tax and the value of tax base not exceeding that of small business as prescribed by Royal Decree, shall be exempt from value added tax.

The Royal Decree under paragraph 1 shall not specify the value of tax base of each type of small business differently, and the value of tax base specified therein shall not be less than 600,000 Baht per annum.\(^{15}\)

\(^{15}\)R.D.No.354

Section 81/2

In relation with business exempt from value added tax in this Part or under other laws, business person shall be waived from complying with this Part, but the Director-General may require the business person to prepare report under Part 11.

Section 81/3

A business person carrying on the following businesses which are exempt from value added tax, has the right to notify the Director-General, on the form prescribed by the Director-General, of the request to apply for value added tax registration and pay value added tax in accordance with this Chapter in accordance with Section 82/3;

(1) sale of goods under Section 81 (1) (a) to (f);

(2) small business under Section 81/1;

(3) other business as prescribed by Royal Decree.\(^{16}\)

\(^{16}\)R.D.No.241

When business person under paragraph 1 has registered for value added tax in accordance with Section 85/1 (2), such business person shall be able to cease from paying value added tax if he exercises the right to cancel his value added tax registration under Section 85/10 (3) and the Director-General cancels his value added tax registration.

Part 6

Taxpayer and Tax Calculation

Section 82

The following persons shall be taxable person under this Chapter;

(1) business person,

(2) importer.
Section 82/1
For the purpose of value added tax collection, the following persons shall be taxable person as well:

in the case where business person residing abroad and habitually selling goods or providing services within Thailand which having an agent in Thailand, is such agent;

in the case of sale of goods or provision of services which subject to zero-rate value added tax under Section 80/1 (5), if later on ownership of goods or right of services are transferred to persons who are not UN, specialized agency of UN, embassy, consulate, is the said transferee of ownership of goods or right of services;

in the case of import of goods classified in duty-exemption category under the law on Customs tariff which exempt from value added tax in accordance with Section 81 (2) (c), if later on such goods are subject to duty under the law on Customs tariff, is; person who are liable under the law on customs tariff, consignee, if such goods are transferred,

in the case of merger, is the merger and new business person;

in the case of transfer of business, is the transferor and transferee.

Section 82/2
In the case where business person residing abroad, the person responsible for carrying on the business including employee or agent residing in Thailand who has the power to act on his behalf directly or indirectly shall be the person liable to value added tax together with the person under Section 82.

Section 82/3
Under Section 82/7, 82/8 and 82/16 business person shall pay value added tax by deducting input tax from output tax of each tax month.

If output tax exceeds input tax, business person shall pay tax equal to the difference.

If input tax exceeds output tax, the difference shall be tax credit and business person shall be entitled to tax refund or tax payment in accordance with Part 8.

Input tax which is not deducted in tax calculation in the tax month under paragraph 1 because of necessary cause as prescribed by Director-General, shall be deducted in tax calculation in the tax month following such month in accordance with rule, procedure and condition as prescribed by Director-General, but not exceeding 3 years as from the date of issuance of tax invoice.  

Section 82/4 Under Section 83/5, 83/6 and 83/7, a VAT registrant shall charge value added tax from the purchaser of goods or services at the time tax liability taking place by calculating the amount of tax from tax base under Part 3 and on tax rates under Part 4.

The provision of this Section does not prohibit a VAT registrant to offer or show the price of goods or services inclusive of value added tax to the purchaser of goods or service, whether or not the VAT registrant informs the purchaser of goods or service of such value added tax inclusive price.

Value added tax which VAT registrant charges from the purchaser of goods or service under this Section shall be his output tax.
Value added tax charged from a VAT registrant by another VAT registrant under this Section as a consequence of purchasing goods or services for use in his business shall be the input tax of the VAT registrant who is the purchaser of goods or services.

Section 82/5

Input tax in the following cases shall not be deductible in tax calculation in accordance with Section 82/3;

- in the case where there exists no tax invoice or failure to show tax invoice as a proof of payment of input tax, except under reasonable cause in accordance with rule and condition prescribed by the Director-General;\(^{18}\)

\(^{18}\)N.DG.VAT.No.17

- in the case where tax invoice contains incorrect or incomplete particulars which are essential in accordance with rule and condition prescribed by the Director-General;\(^{19}\)

\(^{19}\)N.DG.VAT.No.17

- input tax not directly related to the carrying on of business of a business person in accordance with rule and condition prescribed by the Director-General;\(^{20}\)

\(^{20}\)N.DG.VAT.No.17

- input tax arises from expenses on guest-entertaining or similar activity in accordance with rule and condition prescribed by the Director-General;\(^{21}\)

\(^{21}\)N.DG.VAT.No.17

- input tax from tax invoice issued by unauthorized persons under Part 10;

- input tax as prescribed by the Director-General with Minister’s approval.\(^{22}\)

\(^{22}\)N.DG.VAT.No.42

Section 82/6

In the case where VAT registrant carrying on both VAT and non-VAT businesses and use the acquired goods or services in both businesses, such VAT registrant shall allocate input tax to be deducted from output tax in value added tax calculation in accordance with rule, procedure and condition prescribed by the Director-General.\(^{23}\)

\(^{23}\)N.DG.VAT.No.29

Section 82/7

In selling of tobacco in category and kind prescribed by the Director-General with the Minister’s approval, the VAT registrant shall charge value added tax from the purchaser by calculating from tax base under Part 3 and on tax rates under Part 4 on every transaction.\(^{24}\)

\(^{24}\)N.DG.VAT.No.10

Section 82/8

In selling crude oil and oil product in accordance with Section 79/6, a VAT registrant shall charge value added tax from the purchaser by calculating from tax base under Section 79/6 (2)(a) or (5) and on tax rate under Part 4 on every transaction.

Section 82/9

In the case where a VAT registrant sells goods or provides services and already includes output tax in the calculation of value added tax in order to pay value added tax in accordance with Section 82/3, if later on, any of the following events arise resulting in an increase in output tax wholly or partly, such VAT registrant shall include the increase output tax into the
value added tax calculation in the tax month which a debit note is issued in accordance with Section 86/9:

there is an increase in price of goods sold because of the amount of goods exceeding the agreed amount, miscalculation resulting in price of goods lower than the actual price, or other causes as prescribed by Director-General;

there is an increase in price of services because of the provision of services exceeding the agreed amount, miscalculation resulting in price of service lower than the actual price, or other causes as prescribed by Director-General;

The VAT registrant receiving debit note shall make deduction of value added tax by regarding it as his input tax in the tax month in which the debit note is received.

Section 82/10

In the case where a VAT registrant sells goods or provides services and already includes output tax in the calculation of value added tax in order to pay value added tax in accordance with Section 82/3, if later on any of the following events arise resulting in a decrease in output tax wholly or partly, such VAT registrant shall deduct the decrease output tax from his output tax in the tax month which a credit note is issued in accordance with Section 86/10:

1. there is a decrease in price of goods because of goods not being as agreed, goods damaged or shortage, miscalculation of price of goods resulting in price higher than actual price or other causes as prescribed by the Director-General;²⁵

²⁵N.DG.VAT.No.82

2. there is a decrease in service fees because of the provision of services not being as agreed, shortage of service, miscalculating of service fees resulting in price higher than the actual price or other causes as prescribed by the Director-General;²⁶

²⁶N.DG.VAT.No.82

3. receiving the goods returned because of damages, goods different from samples or description, or any other causes as prescribed by the Director-General;²⁷

²⁷N.DG.VAT.No.82

4. there is a termination of service contract according to causes and conditions as prescribed by the Director-General;²⁸

²⁸N.DG.VAT.No.82

The VAT registrant receiving credit note shall deduct value added tax as appeared on the credit note from his input tax in the tax month in which such credit note is received.

Section 82/11

In the case where a VAT registrant sells goods or provides services and already includes output tax into value added tax calculation in order to pay value added tax in accordance with Section 82/3, if later on, there arises bad debts from sale of goods or provision of services and the writing off of bad debts are in accordance with the amount, rule, procedure and condition prescribed by the Director-General, the VAT registrant shall deduct output tax calculated from bad debts from his output tax in the tax month in which the writing off of bad debts occurred.²⁹

²⁹N.DG.VAT.No.85

The calculation of bad debts in order to deduct it from output tax under paragraph 1 shall be in accordance with rule, procedure and condition prescribed by the Director-General.³⁰

³⁰N.DG.VAT.No.85
In the relation with bad debts which have been written off under paragraph 1, if a VAT registrant has received payment later on, he shall include the received output tax calculated from bad debts under paragraph 1 into the output tax in the tax month in which payment is received.

Section 82/12
In selling goods or providing services which subject to zero rate value added tax in accordance with Section 80/1 (5) and later on there is a transfer of ownership of goods or right of services resulting in liability to pay value added tax, the transferee who is required to pay value added tax in accordance with Section 82/1 (2) shall pay value added tax when tax liability taking place which calculated from tax base under Section 79/3 (4) and on tax rate under Section 80.

Section 82/13
In the case where a business person residing abroad and carries on business in sale of goods or provision of services temporarily in Thailand without temporary value added tax registration in accordance with Section 85/3 or in the case where business person provides services from abroad and the services is used in Thailand, he shall be liable to value added tax and pay value added tax when tax liability taking place which calculated from tax base under Part 3 and on tax rate under Section 80 or 80/1, as the case may be.

Section 82/14
An importer shall be liable to value added tax and pay tax on imported goods when tax liability taking place which calculated from tax base under Part 3 and on tax rate under Section 80.

Section 82/15
In importing goods classified in duty-exemption category under the law on Customs tariff, and later on there is a transfer of ownership of goods resulting in the liability to value added tax, the transferee who is required to pay value added tax in accordance with Section 82/1 (3) shall be liable to value added tax and pay value added tax when tax liability taking place which calculated from tax base in accordance with Section 79/2 (2) of Part 3 and on tax rate in accordance with Section 80.

Section 82/16
To accommodate a business person who carries on his business in sale of goods or provision of services in Thailand and such business has the value of tax base exceeding value of tax base of small business under Section 81/1 but not exceeding value of tax base which calculated under the rules prescribed by Royal Decree, such business person shall be liable to value added tax which is calculated from tax base in the tax month and on tax rates as prescribed in Section 80/2.  

Section 82/17
The provision of Section 82/16 does not prohibit a business person from exercising his right to pay value added tax in accordance with Section 82/3, but if he has exercised such right, he cannot again apply Section 82/16.
Section 82/18
A VAT registrant who liable to value added tax in accordance with Section 82/16 shall notify the Director-General of cases and within the time limit as follows:

VAT registrant who wishes to calculate value added tax in accordance with Section 82/3 shall notify the Director-General in accordance with rule, procedure and condition as prescribed by the Director-General;

VAT registrant who later on has value of tax base exceeding value of tax base prescribed in Royal Decree stipulated under Section 82/16, shall notify the Director-General within 15 days as from the date the value of tax base exceeding value of tax base as prescribed in such Royal Decree;

The VAT registrant under paragraph 1 shall pay value added tax in accordance with Section 82/3 and is no longer allowed to calculate value added tax in accordance with Section 82/16;

In calculating value added tax under paragraph 2, input tax, charged by another VAT registrant at the time such VAT registrant is liable to pay value added tax in accordance with Section 82/16, shall not be deductible in the calculation of value added tax in accordance with Section 82/3.

Part 7
The Filing of Returns and Payment of Taxes

Section 83
Under Section 83/1, a VAT registrant shall file a tax return in such form as prescribed by the Director-General on the basis of tax month together with tax payment if any, whether or not sale of goods or provision of service are made in that tax month.\(^1\)

\(^1\)N.DG.VAT.No.65

Tax return filing and payment of tax for any tax month shall be made within the 15 day of the following month except the Director-General may prescribe otherwise.

Tax return filing and payment of tax shall be made at local Amphur office where place of business is located except the Director-General may prescribe otherwise.\(^2\)

\(^2\)N.DG.VAT.No.65 No.115

If a VAT registrant has several places of business, a tax return filing and tax payment shall be made separately by each place of business, except a VAT registrant files a request for joint-filing and payment made at any one of local Amphur office or at a place prescribed by the Director-General by virtue of paragraph 3 and upon receiving approval from the Director-General, it shall be in force as from the tax month as prescribed by the Director-General.\(^3\)

\(^3\)N.DG.VAT.No.65

In relation to filing of tax return under paragraph 1, if there is tax credit or refund, it shall be made in accordance with Part 8.

Section 83/1
As for some category and/or size of business which a VAT registrant is an individual, a Royal Decree may be made for VAT registrant to file a tax return and pay tax on a periodical basis, and each period shall not exceed 3 months.

For the purpose of value added tax calculation for business under paragraph 1, the period prescribed in Royal Decree shall be deemed the tax month of such business.
Section 83/2
For the purpose of tax collection, person liable to tax under Section 82/1 (1), (3), (4) or (5) and Section 82/2 shall be required to file a tax return and pay tax similarly to a VAT registrant.

Section 83/3
The following persons shall be required to file a tax return on behalf of or together with a VAT registrant:

1. in the case where a VAT registrant is incompetent or quasi-incompetent, is a custodian or curator as the case may be;
2. in the case where a VAT registrant or an importer who is an individual dies, is an estate administrator, heir or possessor of an estate;
3. in the case where a VAT registrant is a non-juristic body of persons, is a director, manager, or any person in such non-juristic body of persons;
4. in the case where a VAT registrant is a juristic person, is a member of the board of directors, director, manager or person responsible for management;
5. in the case where a VAT registrant is a juristic person which ceases business by way of liquidation, is a liquidator and a member of the board of directors, director, manager or person responsible for management who is in the position prior to the date of cessation.

Section 83/4
Subject to Parts 13 and 14, in the case where a VAT registrant file incorrect tax return, whether or not such mistake affecting the amount of tax in a tax month, he shall file an additional tax return together with tax payment, if any, correctly at the place of the prior filing of tax return.

Section 83/5
In relation to an auction, an auctioneer selling by auction the property of a VAT registrant shall be required to remit value added tax which the VAT registrant is liable to.

The person who is required to remit tax under paragraph 1, shall remit value added tax by filing a form as prescribed by the Director-General, at a place and within time limit specified in Section 52, and Section 54 and Section 55 shall be applied mutatis mutandis.4

4N.MF. Re: Extension of Timeframes for Remittance of Withholding Income Taxes, Remittance of Income Taxes, Remittance of Value Added Taxes and Filing of Returns, N.DG.VAT.No.65 No.118

An auctioneer which is a government authority shall issue receipt to the purchaser in such auction and make a copy to VAT registrant who is required to pay value added tax as a proof.

In the case where a government authority sells property of a VAT registrant which is legally seized by other means than an auction, the provision of this Section shall be applied mutatis mutandis.

A receipt issued by government authority under paragraphs 3 and 4 shall be deemed a tax invoice except receipt issued by a government authority upon sale by auction of property of a VAT registrant who is liable to tax under Section 82/16, shall not be deemed tax invoice.

Section 83/6
Where the payment of goods or services is made to the following business persons, the payer for goods or services shall be required to remit value added tax amount which the business person is liable:
(1) business person residing abroad who temporarily carries on the business in sale of goods or provision of services in Thailand and does not temporarily register for value added tax in accordance with Section 85/3;

(2) business person providing services abroad and such service is used in Thailand;

(3) other business person as prescribed in Royal Decree; Paragraph 2 of Section 83/5 shall be applied.\(^5\)

\(^5\) N.MF. Re: Extension of Timeframes for Remittance of Withholding Income Taxes, Remittance of Income Taxes, Remittance of Value Added Taxes and Filing of Returns., N.DG.VAT.No.65 No.118

**Section 83/7**

In relation to sale of goods or provision of services which are zero rate, the transferee of goods or right in services shall be required to remit value added tax which he is liable under Section 82/2 within 30 days as from the date tax liability taking place at local Amphur office in which such person resides. \(^6\)

\(^6\)N.MF. Re: Extension of Timeframes for Remittance of Withholding Income Taxes, Remittance of Income Taxes, Remittance of Value Added Taxes and Filing of Returns.

Paragraph 2 of Section 83/5 shall be applied.\(^7\)

\(^7\)N.DG.VAT.No.65 No.118

**Section 83/8**

Subject to Section 83/9, an importer who is liable to value added tax shall entry in such manner and form prescribed by the Customs Department to customs officials at custom station in accordance with the Customs law and pay value added tax to Customs official together with payment of import duties under the Customs law.

In the case of taking goods into bonded warehouse under the Customs law, or importing machinery or raw material to be use in production for the purpose of exportation of a promoted person under the law on investment promotion, the importer may place security money, security or provide guarantor as a security for value added tax instead of tax payment.

The procedure of placing and withdrawing security shall be in accordance with rule, procedure and condition prescribed by the Director-General with the Minister’s approval; \(^8\)

\(^8\)N.D.G.VAT.No.20

In relation to import of goods classified in duty-exemption under the law on Customs tariff which exempt from value added tax under Section 81 (2) (c), if later on such goods are liable to duty under the law on Customs tariff, the person liable to tax under Section 82/1 (3) shall entry and pay tax under paragraph 1 together with payment of import duty under the Customs law.

**Section 83/9**

In the case of taking goods into bonded warehouse under the Customs law or Customs free zone, if later on goods are removed from bonded warehouse but not for the purpose of export or taking good out of Customs free zone but not for the purpose of export, an importer who is liable to value added tax shall entry and pay value added tax to Customs official together with payment of import duty under the Customs law.

**Section 83/10**

In relation to payment of value added tax:
(1) for imported goods, the Customs Department shall collect for the Revenue Department and in the case of overtime goods under Section 78/2 (3), the Customs Department shall deduct value added tax, fines and surcharges for the Revenue Department as prescribed by the Director-General;

(2) for sale of goods or provision of services which subject to excise taxes, the Excise Department shall collect for the Revenue Department.

Part 8
Tax Credit and VAT Refund

Section 84
For an excess tax credit of each tax month as from the calculation under Section 82/3, a VAT registrant shall be entitled to carry it for the value added tax payment in accordance with rule, procedure and condition prescribed by the Royal Decree or to claim for refund at the time of filing of tax return of such tax month under Section 83 or 83/1, except in the case of additional tax return filing because of an incorrect tax return under Section 83/4, then he shall be entitled to claim for refund at the time of filing of such additional tax return.9

9R.D.No.242

Section 84/1
Claiming of value added tax refund on sale of goods or provision of services shall be under the following conditions:

1. sale of goods or provision of service where there is tax to be refunded but a VAT registrant does not claim a refund under Section 84, the VAT registrant shall be entitled to file a request for tax refund within 3 years as from the day after the last day on which the tax return is required to be filed in that tax month;

2. sale of goods or provision of services in other cases, filing of request shall be made within 3 year as from the date of tax payment.

Request for tax refund shall be in the form prescribed by the Director- General.

Where the claimer is a VAT registrant, he shall file a request for tax refund at Amphur office where the place of business located and if he has several places of business, a request shall be made by each place of business, except the VAT registrant is granted an approval by the Director-General to file a joint return together with payment of tax, the request for tax refund shall be filed jointly at Amphur office or a place prescribed by the Director-General by virtue of paragraph 4 of Section 83. In the case where a claimer is not a VAT registrant, a request for tax refund shall be filed at Amphur office where the claimer resides.

Section 84/2
A request for value added tax refund on importation in the cases below shall be under the following conditions:

1. in the case where importer having an objection under the customs law or being under a law suit in court, a request for tax refund shall be made within or from the date of final judgment as the case may be;

2. in the case where importer not being a VAT registrant pays value added tax and later on returns goods abroad, a request for tax refund shall be in accordance with rule, procedure, condition and proportion similar to a request for import duty refund under the Customs law.
Request for the refund under this Section shall be in such form as prescribed by the Director-General.
In the case where a claimer is a VAT registrant, request for tax refund shall be filed at local Amphur office under paragraph 3 of Section 84/1 and in the case where a claimer is not a VAT registrant, a request for tax refund shall be made at Customs station.

Section 84/3
Upon being refunded value added tax, a person receiving tax refund shall be entitled to interest under the conditions in Section 4 Decem.

Section 84/4
The Director-General shall have the power to prescribe rule, procedure and condition for outbound traveler purchasing goods from VAT registrant in order to take out of Thailand, to claim for value added tax.

Part 9
Value Added Tax Registration

Section 85
A VAT registrant who is commencing business in sale of goods or provision of services, shall have the right to make an application for value added tax registration before the date of business commencement.
An application for value added tax registration under paragraph 1 shall be in such form as prescribed by the Director-General and filed at local Amphur office where the place of business is located.

If a business person has several places of business, value added tax registration application shall be made at local Amphur office where the headquarters is located.
Application of value added tax registration and issuance of certificate of value added tax registration shall be in accordance with rule, procedure and condition prescribed by the Director-General.

Section 85/1
A business person who carrying on business in sale of goods or provision of service shall apply for value added tax registration within the following time limit:

1. for business person carrying on business on sale of goods or provision of services and the value of tax base of the business exceeding value of tax base of small business as prescribed by the Royal Decree by virtue of Section 81/1, value added tax registration application shall be made within 30 days as from:

   a. the date which the value of tax base of business exceeds the value of tax base of small business in the case where the Royal Decree making the provision for determining value of tax base of small business or;

   b. the date which the Royal Decree comes into force in the case where there exists a Royal Decree making new provision for determining value of tax base of small business or the Royal Decree is amended such that the value of tax base of small business is less than previously prescribed;
(2) for a business person who notifies the Director-General of value added tax payment in accordance with Section 81/3, value added tax registration application shall be made within 30 days as from the date of notifying the Director-General.

Paragraphs 2, 3 and 4 of Section 85 shall be applied.

Section 85/2
Agent under Section 82/1 (1) shall be responsible for value added tax registration of business person residing abroad.

Section 85/3
The following business persons shall not be required to register for value added tax:

1. business person residing abroad and entering Thailand to carry on business on sale of goods or provision of service temporarily;
2. business person providing service from abroad and such service is used in Thailand;
3. other business person as prescribed by the Director-General if there is a reasonable cause.

The Director-General may allow a business person under (1) or (3) whose business is in accordance with description and procedure prescribed by the Director-General, to apply for temporary value added tax registration.

Application for temporary value added tax registration and issuance of temporary value added tax registration certificate shall be in accordance with form, rule, procedure and condition as prescribed by the Director-General.

For the purpose of paragraph 1, the Director-General shall have the power to prescribe rule and condition to specify which entering into Thailand to sell goods or provide services is a temporary one.

Section 85/4
A VAT Registrant shall display certificate of value added tax registration at a prominent place which can easily be seen at each place of business.

Section 85/5
In the case where the certificate of value added tax registration is lost, destroyed or essentially damaged, a VAT Registrant shall make a request for a substitute for the certificate of value added tax registration at the place of registration for value added tax within 15 days as from the date the certificate is lost, destroyed or damaged.

Request for and issuance of a substitute for the certificate of value added tax registration shall be in accordance with form, rule, procedure and condition as prescribed by the Director-General.

A substitute for the certificate of value added tax registration shall be deemed certificate of value added tax registration

Section 85/6
In the case where there are changes in essential particulars in value added tax registration including change in the name of place of business, category of business, goods sold or services provided, a VAT registrant shall notify such changes at the place of registration for value added tax within 15 days as from the date the changes occur.
The notification of changes in particulars under paragraph 1 and issuance of an amended certificate of value added tax registration shall be in accordance with form, rule, procedure and condition as prescribed by the Director-General.  

Section 85/7

Any VAT registrant wishing to have additional place of business shall notify such changes at the place of registration for value added tax prior to the opening date of the additional place of business within 15 days in order to request for a certificate of value added tax registration for such place of business.

In relation to closing of some places of business, a VAT registrant shall notify changes in value added tax registration at the place of registration for value added tax within 15 days as from the date of closing.

A VAT registrant closing places of business shall return the certificate of value added tax registration of such places of business at the place of registration for value added tax and notify changes in value added tax registration.

Paragraph 2 of Section 85/6 shall be applied.

Section 85/8

A VAT registrant wishing to move a place of business shall notify changes in value added tax registration at place of registration for value added tax within 15 days prior to the date for moving.

A VAT registrant moving place of business shall notify an opening of new place of business at local Amphur office which the new place of business located within 15 days prior to the opening date of the new place of business in order to request for a certificate of value added tax registration of such new place of business and return the certificate of value added tax registration of the former place of business.

Paragraph 2 of Section 85/6 shall be applied.

Section 85/9

The Director-General shall have the power to prescribe description and condition for place of business which a VAT registrant temporary establishes to be specific place of business.

Temporary place of business which is in accordance with description to be specific place of business as prescribed by the Director-General shall not be deemed place of business under Section 85/6, 85/7 and 85/8, but the VAT registrant establishing such specific place of business shall prepare books and comply in accordance with form, rule, procedure and condition as prescribed by the Director-General

Section 85/10

The following VAT registrants shall be entitled to request the Director-General to cancel certificate of value added tax registration:

(1) in the case there exists a Royal Decree prescribing value of tax base of small business, is a VAT registrant whose business having value of tax base less than that of small business as prescribed in the Royal Decree for at least 3 consecutive years prior to the request for cancellation of certificate of value added tax registration;

(2) in the case the Royal Decree is amended such that making provision for higher value of tax base of small business as previously prescribed, is a VAT registrant person
whose business having value of tax base prior to the amendment of Royal Decree less than that of small business for at least 3 consecutive years;

(3) in the case where a VAT registrant notifies the Director-General for the purpose of value added tax payment under Section 81/3, is the VAT registrant who pays value added tax consecutively for a period of time not less than that prescribed by Ministerial Regulation as from the first day of being a VAT registrant, and has a business having value of tax base less than that of small business as prescribed by Royal Decree during such period of time;

(4) in the case where a VAT registrant liable to tax under Section 82/16 whose business having value of tax base less than that of small business as prescribed in Royal Decree consecutively for a period of time not less than that prescribed by Ministerial Regulation prior to the request for cancellation of certificate of value added tax registration.

A request to the Director-General to cancel a certificate of value added tax registration under paragraph 1 shall be in accordance with form, rule, procedure and condition as prescribed by the Director-General.

Ministerial Regulation under (3) may prescribe a different period for each category of business; however, the prescribed period shall not be less than 2 years.

Section 85/11
Any business registered for value added tax and having value of tax base exceeding that of small business as prescribed by Royal Decree issued under Section 81/1 which consequently amended such that prescribing value of tax base of small business higher than previously prescribed resulting in the value of tax base of the said business to be lower than the newly prescribed value of tax base of small business, the value added tax registration of such business person shall be in force, except the VAT registrant exercises the right under Section 85/10 (2) and (4) in requesting the Director-General to cancel the value added tax registration.

Section 85/12
Any VAT registrant wishing to temporarily cease the business for more than 30 days consecutively, such VAT registrant shall notify the temporary cessation at local Amphur office which the place of business located within 15 days as from the date of temporary cessation.

Section 85/13
Any VAT registrant wishing to transfer business partly or wholly shall notify such transfer and change in particulars in value added tax registration, if any, or notify the transfer and business cessation in accordance with Section 85/15, as the case may be, in such form prescribed by the Director-General at the place of value added tax registration at least 15 days prior to the transfer date.⁹

⁹N.DG.VAT.No.65 No.131

In the case where a transferee is a VAT registrant, he shall notify the transfer and change in particulars in value added tax registration, if any, at the place which the transferee registers for value added tax at least 15 days prior to the date to transfer. In the case where a transferee is not a VAT registrant, he shall make a request for value added tax registration at least 15 days prior to the transfer date and when the request is made, the transferee may meanwhile carry on the business.

Paragraph 2 of Section 85/15 shall be applied in the case of transfer of the whole business

Section 85/14
A VAT registrant, being a juristic person, wishing to merge, the VAT registrant shall notify the business cessation in accordance with Section 85/15 and form prescribed by the Director-
General and the new juristic person, resulting from the merger, shall make the request for value added tax registration within 15 days as from the date of business registration of the new juristic person.\(^{10}\)

\(^{10}\)N.DG.VAT.No.65 No.131

**Section 85/15**

Any VAT registrant ceasing the business shall notify such cessation in accordance with form prescribed by the Director-General at the place of registration for value added tax within 15 days as from the date of business cessation.\(^ {11}\)

\(^{11}\)N.DG.VAT.No.65 No.131

A VAT registrant ceasing the business shall return the certificate of value added tax registration at the place of registration for value added tax at the time of notification of business cessation.

**Section 85/16**

In the case where a VAT registrant being an individual dies, his status of being VAT registrant shall terminate and the possessor of the estate responsible for carrying on that business shall have the right to carry on the business for not more than 60 days as from the date of the death, but the value added tax registrar must be informed of such death at the earliest opportunity.

In the case where an estate possessor responsible for carrying on the business of the deceased exercises his right in carrying on the business as specified in paragraph 1, he shall have the right and liability as a VAT registrant and in case of reasonable cause, an estate possessor may request the Director-General for extension of time as specified in paragraph 1 by giving necessary reasons, then the Director-General shall have the power to extend the time as he deems appropriate and may also set condition for such extension.

In the case where an estate possessor responsible for carrying on the business of the deceased does not exercise the right under paragraph 1, he shall return the certificate of value added tax registration of the deceased at the place of registration for value added tax within 15 days as from the date of the death.

If an estate possessor or heir wish to carry on the business of the VAT registrant who dies, an estate administrator or heir shall have the right to transfer the business of the VAT registrant in accordance with form, rule procedure and condition prescribed by the Director-General and paragraph 2 of Section 85/13 shall be applied *mutatis mutandis*. When the Director-General orders the transfer of business, the right of the estate possessor under this Section shall terminate.\(^ {12}\)

\(^{12}\)N.DG.VAT.No.131

An estate possessor or heir being a transferee of business shall return the certificate of value added tax registration of the deceased at the place of registration for value added tax at the time of notification of changes in particulars in value added tax registration or application for value added tax registration, as the case may be, and in the case where an estate possessor responsible for carrying on the business of the deceased exercising the right to carry on that business under paragraph 1 but where the time limit specified in paragraph 1 or time extended by the Director-General under paragraph 2 passed without a request for transfer of that business being made by the estate administrator or heir under paragraph 4, the estate possessor responsible for carrying on the business of the deceased shall return the certificate of value added tax registration at the place of registration for value added tax within 15 days as from date following the last day of time limit.
**Section 85/17**

A VAT registrant fails to comply with the provisions in this chapter, the Director-General shall have the power to cancel the value added tax registration of the said VAT registrant and shall notify the business person of the cancellation in writing.  

The business person being notified under paragraph 1 shall return the certificate of value added tax registration at the place of registration for value added tax within 7 days as from the date of receiving the notification of the cancellation.

**Section 85/18**

In the case where the Director-General cancels the certificate in accordance with Section 85/10, or where the VAT registrant ceases the business in accordance with Section 85/5, or where VAT registrant dies and an estate possessor responsible for carrying on the business of the deceased who died exercising the right in carrying on the business but later on such right terminates without an estate administrator or heir requesting for transfer of that business in accordance with Section 85/6, or where VAT registrant being cancelled the value added tax registration under Section 85/17, the VAT registrant or estate possessor responsible for carrying on that business, as the case may be, shall be liable as a VAT registrant until the Director-General orders the name of such VAT registrant be stroked off the value added tax register in accordance with Section 85/19.

**Section 85/19**

In the following cases, the Director-General shall order the name of VAT registrant to be stroked off the value added tax register-

1. where the Director-General cancels the registration in accordance with Section 85/10;
2. where VAT registrant ceases the business in accordance with Section 85/15;
3. where VAT registrant dies and no request for transfer of business of the deceased is made in accordance with Section 85/16;
4. where the Director-General cancels the value added tax registration in accordance with Section 85/17.

The Director General shall notify the VAT registrant, estate administrator, heir or estate possessor of the order in writing without delay.

VAT registrant or estate possessor responsible for the carrying on the business of the deceased and exercising the right in carrying on that business in accordance with Section 85/16 shall not be liable as the VAT registrant effective on the date the order to strike the name off the value added tax register is made by the Director-General.

If the VAT registrant is a juristic person, the Director-General shall notify a business registrar under the law on such matter of the striking the name off the value added tax register within 30 days and the said registrar shall record the value added tax registration cancellation in the register without delay.

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**Part 10**

**Tax Invoice, Debit Note, Credit Note**

**Section 86**

Subject to Section 86/1, 86/2 and 86/8, a VAT registrant shall immediately issue tax invoice and its copy for every sale of goods or provision of service at the time the tax liability taking
place as well as provide such tax invoice to the purchaser of goods and service, and keep its
copy in accordance with Section 87/3.  

Business person exempted from value added tax registration but temporary registering for
value added tax in accordance with Section 85/3, shall be able to issue tax invoice in the
event which is in accordance with rule, procedure and condition as prescribed by the Director-
General.  

Tax invoice shall be issued by each place of business, except the Director-General prescribes otherwise.
The issuance of tax invoice by an agent on behalf of the VAT registrant shall be in accordance
with rule, procedure and condition as prescribed by the Director-General.

Section 86/1
It is prohibited for the following VAT registrant to issue tax invoice:

VAT registrant residing abroad and having his agent issuing tax invoice on behalf of him in accordance with Section 86/2;

VAT registrant whose property sold by auction or by other means by other persons in accordance with Section 83/5

VAT registrant as prescribed in a Royal Decree issued under Section 83/6 (3).

Section 86/2
If a VAT registrant residing abroad and having an agent acting on his behalf wishes his agent to issue tax invoice on his behalf, such VAT registrant shall submit the request for an approval to the Director-General in accordance with the regulation prescribed by the Director-General.

Upon an approval of the request, such agent shall issue tax invoice on behalf of the VAT registrant in accordance with rule, procedure, and condition as prescribed by the Director-General and he shall have the duty and responsibility exactly and jointly with the VAT registrant regarding to tax invoices.

Section 86/3
In relation to sale by auction under Section 83/5, the auctioneer not being a government authority selling property of VAT registrant shall issue tax invoice or receipt under Section 105, as the case may be, on behalf of the VAT registrant who owns the property.

Section 86/4
Subject to Section 86/5 and 86/6, the tax invoice shall at least contain the following particulars:

the word "tax invoice" at a prominent place;

the name, address and taxpayer identification number of the VAT registrant issuing tax invoice and in the case where an agent issues tax invoice on behalf of the VAT registrant in accordance with paragraph 4 of Section 86 or 86/2 or auctioneer issues tax invoice for VAT registrant in accordance with Section 86/3, name, address and tax identification number of such person shall be stated in tax invoice;

the name and address of the purchaser of goods or service;
serial number of tax invoice and, if any, of book;
description, type, category, quantity and value of goods or services
the amount of value added tax calculated on value of goods or services which clearly
separated from the value of goods or services;
the date of issuance;
any other particulars as prescribed by the Director-General. ¹⁸

¹⁸N.DG.VAT.No.39

Particulars in tax invoice shall be in Thai language, Thai currency and Thai or Arabic numeral. However, in some category of business which tax invoice is required to be in foreign language or currency, the VAT registrant shall be issue such tax invoice upon approval from the Director-General. ¹⁹

¹⁹N.DG.VAT.No.92, R.CT.No.25/2537

Tax invoice may be issued jointly for several sales of goods or provision of services except where the Director-General prescribes that the issuance of tax invoice on some or several goods or services must be made separately for each good or service.

Section 86/5

The following tax invoices may be prescribed by the Director-General to contain particulars other than specified above:
tax invoice of specific goods or services under Section 79/1; ²⁰

²⁰N.DG.VAT.No.21
tax invoice of tobacco under Section 79/5 or crude oil and oil products under Section 79/6; ²¹

²¹N.DG.VAT.No.21
tax invoice which the Director-General approves to be in foreign language or currency under paragraph 2 of Section 86/4;
tax invoice of other goods or services as prescribed in Ministerial Regulation. ²²

²²M.R.No.198, N.DG.VAT.No.68

Section 86/6

To accommodate VAT registrant carrying on the business in retail sale of goods or provision of service in a small amount to a large number of customers, the Director-General shall have the power to prescribe description and/or condition of such business for it to be retail business; and in the retail business, the price of goods or service fees shown shall be inclusive of value added tax. ²³

²³N.DG.VAT.No.32 No.46

VAT registrant being a retailer shall be entitled to issue abbreviated tax invoice, however his agent shall not be allowed to issue abbreviated tax invoice.

Abbreviated tax invoice shall contain at least the following particulars:

(1) The word “tax invoice” at a prominent place;
(2) the name or abbreviated name and taxpayer identification number of the VAT registrant issuing tax invoice;
(3) serial number of tax invoice or, if any, of book;
(4) description, type, category, quantity and value of goods or services;
(5) the price of goods or services which clearly shown that value added tax is included;
(6) the date of issuance;
(7) any other particulars as prescribed by the Director-General.  

Description, type or category of goods under paragraph 1 may be in code system but the VAT registrant shall notify the code to the Director-General at least 15 days prior to using the said code.

Particulars in abbreviated tax invoice shall be in Thai language, Thai currency and Thai or Arabic numeral. However, in some category of business which tax invoice is required to be in foreign language or currency, the VAT registrant shall be issued such tax invoice upon approval from the Director-General.

The VAT registrant carrying on the retail business wishing to use the cash register machine to issue abbreviated tax invoice, shall submit the request for approval to the Director-General and the use of such cash register machine shall be in accordance with the regulation on rule, procedure and condition on the use of cash registering machine prescribed by the Director-General.

Paragraph 3 of Section 86/4 shall be applied in issuance of tax invoice under this Section.

Section 86/7

The VAT registrant carrying on the business which is not retail business wishing to issue abbreviated tax invoice and/or use cash register machine as prescribed in Section 86/6 may request for approval to the Director-General giving reasonable and necessary cause and upon approval, the Director-General may prescribe any rule and condition as he deems appropriate.

To accommodate a VAT registrant carrying on the business on sale of goods or provision of service in small amount, the Director-General shall have the power to prescribe description and condition of such business for the purpose of this Section.

In relation to carrying on the business in small amount, the VAT registrant shall not be required to issue tax invoice for sale of goods or provision of service having value not exceeding the amount specified by the Director-General, however such amount shall not exceed 1,000 Baht. Nevertheless the purchaser of goods or service may request the tax invoice. The Director-General shall have the power to prescribe requirement and condition for VAT registrant selling goods or providing services to comply with as he deems appropriate.

VAT registrant who sold goods or provided services but has to recalculate the amount of value added tax chargeable because of an increase of value of goods or services as a result of the events specified in Section 82/9, shall issue debit note to the purchaser of goods and service recipient in the tax month in which such event taking place, except in case of necessity which the debit note cannot be issued in the tax month in which such event taking place, then the
debit note shall be issued to the purchaser of goods or service recipient in the tax month following the month in which the event taking place.

Debit note shall contain at least the following particulars:

the word “debit note” at a prominent place;

the name, address and tax identification number of the VAT registrant issuing the debit note, and in the case where an agent issues a debit note on behalf of the VAT registrant in accordance with paragraph 4 of Section 86, 86/2, name, address and tax identification number of such agent shall be stated;

the name, address of the purchaser of goods or services recipient;

the date of issuance of the debit note;

serial number of the original tax invoice and, if any, of book, value of goods and service shown in the tax invoice, the correct value of goods or service, the difference between the two, and the amount of tax payable on the difference;

brief reason in issuing debit note;

other particulars as prescribed by the Director-General.

Section 86/4 shall be applied and the debit note under this Section shall be deemed tax invoice.

Section 86/10

VAT registrant who sold goods or provided service, but has to recalculate the amount of value added tax chargeable because of a decrease in value of goods or service as a result of the events specified in Section 82/10, shall issue a credit note to the purchaser of goods or service recipient in the tax month in which such event taking place, except in the case of necessity which the credit note cannot be issued in the tax month in which such event taking place, then the credit note shall be issued to the purchaser of goods or service recipient in the tax month following the month in which such event taking place.

Credit note shall contain at least the following particulars:

(1) the word “credit note” at a prominent place;

(2) the name, address and tax identification number of the VAT registrant issuing credit note, and in the case where an agent issues credit note on behalf of the VAT registrant in accordance with paragraph 4 of Section 86 or 86/2, the name, address and tax identification number of such agent shall also be stated;

(3) the name and address of the purchaser of goods or service recipient;

(4) the date of issuance of the credit note;

(5) the serial number of the original tax invoice and, if any, of book, the value of goods or service shown in the tax invoice, the correct value of goods or service, the difference between the two, and the amount of value added tax being credited;

(6) brief reason in issuing credit note,

(7) other particulars as prescribed by the Director-General.

Paragraph 2 of Section 86/4 shall be applied and the credit note under this Section shall be deemed tax invoice.

Section 86/11

In the case where the name of a VAT registrant is stroked off the value added tax register because he ceases the business or the Director-General orders for the cancellation of his value
added tax registration, the Director-General shall allow such business person to continue to issue tax invoice, debit note, or credit note temporarily until the business ceased however he shall follow rule, procedure and condition prescribed by the Director-General.

Section 86/12
A VAT registrant issuing tax invoices, debit notes or credit notes, and later on there is a request from the purchaser of goods or service recipient whose tax invoice, debit note or credit note is lost, destroyed or damaged in essential part, such VAT registrant shall issue a substitute for tax invoice, debit note or credit note to such purchaser or service recipient in accordance with rule, procedure and condition prescribed by the Director-General. 

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A substitute for tax invoice, credit note or debit note shall contain the same particulars as in the tax invoice, debit note or credit note, as the case may be, with the word in a prominent place stating that it is a substitute for which tax invoice, debit note or credit note.

Section 86/13
It is prohibited for a person who is not a VAT registrant or an authorized person in issuing tax invoices under this Chapter to issue tax invoice, debit note or credit note.

Any person issuing tax invoice, debit note or credit note without an authorization to do so, such person shall be liable to value added tax for the amount shown in tax invoice, debit note or credit note as if he was a VAT registrant.

Section 86/14
Receipt issued by the Revenue Department on value added tax payment under Section 83/6 or 83/7 and receipt issued by the Customs Department or Excise Department on value added tax collection for the Revenue Department under Section 83/10 (1) or (2) shall be deemed a tax invoice.

Part 11
Preparation of Report and Keeping of Evidence and Document

Section 87
Subject to Section 87/1 or 87/2, a VAT registrant shall be liable to make the following reports:

(1) output tax report,
(2) input tax report,
(3) goods and raw material report only in the case where the VAT registrant carries on business on sale of goods.

In the case where a VAT registrant is liable to tax under Section 82/16, he shall be liable to make report on value of tax base and goods and raw material report.

Reports under paragraphs 1 and 2 shall be in accordance with form prescribed by the Director-General and shall be made by each place of business.

Method of making an entry into the report shall be in accordance with rule, procedure, and condition prescribed by the Director-General and an entry shall be made within 3 working days as from the date of acquisition or disposition of such goods or service, except in the case of necessity the Director-General shall prescribe otherwise as he deems appropriate.

1N.DG.VAT.No.89
Section 87/1
Where it appears to be necessary or appropriate, the Director-General shall, with the Minister's approval, have the power to direct the VAT registrant to make report differently from Section 87. ²

²N.DG.VAT.No.104

Section 87/2
The Director-General shall, as he deems appropriate, have the power to order an agent of a VAT registrant to make reports even though he is not a VAT registrant.

The reports of an agent under this Section shall be in accordance with form, rule, procedure and condition prescribed by the Director-General. ³

³N.DG.VAT.No.24

Section 87/3
VAT Registrant liable to tax return filing and tax payment and person liable to making reports under the provision in this Part shall keep tax invoice, report, copy of tax invoice as well as documents supporting the making of such reports or other documents as prescribed by the Director-General at the place of business which such report is made or other places as prescribed by the Director-General for at least 5 years as from the date of tax return filing or report making, as the case may be, except:

1. in the case where a business person temporarily registered for value added tax under Section 85/3, such keeping of report and document shall be in accordance with rule, procedure, and period of time as prescribed by the Director-General, but such period of time shall not exceed 5 years;

2. in the case where a VAT registrant ceasing the business, the VAT registrant, a liable person in tax return filing and tax payment or a liable person in report making shall continue to keep the above reports and documents which he is liable to keep on the date of business cessation for 2 year;

3. the Director-General, as he deems appropriate, may prescribe for the VAT registrant to keep the reports and documents for more than 5 years but not exceeding 7 years.

The keeping of tax invoices and other documents supporting the making of input tax report under Section 87 (2) shall be in order and corresponding with items in the report, and shall be in accordance with rule, procedure and condition as prescribed by the Director-General. ⁴

⁴N.DG.VAT.No.54 No.89

Part 12
Power of Assessment Official

Section 88
Assessment official shall have the power to assess value added tax, fine and surcharge under this part in the case where:

1. it appears to an assessment official that person liable to tax does not file tax return, tax remittance return or an entry within the prescribed time;

2. an assessment official having an evidence that a person liable to tax files tax return, tax remittance return or an entry by under declaring the amount of tax due;
(3) person liable to tax fails to comply with a summons issued by an assessment official or to answer the assessment official’s questions without reasonable causes;

(4) business person fails to issue tax invoice for the purpose of input tax or copy of tax invoice for the purpose of output tax as well as other evidence for the purpose of tax calculation or tax credit;

(5) business person fails to keep copy of tax invoice for the purpose of output tax and other evidence supporting report making as prescribed by law; or

(6) it appears to an assessment official that the business person liable to value added tax registration in accordance with Section 85/1 does not register for value added tax.

Section 88/1
Assessment official shall have the power to assess value added tax charge, fine and surcharge under this Chapter in the case where any person issues tax invoice, debit note or credit note without an authorization under Section 86/13 for the amount shown in such tax invoice, debit note or credit note.

Section 88/2
For the purpose of Section 88 and Section 88/1, assessment official shall have the power to:

(1) make tax return, tax remittance return or an entry base on reliable evidence where the person liable to tax does not file tax return, tax remittance return or an entry;

(2) correct tax return, tax remittance return or an entry;

(3) assess tax where there is an evidence on underpaid tax by business person or undervalued tax base;

(4) determine appropriate value by considering wealth or behavior of business person or his trade statistics or trade statistics of business person carrying on similar business, or by considering other factors which reflects appropriate value;

(5) correct value of goods purchased or service received, as the case may be, where there arises events under Section 88 (3), (4) or (5);

(6) assess tax as seen or considered correct where there arises events under Section 88 (3), (4), or (5) without the need to follow (1) – (4).

In exercising the power of assessment official where the events under Section 88 (6) arises, a business person required to make application for value added tax registration under Section 85/1 but did not do so shall be deemed liable to tax as if he was a VAT registrant.

Section 88/3
Assessment official shall have the power to enter into a place of business of a business person whether or not he is a VAT registrant, or into other relevant places, from the sunrise to sunset or during working hours of business person, and investigate whether the business person duly comply with the provisions in this chapter; in doing so an assessment official shall have the power to order the business person or persons in that place to act as necessary for the purpose of investigating relevant document, and to seize such document.

In proceeding with paragraph 1, assessment official shall show his identification card and other document to relevant person upon entering for investigation.

Section 88/4
In proceeding with this part, an assessment official shall have the power to issue summons to person liable to tax, person acting in a representative capacity or witness and to order such
person to provide accounts, documents or other evidence in relation to such matter in order to investigate, or order a witness to reply to the questions in writing, but he shall provide the time for at least 7 days as from the date of receiving a summons or order.

Section 88/5

When an assessment official has assessed value added tax in accordance with Section 88 and 88/1, he shall notify such assessment in writing to the person liable to tax or person under Section 88/1; and in this case the person liable to tax or person under Section 88/1 shall have the right to appeal in accordance with the provisions in Part 2, Chapter 2, Title 2, except in the case where an assessment official make an assessment as a result of causes in Section 88 (3) in which an appeal is prohibited.

Section 88/6

An assessment by assessment official shall be made within a period of time as follows:

1. in respect to a business person;
   a. 2 years as from the last day of the period for tax return filing or of the period extended by the Minister or the Director-General whichever is the later date, however, only applicable to cases where person liable to tax files the tax return within such period;
   b. 2 years as from the date of filing the tax return by person liable to tax, however, only applicable to cases where person liable to tax files the tax return after the last day of the period specified in (a) but not exceeding 10 years as from the last day of tax return filing period;
   c. 10 years as from the last day of tax return filing period in the case where person liable to tax return filing fails to file the tax return or files tax return with the declared tax base lower than the value received or receivable by the business person by more than 25 percent of the tax base declared in the tax return;

2. in respect to an importer not being a business person, 2 years as from entering; except in the case where an importer files an objection under customs law or a court action, 2 years as from the date of receiving the ruling in writing or from the date of delivering final judgment, as the case may be;

3. in respect to person liable to remit value added tax under Section 83/5, 83/6, or 83/7, 2 years as from the last day of filing tax remittance return.

In the case where there is a reasonable cause to believe that a business person, importer or person liable to remit value added tax declares incorrect or incomplete tax return, entry, or tax remittance return, an assessment official shall, with the Director-General approval, assess tax within 5 years as from the prescribed time under (1) (a), (2) or (3), as the case may be.

Part 13

Fine and Surcharge

Section 89

Person liable to tax or person under Section 86/13 shall be liable to fine in the cases and at the rates as follows:

1. carrying on business without value added tax registration in accordance with Section 85 or Section 85/1, or business which value added tax registration is cancelled in
accordance with Section 85/17, shall be liable to fine twice the tax due in tax month for the duration of failure to comply with such provision, or 1,000 Baht, which ever is greater;

(2) failing to file tax returns or remittance return within the prescribed time shall be liable to fine twice the amount of tax due or remittable in tax month;

(3) filing incorrect tax return or remittance return affecting the amount of tax due or remittable, shall be liable to fine for the affected amount of tax;

(4) filing incorrect tax return affecting the output tax or input tax in tax month, shall be liable to fine for the amount of the deficient output tax or excess input tax;

(5) failing to issue and provide tax invoice to purchaser of goods or service recipient in accordance with Part 10, shall be liable to fine twice the amount of tax shown in tax invoice;

(6) issuing tax invoice, credit note or debit note without authorization under Section 86/13, shall be liable to fine twice the amount of tax on such tax invoice, credit note or debit note;

(7) using false tax invoice in tax calculation partly or wholly, shall be liable to tax twice the amount of tax on such invoice;

In the case where the user of the tax invoice fails to identify the issuer of the tax invoice, such tax invoice shall be deemed false tax invoice;

(8) failing to keep a copy of tax invoice for the purpose of output tax as prescribed by law, shall be liable to fine 2 percent of the amount of tax on tax invoice;

(9) failing to keep tax invoice for the purpose of input tax creditable in tax calculation as prescribed by law, shall be liable to fine 2 percent of the credited amount;

(10) failing to make report as prescribed by law or other reports as prescribed by the Director-General in accordance with Section 87/1, or there is shortage of goods in goods and raw material report, shall be liable to fine twice the amount of tax calculated on the unreported or incorrectly reported tax base.

Fine in this Section may be waived or reduced according to regulations prescribed by the Director-General with Minister's approval.

**Section 89/1**

Any person fails to pay or remit tax within the time prescribed in this Chapter shall be liable to surcharge on 1.5 percent of payable or remittable tax excluding fine per month or fraction thereof;

In the case where the Director-General approves the time extension to pay tax as prescribed by Section 3 Octo and such tax is paid or remitted within the extended time, surcharge under paragraph 1 shall be reduced to 0.75 percent per month or fraction thereof;

the calculation of surcharge under paragraphs 1 and 2 shall accrue from the day following deadline of tax return filing or remittance return filing under Part 7 to the date of tax payment or remittance; but the calculated surcharge shall not exceed the amount of tax payable or remittable.

**Section 89/2**

For the purpose of tax collection, fine and surcharge in this Chapter shall be deemed value added tax.
Part 14
Punishment

Section 90
The following persons failing to comply with the provisions stated below shall be fined not more that 2,000 Baht:

1. person not providing copy of contract or document under Section 77/4 (2);
2. VAT registrant failing to file a tax return under Section 83 or Section 83/1;
3. person liable to tax failing to file a tax return under Section 83/2;
4. person liable to tax return filing failing to file a tax return under Section 83/3;
5. person liable to remit tax failing to remit value added tax under Section 83/5, Section 83/6 or Section 83/7;
6. importer failing to entry under Section 83/8 or Section 83/9;
7. VAT registrant failing to notify changes in particulars of value added tax registration under Section 85/6;
8. VAT registrant failing to return a certificate of value added tax registration under paragraph 3 of Section 85/7, paragraph 2 of Section 85/8, paragraph 2 of Section 85/15 or paragraph 2 of Section 85/17;
9. VAT registrant failing to notify a change of place of business under paragraph 1 of Section 85/8;
10. VAT registrant failing to notify temporary business cessation under Section 85/12;
11. estate possessor, estate administrator or heir of VAT registrant failing to return a certificate of value added tax registration under paragraph 3 or paragraph 5 of Section 85/16;
12. VAT registrant issuing tax invoice, abbreviated tax invoice, credit note or debit note with incomplete particulars in the matter of substance under Sections 86/4, 86/5, 86/6, 86/7, 86/9, 86/10 or 86/11;
13. VAT registrant failing to issue certified copy of tax invoice, credit note or debit note under Section 86/12;
14. VAT registrant having goods in excess of that reported in goods and raw material report under Section 87;
15. VAT registrant making report not in accordance with rule; procedure, and condition prescribed in Section 87 or with provision prescribed by the Director-General under Section 87/1;
16. VAT registrant intending not to keep tax invoice, copy of tax invoice or such document not in accordance with rule, procedure and condition prescribed in Section 87/3.

Section 90/1
The following persons failing to comply with the provisions stated below shall be fined not more than 5,000 Baht:

1. an agent failing to proceed with the registration of a business person residing abroad under Section 85/2;
2. VAT registrant failing to display certificate of value added tax registration under Section 85/4;
(3) VAT registrant failing to notify the opening of additional place of business or the closing of place of business under paragraph 1 or 2 of Section 85/7;

(4) VAT registrant failing to notify the transfer of part of business or the receive of transfer of business under Section 85/13;

(5) VAT registrant failing to notify the cessation of business or transfer of business under Section 85/13 or paragraph 1 of Section 85/15;

(6) an agent of a VAT registrant residing abroad making reports not in accordance with rule, procedure or condition as prescribed by Section 87/2.

Section 90/2
The following persons failing to comply with the provisions stated below shall be sentenced for not more than 1 month or fined not more that 5,000 Baht or both:

(1) VAT registrant failing to comply with Section 82/18 (2);

(2) any business person liable to register for value added tax carrying on business without value added tax registration under Section 85/1, paragraph 2 of Section 85/13 or Section 85/14;

(3) VAT registrant failing to issue tax invoice or its copy, or failing to provide the tax invoice or its copy to the purchaser or service recipient under paragraph 1 of Section 86, or failing to issue and provide tax invoice or its copy to the purchaser or service recipient at the request of the purchaser or service recipient under paragraph 2 of Section 86/8.

(4) a business person registered for temporary value added tax registration issuing tax invoice not in accordance with rule, procedure and condition as prescribed by the Director-General under paragraph 2 of Section 86;

(5) an agent issuing tax invoice on behalf of VAT registrant not in accordance with rule, procedure and condition as prescribed by the Director-General under paragraph 4 of Section 86;

(6) VAT registrant failing to comply with regulations on cash register machines under paragraph 6 of Section 86/6;

(7) any one not complying with a summons or order of assessment official under Section 88/4.

Section 90/3
The following persons failing to comply with the provisions stated below shall be sentenced for not more than 6 months or fined not more than 10,000 Baht, or both:

(1) an agent of a VAT registrant residing abroad issuing tax invoice without approval under paragraph 2 of Section 86/2

(2) VAT registrant using cash register machine without approval under paragraph 6 of Section 86/6 or Section 86/7;

(3) VAT registrant failing to make reports under Section 87 or as prescribed by the Director-General under Section 87/1;

(4) an agent of a VAT registrant residing abroad failing to make reports under Section 87/2;

(5) any one obstructing or failing to accommodate the performing of assessment official or acting against the order of an assessment official under paragraph 1 of Section 88/3.
Section 90/4
The following persons failing to comply with the provisions stated below shall be sentenced from 3 months up to 7 years and fined 2,000 Baht up to 200,000 Baht:

(1) VAT registrant with intention to evade or trying to evade value added tax, issuing tax invoice, debit note or credit note without authorization under paragraph 2 of Section 86 or Section 86/1;

(2) an agent of VAT registrant residing abroad with an intention or trying to evade value added tax, issuing tax invoices without authorization under paragraph 1 of Section 86/2;

(3) any one issuing tax invoice, debit note or credit note without authorization under Section 86/13;

(4) VAT registrant with intention to or trying to evade tax failing to report or making false report stated in Section 87 or as prescribed by the Director-General under Section 87/1;

(5) VAT registrant with intention to or trying to evade value added tax failing to issue tax invoice, debit note or credit note or their substitute;

(6) VAT registrant with intention to or trying to evade value added tax acting falsely, fraudulently or by similar nature;

(7) business person with intention to use false tax invoice or illegally issued tax invoice for tax credit.

Section 90/5
Where the wrongdoing person subject to penalty under this Chapter is a juristic person, the managing director, director or person acting in a representative capacity of such juristic person shall be liable to the penalty as prescribed for such false action, except he can prove that he has no consent or no part in such wrongdoing of the juristic person.

Chapter 5
Specific Business Tax

Section 91
Specific business tax is an assessment tax.

Section 91/1
In this Chapter:

(1) "Gross receipts" means cash, property, consideration or any gain with value received or receivable from business carried on whether in or outside Thailand.\(^1\)

\(^1\text{R.D.No.291}\)

(2) "Value" means market price of a property, a business, a consideration or any gain.

(3) "Market price" means price of goods or services actually existing at any one moment.

In the case where several market prices exist, or a market price is not known, the Director-General with the approval of the Minister has the power to prescribe, by notification, computation rules in order to arrive at a market price to be adopted as the value of goods or services.
(4) "Sale" includes an agreement to sell, sale with rights of redemption, exchange, gift, hire-purchase, or disposal and transfer with or without consideration.  

2 R.D. No.283

The definitions of "person", "individual", "non-juristic body of persons", "juristic person", "agent", "place of business", and "tax month" under Section 77/1 shall be applied in this Chapter.

Section 91/2

Subject to Section 91/4, the following businesses carried on in Thailand shall be subject to specific business tax under the provisions of this Chapter:

1. banking under the law governing commercial banking or any other specific law;
2. business of finance, securities and credit foncier under the law governing operation of the business of finance, securities and credit foncier;
3. life insurance under the law governing life insurance;
4. pawn broking under the law governing pawnshops;
5. business with regular transactions similar to commercial banks, such as provision of loans, provision of guarantees, exchange of currencies, issuance, purchase or sale of bills or transfer of money abroad by different means;
6. sale of an immovable property in a commercial or profitable manner, irrespective of the manner in which such property is acquired, only in accordance with the rules, procedures and conditions prescribed by a royal decree;

3 R.D. No.240 No.342

7. sale of securities in a securities market under the law governing securities exchange of Thailand;

4 R.D. No.240 Section 3 (1)

8. any other business as prescribed by a royal decree.

5 R.D. No.350 No.358 No.364

In the case where a foreign resident carries on business through his place of business or agent in Thailand, he shall be treated as carrying on business in Thailand under this Section.

In the case where a question arises as to whether which business is a business in accordance with (5), the Director-General shall request the Commission of Taxation to define the scope and conditions of such business that is subject to this Section. After the Commission of Taxation has given its ruling, the ruling shall be published in the government gazette.

Section 91/3

Specific business tax shall be exempt for the following businesses:

1. business of the Bank of Thailand, the Government Savings Bank, the Government Housing Bank, and the Bank for Agriculture and Agricultural Cooperatives;
2. business of the Industrial Financial Corporation of Thailand;
3. business of a savings cooperative, only in respect of loans provided to its members or to another savings cooperative;
4. business of a provident fund under the law governing provident funds;
5. business of the National Housing Authority, only in respect of sale or hire-purchase of an immovable property;
(6) pawn broking business of a ministry, sub-ministry, department and a local government authority;
(7) any other business under Section 91/2 as prescribed by a royal decree.  
\(^{6}\)R.D.No.240 No.283

**Section 91/4**

The following specific transactions of a business prescribed under Section 91/2 shall be subject to value added tax under Chapter 4:

1. a specific transaction not directly related to a business under Section 91/2;
2. a specific transaction directly related to a business under Section 91/2 and specified by a royal decree as a transaction that is subject to value added tax.  
\(^{7}\)R.D.No.246

In the case where a question arises as to whether a transaction is directly related to a business under Section 91/2, the Director-General shall request the Commission of Taxation to define the scope and conditions of such transaction. After the Commission of Taxation has given its ruling, the ruling shall be published in the Royal gazette.

**Section 91/5**

The tax base for a business in accordance with the provisions of this Chapter shall be the following gross receipts received or receivable from the business carried on by a person liable to tax:

1. For banking under Section 91/2 (1), gross receipts from the operation of business shall be:
   (a) interest, discount, fee, service charge, or gross profit from purchase or sale of, or received from, any bill of exchange or debt instrument, and  
   \(^{8}\)R.CT.No.31/2538
   (b) gross profits from exchange or trading of currencies, issuance of any bill exchange or debt instrument, or remittance of money abroad.
2. For business of finance, securities or credit foncier under Section 91/2 (2), gross receipts from the operation of business shall be
   (a) gross receipts under 1 (a), and
   (b) gross receipts under 1 (b).
3. For life insurance under Section 91/2 (3), gross receipts from the operation of business shall be interest, fee or service charge.
4. For pawn broking business under Section 91/2 (4), gross receipts from the operation of business shall be:
   (a) interest, fee, and
   (b) cash, property, consideration or gain with value received or receivable from sale of forfeited pawned goods.
5. For a business with regular transaction similar to a commercial bank under Section 91/2 (5), gross receipts from the operation of business shall be:
   (a) gross receipts under 1 (a), and
   (b) gross receipts under 1 (b).
(6) For business of sale of an immovable property in a commercial or profitable manner under Section 91/2 (6), gross receipts from the operation of business shall be gross receipts before deduction of any expenses.

(7) For business of sale of securities in a securities market under the law governing securities exchange of Thailand under Section 91/2 (7), gross receipts from the operation of business shall be gross receipts before deduction of any expenses.

(8) For any other business under Section 91/2 (8), gross receipts from the operation of business shall be prescribed by a royal decree.  

Section 91/6
The rates of specific business tax are as follows:

(1) 0.1 per cent on gross receipts under Section 91/5 (7);

(2) 2.5 per cent on gross receipts under Section 91/5 (3) (a) and 91/5 (4);

(3) 3.0 per cent on gross receipts in all cases under Section 91/5 except (1) and (2).

Section 91/7
A person carries on business subject to the provisions of this Chapter shall be liable to tax in accordance with the provisions of this Chapter.

In the case where an operator is a foreign resident, a resident of Thailand, including an employee, agent or representative, who is responsible for the operation of business and has a direct or implied power of management, shall be jointly liable to tax with the person under paragraph 1.

Section 91/8
A person liable to specific business tax shall pay tax by calculating from the tax base in accordance with Section 91/5 during a tax month at the rate prescribed in Section 91/6. But he shall have the right to appeal against an assessment of tax under the provisions governing appeals in Part 2, Chapter 2, Title 2.

The calculation of gross receipts under paragraph 1 shall follow the accounting method, rule and practice, and, for the purpose of calculation of gross receipts, any such method, rule and practice once adopted shall be applied consistently except where he obtains the approval of the Director-General to make any changes.

The provision under paragraphs 1 and 2 shall not apply to the person liable to specific business tax from the sale of an immovable property in a commercial or profitable manner in accordance with Section 91/2 (6), and such person shall pay tax by calculating from the tax base in accordance with Section 91/5 (6) at the time of registering rights and juristic acts of that immovable property, under the rate prescribed in Section 91/6, and shall be entitled to make an appeal against the assessment of tax under provision governing appeals in Part 2, Chapter 2, Title 2.

Section 91/9
In the case of business of sale of securities under Section 91/2 (7), a member of the Stock Exchange acting as the agent of the seller shall deduct specific business tax from the proceeds of sale and file a tax return and pay tax in accordance with Section 91/10 in his own name on behalf of the seller. The seller is not required to file a tax return and, in this case, the member shall be deemed a person liable to specific business tax.
Section 91/10

A person liable to tax shall file a tax return in the form prescribed by the Director-General every tax month and altogether pay tax, if any, whether or not he has any gross receipts in the tax month.  

The filing of a tax return and payment of tax for any tax month shall be made on or before the fifteenth day of the following month unless the Director-General prescribes otherwise.

The filing of a tax return and payment of tax shall be made at a local Amphur office where a place of business is located unless the Director-General prescribes otherwise.

If a person liable to tax has several places of business, the filing of a tax return and payment of tax under paragraph 1 shall be made separately for each place of business; except where such a person submits an application to the Director-General requesting to file a tax return at a local Amphur office or at the place prescribed by the Director-General in accordance with paragraph 3, and the Director-General may give approval if he deems proper.

The provisions of paragraph 1 through 4 shall not apply to the filing of a tax return and payment of tax by a person liable to specific business tax who carries on business only of the sale of an immovable property in a commercial or profitable manner under Section 91/2 (6).

Such a person shall file a tax return in the form prescribed by the Director-General at the time of registering the rights and juristic acts on the immovable property and, altogether, shall pay the tax to the official who records the registration of such rights and juristic acts.

For the payment of tax in accordance with paragraph 5, the Department of Land shall collect specific business tax for the Revenue Department. The official is prohibited from signing an acknowledgement, approving or recording the act until he receives full payment of the tax payable.

The tax already paid in accordance with paragraph 5 shall be remitted as government revenue under the regulations prescribed by the Minister.

Section 91/11

A refund of specific business tax may be made under the following conditions:

1. The person liable to tax is entitled to submit a claim for tax refund within 3 years from the date of expiry of the time limit for filing a tax return.

2. A claim for tax refund shall be in the form prescribed by the Director-General and shall be submitted at a local Amphur office where his place of business is located; except where he has been approved by the Director-General to file a consolidated return at any local Amphur office or at any other place in accordance with paragraph 4 of Section 91/10, then he shall submit a claim for tax refund at such place.

Section 91/12

A person carries on business subject to specific business tax under Section 91/2 is required to register for specific business tax if such business is not exempt under Section 91/3 and such person is not exempt from specific business tax registration under Section 91/13. He shall file an application for registration within 30 days from the first day of operation of the business.

An application for specific business tax registration in accordance with paragraph 1 shall be in the form prescribed by the Director-General and shall be submitted at a local Amphur office where the place of business is located.

If an operator has several places of business, he shall submit the application at the Amphur office where the place of business that is the head office is located.
The rule, procedure and condition with respect to an application for specific business tax registration and on the issuance of a specific business tax registration certificate shall be as prescribed by the Director-General.

In the case of an operator who is a foreign resident, a person who is an agent of such operator shall be responsible in undertaking specific business tax registration for the operator who is a foreign resident.

Section 91/13

An operator shall be exempt from specific business tax registration as follows:

1. operator of business of sale of securities in accordance with Section 91/2 (7);
2. operator of temporary business; ¹⁵
   ¹⁵N.DG.SBT.
3. operator of any other business prescribed by the Director-General whenever there is reasonable ground.

The Director-General shall have the power to prescribe rule and condition for determining the characteristics of a temporary business in accordance with (2).

Section 91/14

A person liable to specific business tax shall have the obligation to prepare a record of taxable gross receipts as well as gross receipts that are excluded in the calculation of tax.

The record to be prepared in accordance with paragraph 1 shall be in the form prescribed by the Director-General and shall be made separately for each place of business.

The method of making an entry in a record shall follow the rule, procedure and condition prescribed by the Director-General. An entry shall be made within 3 days from the date of deriving gross receipts, except in the case of some categories of business where the Director-General deems proper or in the individual case of necessity where the Director-General prescribes otherwise as he deems proper.

Section 91/15

The assessment official shall have the power to assess tax, penalty and surcharge under this Chapter, if:

1. it appears to the assessment official that a person liable to tax does not file a return within the time limit specified by law;
2. the assessment official has evidence indicating that a person liable to tax filed a return inaccurately or erroneously distorting the amount of tax payable; or
3. a person liable to tax or a person liable to file a return on the operator’s behalf failed to comply with a summons issued by the assessment official, refused without a justifiable ground to give answers when questioned by the assessment official, or was unable to produce evidence in respect of the calculation of tax.

Section 91/16

For the purpose of proceeding with the provisions of Section 91/15, the assessment official shall have the power to:

1. prepare items in a return on the basis of evidence which is believed to be correct where the operator has not filed a return;
2. adjust any items in a return or in any supporting document to a return;
3. determine the selling price of goods by comparing with the selling prices of the same category or type of goods on the same or approximate date on the basis of comparable market prices;
(4) determine the amount of interest, discount, fee, service charge, gross profit from purchase or sale of a bill of exchange, or exchange or trading of currencies, issuance of a bill of exchange, or remittance of currencies abroad on the basis of comparable market prices;

(5) determine the gross receipts which an operator should receive where control or relationship in capital or management exists between the operator and the purchaser;

(6) determine the amount of interest, price of a property or service charge on the basis of a market price on the date of provision of a loan, transfer of a property or provision of service, in the case where interest, compensation, or consideration is not charged for the provision of the loan, the transfer of the property or the provision of the service, or is charged at a price lower than the market price without a justifiable ground;

(7) determine gross receipts on the basis of the standard of living or behavior of an operator, business statistics of the operator or of other operators carrying on similar businesses, or on any other basis which may reasonably indicate the amount of gross receipts;

(8) In the case of Section 91/15 (13), the assessment official may assess the tax according to his knowledge or judgment without having to follow any of the methods under (1) through (7).

Section 91/17
If in any tax month, the tax under this Chapter is less than 100 Baht, payment of such tax shall be waived for the tax month.

Section 91/18
A person who carries on a business subject to specific business tax without registering for specific business tax in accordance with Section 91/12 shall be punished with imprisonment not exceeding 1 month or a fine not exceeding 5,000 Baht or both.

A person under paragraph 5 of Section 91/12 who neglects to proceed with the registration of an operator who is a foreign resident shall face the same punishment as in paragraph 1.

Section 91/19
A person liable to specific business tax who does not prepare a record in accordance with Section 91/14 shall be punished with imprisonment not exceeding 6 months or a fine not exceeding 10,000 Baht or both.

Section 91/20
A person liable to specific business tax who neither prepares a record in the prescribed form nor separately for each place of business; or who makes an entry in a record that does not follow the rule, procedure and condition prescribed under paragraphs 2 or 3 of Section 91/14, shall be punished with a fine not exceeding 2,000 Baht.

Section 91/21
The following provisions in Chapter 4 shall apply mutatis mutandis:

(1) part 7, Filing of Returns and Payment of Tax, Section 83/2 and Section 83/3;

(2) part 8, Tax Credit and Refund of Value Added Tax, Section 84/3;

(3) part 9, Value Added Tax Registration, Sections 85/4, 85/5, 85/6, 85/7, 85/8, 85/9, 85/12, 85/13, 85/14, 85/15, 85/16, 85/17, 85/18 and 85/19; ¹⁶

¹⁶N.DG.SBT.No.2.
(4) part 11, Preparation of Records and Maintenance of Documents, Section 87/3;
(5) part 12, Power of Assessment Official, Section 88/3, 88/4 and 88/5;
(6) part 13, Penalties and Surcharges, all Section;
(7) part 14, Punishment, in connection with the provisions of the Section listed above including Section 90/5.

Chapter 5
Signboard Tax (Repealed)
(This Chapter, from Section 94 to Section 102, was repealed by the Signboard Tax Act, B.E. 2510, Section 3)

Chapter 6
Stamp Duty

Section 103
In this Chapter, unless the context otherwise requires:
"Instrument" means any document liable to duty under this Chapter.
"Paper" includes parchment or any other material used for writing an instrument.
"Stamp" means an adhesive stamp or a stamp impressed on paper, and the latter shall also include a stamp printed on paper as prescribed by a ministerial regulation.
"Execute" when used with respect to an instrument, means giving a signature in accordance with the provisions of the Civil and Commercial Code.
"Stamped" means affixing an adhesive stamp on a paper or having a stamp impressed on a paper.
"Cancelled" means an act to prevent further use of a stamp by; in the case of an adhesive stamp, giving a signature or a firm's name on the stamp, or crossing the stamp for cancellation as well as giving the date of such acts; and in the case of an impressed stamp, writing on an instrument or submitting an instrument to an official to impress the stamp such that the impressed stamp appears on the front side of such instrument.
"Duty stamped" means
- in the case of an adhesive stamp, payment of duty is made by affixing a stamp on the paper, before or immediately when an instrument is executed, in an amount not less than the duty payable, and canceling such stamp; or
- in the case of an impressed stamp, payment of duty is made by using a paper with an impressed stamp in an amount not less than the duty payable and canceling such stamp, or by submitting an instrument to an official to impress the stamp and paying an amount not less than the duty payable and canceling such stamp; or
- in the case of payment by cash, payment of duty is made in cash in an amount not less than the duty payable in accordance with the provisions of this Chapter or in accordance with a regulation prescribed by the Director-General with the Minister's approval.

In stamping duty as prescribed under (1) and (2), the Director-General shall have the power to order the compliance in accordance with (3) instead.
"Receipt" means
(a) any note or writing shown as evidence that money or a bill has been received, deposited or paid; or
(b) any note or writing shown as evidence that a debt or debt-claim has been settled or discharged.

It is not important whether or not the above mentioned note or writing has a signature of any person.

"Official" means an official appointed by the Minister.

"Inspector" means an official appointed by the Minister.

Part 1
Payment of duty

Section 104
The instrument specified in the Schedule at the end of this Chapter shall be duty stamped at the rates prescribed therein.

Section 105
In the following cases, the seller, the hire-purchaser, or the recipient of payment, shall issue a receipt to the purchaser, hire-purchasee, or to the payer immediately at every time of receiving the payment, whether or not the receipt is requested:

Receiving payment from sale of goods or provision of services made by a VAT registrant under Chapter 4 and from the business carried on by a SBT registrant liable to specific business tax under Chapter 5, and such payment received at each time exceeds the amount prescribed by the Director-General. However, the Director-General shall not prescribe the amount to exceed 1,000 Baht.

Receiving payment in other cases, where such payment received at each time exceeds the amount prescribed by the Director-General. However, the Director-General shall not prescribe the amount to exceed 10,000 Baht.

If the payment received for the same transaction exceeds the amount prescribed by the Director-General under (1) or (2), but is under condition to be paid in installments, a receipt shall be issued every time the payment is received.

A VAT registrant who has issued a tax invoice stating that the payment has been received may deem the tax invoice as a receipt required to be issued in accordance with this Section.

This Section shall not apply to distribution of unused duty stamps or other unused government stamps.

Section 105 Bis
In issuing a receipt, only the person liable to issue a receipt in accordance with Section 105 (1) or the person liable to issue a receipt in accordance with Section 105 (2), who issues the receipt regularly, shall prepare a counterfoil or copy of the receipt and keep it for a period not less than 5 years from the date of issuance.

If it appears that the receiving of payment which requires a counterfoil or copy of a receipt in accordance with paragraph 1 is without a counterfoil or receipt, it shall be assumed that no receipt has been issued.
The receipt and counterfoil or copy of receipt in accordance with paragraph 1 shall have at least Thai or Arabic numerals and Thai alphabets with the following particulars:

- taxpayer identification number of the receipt issuer,
- name or label of the receipt issuer,
- serial numbers of the book and of the receipt,
- date of issuance of the receipt,
- amount of payment received,
- type, description, quantity and price of the goods, only in the case of sale or hire-purchase of certain types of goods with a price of 100 Baht or more.

In the case where a manufacturer, importer or wholesaler sells goods to a person who trades the same type of goods as the goods sold, the name or label and address of the purchaser shall be shown in the receipt required to be issued under paragraph 1 every time the payment is received. If such information in the receipt is provided in a foreign language, it shall be accompanied by a Thai translation.

The provisions of paragraph 1 shall not apply to a business prescribed in a ministerial regulation.

Section 105 Ter

In the case where a VAT registrant or SBT registrant receives payment of any amount which is less than the amount prescribed by the Director-General in accordance with Section 105 (1), such VAT or SBT registrant shall at the end of each day add up such amounts received every time, record the daily total in the form prescribed by the Director-General, and shall keep the form for at least 5 years from the date of recording.

Section 105 Quarter

A person selling goods to a business person under Chapter 4, who is a manufacturer, importer, exporter or wholesaler shall, whenever a sale of goods is made, issue an invoice to the purchaser and prepare a copy thereof and keep the copy for a period of not less than 5 years from the date of issuing the invoice.

The invoice and copy in accordance with paragraph 1 shall at least have Thai numerals and alphabets containing the following particulars:

- name or label and taxpayer identification number of the seller,
- name or label of the purchaser,
- serial numbers of the book (if any) and of the invoice,
- date of issuance of the invoice,
- type, description, quantity and price of the goods sold.

Arabic numerals may be used instead of Thai numerals.

A VAT registrant under Chapter 4 who issues a tax invoice, which states that the goods have already been delivered to the purchaser, may deem the tax invoice as an invoice required to be issued in accordance with this Section.

Section 106

Even if a receipt which has to be duty stamped is not required to be issued in accordance with Section 105, when a person with an interest in a receipt, requests for the receipt from the person liable to issue a receipt, then the receipt shall be issued immediately upon request.
Section 107
Subject to Section 111, if there is no other agreement, a person liable to stamp duty and a person liable to cancel a stamp shall be in accordance with the Schedule at the end of this Chapter.

If the person liable to cancel a stamp is illiterate, another person may write down the date for him.

If the person liable to cancel a stamp refuses to cancel the stamp, or is not present to do so, the holder of the instrument or the beneficiary may cancel the stamp for him.

Section 108
If several instruments of different nature as specified in the Schedule at the end of this Chapter are executed on the same piece of paper or in one single document, i.e., a rental together with borrowing of money, or several instruments of the same nature in respect of several transactions are executed on the same piece of paper or in one single document, i.e., sales of one item to a person and of another item to another person, which should be separable by nature, such instruments shall be duty stamped for every nature or every transaction. Each instrument shall be separately duty stamped such that it may appear which instrument is located at which place and which stamp is for which nature or transaction.

Section 109
For a contract which is an instrument that is entered into by way of correspondence and is not duty stamped, if it is proved that any of the correspondence which is necessary for executing the contract is duty stamped in the correct amount and duly cancelled, such contract shall be deemed duty stamped.

Section 110
Even though the duplicate or counterfoil of any instrument is stamped at the rate specified in the Schedule at the end of this Chapter, it shall not be deemed duty stamped unless it is satisfactorily proved from the original instrument or other evidences that the original instrument has been duty stamped. The duplicate or counterfoil shall not be deemed duty stamped until duty is paid by stamping at the full amount of the duty payable on the original instrument and by canceling the stamp.

Section 111
If an instrument liable to duty is executed outside of Thailand, the first holder of the instrument in Thailand shall pay the duty by stamping at the full amount and canceling within 30 days from the date of receiving the instrument. If he does not comply as such, the instrument shall not be deemed duty stamped.

If he does not comply with the provisions of Paragraph 1, any holder of the instrument shall pay the duty by stamping at the full amount and canceling, and then he shall be able to submit the instrument for collection, endorsement, transfer or claiming of benefit.

Any holder who acquires possession of the instrument in accordance with this Section before the expiration of the time limit specified in Paragraph 1 may pay the duty by stamping at the full amount and canceling, and he has the right of recourse against the previous holders.

Section 112
If a bill submitted for payment is not duty stamped, the recipient of the bill may pay the duty by stamping at the full amount and canceling, and may either have the right of recourse against the person liable to duty or deduct the amount of duty from the payment due.
Section 113
Where any instrument is not duty stamped, the person liable to duty or the holder of the instrument or the beneficiary may submit the instrument to the official to pay the duty. Upon receiving the instrument, the official shall approve payment of the duty in accordance with the following provisions:

If such instrument not duty stamped is an instrument executed in Thailand and the person requesting to pay the duty submits such instrument to the official for payment of duty within 15 days from the date such instrument is required to be duty stamped, the official shall approve only payment of duty at the rates specified in the Schedule at the end of this Chapter.

In other cases, the official shall approve payment of duty and charge a surcharge as follows:

If it appears to the official that the instrument is not duty stamped within the time limit of 90 days from the date such instrument is required to be duty stamped, the official shall charge a surcharge at 2 times the amount of duty or at the amount of 4 Baht, whichever is the greater amount.

If it appears to the official that the instrument is not duty stamped after the expiry of the time limit of 90 days from the date such instrument is required to be duty stamped, the official shall charge a surcharge at 5 times the amount of duty or at the amount of 10 Baht, whichever is the greater amount.

Section 114
If it appears, from the inspection in accordance with Section 123 or from the complaint made by any person, whether or not he is a government official, that:

A receipt is not issued, in a case where the receipt is required to be issued in accordance with Section 105 or 106, the official shall have the power to charge the duty until it is fully paid and a surcharge at 6 times the amount of the duty or at the amount of 25 Baht, whichever is the greater amount,

an instrument is not duty stamped where

no stamp is affixed, the official shall have the power to charge the duty until it is fully paid and a surcharge at 6 times the amount of duty or at the amount of 25 Baht, whichever is the greater amount,

the amount of the stamps affixed is less than the amount of duty payable, the official shall have the power to charge the duty until it is fully paid and a surcharge at 6 times the missing amount of duty or at the amount of 25 Baht, whichever is the greater amount.

in all other cases, the official shall have the power to charge a surcharge equal to the amount of duty payable or 25 Baht, whichever is the greater amount.

Section 115
The official shall charge duty and surcharge mentioned in Section 113 and 114 from the person liable to duty. If the official has not received payment from the person liable to duty, he shall then charge the duty and surcharge from the holder of the instrument or the beneficiary.

The person from whom the duty and surcharge are charged under paragraph 1 may appeal against the order by applying the provisions on appeals under Part 2, Chapter 2, Title 2 mutatis mutandis.
Section 116
The method of payment of the duty and surcharge as provided under Section 113 and Section 114 shall be made in cash to the official. Upon receiving the payment, the official shall issue a receipt and endorse the instrument, or make evidence in a case where there is no instrument, to indicate the receipt of the duty and surcharge, if any, as well as the name and address of the payee, and then give his signature and the date.

Section 117
The instrument or evidence under Section 16, where a person has paid the duty, or the duty and the surcharge, if any, under Section 113 or Section 114, shall be deemed an instrument duty stamped. The surcharge charged shall be deemed as duty.

Section 118
Where an instrument is not duty stamped, its original, duplicate, counterfoil or copy shall not be used as evidence in any civil case until the duty has been paid by stamping at the full amount at the rate specified in the Schedule at the end of this Chapter and by canceling. Nevertheless, the right to charge surcharge in accordance with Section 113 and Section 114 shall not be prevented.

Section 119
With respect to an instrument to which a government or municipal official has to give a signature or acknowledgement, or has to be done before the government or municipal official, or is required to be recorded by the government or municipal official, the official shall not give a signature in acknowledgement, allow its execution or recording until the duty has been paid by stamping at the rates specified in the Schedule at the end of this Chapter. Nevertheless, the right to charge surcharge in accordance with Section 113 and Section 114 shall not be prevented.

Section 120
Any person, who has paid the duty or surcharge but is not the person liable to duty, has the right of recourse against the person liable to duty to claim the amount of the duty and surcharge paid.

Section 121
Stamp duty shall be waived if the party liable to duty is the Government, an official with duty to act for the government, a person acting in the name of the Government, a local government authority, the Thai Red Cross, a temple, or any religious organization in Thailand which is a juristic person. Nevertheless, this exemption shall not be extended to a government enterprise using capital or circulating funds to carry on commercial business or for a commercial business of a local government authority.

Section 122
Any person who has overpaid the duty or surcharge in an amount not less than 2 Baht in respect of an instrument of one nature or for one transaction shall be entitled to submit a claim in writing to the official. If the Director-General sees that the duty or surcharge has been truly overpaid, the excess amount of the duty or surcharge shall be refunded. Nevertheless, such claim must be submitted within 6 months from the date of paying the duty or surcharge, and accompanied by an explanation statement or document as the official or the Director-General deems appropriate in order to support the claim.

Section 123
Whenever there is reasonable cause, an official or inspector shall have the power to enter any place of business or any place concerned between sunrise and sunset or during the office
hours of such place to investigate whether or not an instrument has been duty stamped in accordance with Section 104, whether or not a receipt is issued in accordance with of Section 105 and 106, whether or not a counterfoil, copy of a receipt is prepared or kept in accordance with Section 105 Bis, or whether or not a record is made or kept in accordance with Section 105 Ter. He shall also have the power to demand and to seize any instrument or document and to issue a summons calling upon the person liable to duty, the holder of the instrument or the beneficiary, and any other witness and evidence for investigation.

Section 123 Bis
To ensure proper payment of duty under this Chapter, the Director-General with the approval of the Minister shall have the power to prescribe procedures for a person liable to duty to comply with such procedures. Such procedures shall become effective upon publication in the Royal Gazette.

For the convenience of a person liable to duty, the Director-General with the approval of the Minister may prescribe any other procedures or exempt procedures for canceling stamps under Section 103 or the procedures under Section 105, 105 Bis, 105 Ter and 105 Quarter.

Section 123 Ter
If the official has reasonable cause to believe that the amount of money shown on a receipt under the nature of instrument 28 (b) and (c) of the Stamp Duty Schedule is understated, he shall have the power to set the amount of money on the receipt on the basis of the amount which should normally be received, and the person issuing the receipt shall pay duty on such set amount.

The person issuing the receipt to which the amount of money was set in accordance with paragraph 1 may appeal against such setting of money by applying the provisions on appeals under Part 2, Chapter 2, Title 2 mutatis mutandis.

Part 3
Punishment

Section 124
Any person liable to duty or liable to cancel stamps who neglects or refuses to pay the duty or to cancel the stamps shall be punished with a fine not exceeding 500 Baht.

Section 125
Any person issuing a receipt at the amount of less than 10 Baht for a value of 10 Baht or over, or divides the value received in order to evade the payment of duty, or intentionally writes an inaccurate instrument in order to evade compliance in accordance with the provisions of this Chapter, shall do wrong and be punished with a fine of not exceeding 200 Baht.

Section 126
Any person who intentionally enters a false date of cancellation of a stamp shall be punished with a fine not exceeding 500 Baht or imprisonment not exceeding 3 months or both.

Section 127
Any person who does not prepare or keep a record in accordance with Section 105 Ter, or does not issue a receipt immediately upon request in accordance with Section 106, or issues a receipt that is not duty stamped at the amount of duty payable, shall be punished with a fine not exceeding 500 Baht.
Section 127 Bis
Any person who by himself or in conspiracy with any other person acts resulting in the non-issuance of a receipt or does not issue a receipt immediately upon receiving payment in accordance with Section 105, or issues a receipt at an amount less than the payment actually received, shall be punished with a fine not exceeding 500 Baht or imprisonment not exceeding 1 month or both.

Section 128
Any person who knowingly does not accommodate an official or inspector in the performance of his duty, or knowingly or intentionally refuses to comply with the notice or does not allow seizure of any instrument or document, or does not comply with the summons issued by the official or inspector in accordance with Section 123, or refuses to answer when questioned, or violates the provisions of Section 105 Bis, 105 Quarter or 123 Bis, shall do wrong and be punished with a fine not exceeding 500 Baht.

Section 129
Any person who, with fraudulent intentions, has a stamp known to be forged or trades stamps which have already been used or declared out of use by a ministerial regulation shall do wrong and be punished with a fine not exceeding 5,000 Baht or imprisonment not exceeding 3 years or both.
# Stamp Duty Schedule

<table>
<thead>
<tr>
<th>Nature of instrument</th>
<th>Stamp duty</th>
<th>Person liable to duty</th>
<th>Person liable to cancel stamps</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Rental of land, building, other construction or floating house</strong>&lt;br&gt;(For every 1,000 Baht or fraction thereof of the rent or key money or both for the entire lease period)&lt;br&gt;Note&lt;br&gt;(1) If the rental contract does not specify a period of rent, the rental contract shall be deemed to be a period of 3 years&lt;br&gt;(2) If any rental contract expires or reaches the period of three years under (1), the person who rents the property still remains in possession of such property and the person who provides rent is aware of it without any objection, and no new rental contract is concluded, the original rental contract shall be deemed renewed without fixing a rent period, and duty shall be paid within 30 days from the date when the rental contract is deemed renewed.&lt;br&gt;Exemption from payment of duty&lt;br&gt;Rental of property for use in cultivating farms, crops and plantations.</td>
<td>1 Baht</td>
<td>Person providing rent</td>
<td>Person renting the property</td>
</tr>
<tr>
<td><strong>2. Transfer of share, debenture, bond and certificate of debt issued by any company, association, body of persons or organization.</strong>&lt;br&gt;(For every 1,000 Baht or fraction thereof of the paid-up value of shares, or of the nominal value of the instrument, whichever is greater.)&lt;br&gt;Exemption from payment of duty&lt;br&gt;a. Transfer of Thai government bonds.&lt;br&gt;b. Transfer of share, debenture and certificate of debt issued by a cooperative for agriculture or Bank of Agriculture and Agricultural Cooperatives.</td>
<td>1 Baht</td>
<td>Transferor</td>
<td>Transferee</td>
</tr>
</tbody>
</table>
### 3. Hire-purchase of property.

For every 1,000 Baht or fraction thereof of the total value

**Exemption from payment of duty**

Hire-purchase of property used in cultivating, farms, crops and plantations.

<table>
<thead>
<tr>
<th>1 Baht</th>
<th>Person providing hire-purchase</th>
<th>Hirer</th>
</tr>
</thead>
</table>

### 4. Hire of work

For every 1,000 Baht or fraction thereof of the remuneration prescribed.

**Note**

1. If the remuneration is not known at the time of execution of the contract, it shall be estimated at a reasonable amount and duty shall be paid on such amount.
2. If the remuneration is received several times and the duty previously paid is not yet fully paid, additional duty shall be paid at the amount payable every time when payment is received.
3. If on the termination of a contract, it was found that duty was paid in excess, a claim for refund may be made in accordance with Section 122.

**Exemption from payment of duty**

Contract executed outside of Thailand, and compliance of its terms is not done in Thailand.

<table>
<thead>
<tr>
<th>1 Baht</th>
<th>Contractor</th>
<th>Contractor</th>
</tr>
</thead>
</table>

### 5. Loan of money or agreement for bank overdraft

For every 2,000 Baht or fraction thereof of the total amount of loan or the amount of bank overdraft agreed upon.

Duty on the instrument of this nature calculating into an amount exceeding 10,000 Baht shall be payable in the amount of 10,000 Baht.

<table>
<thead>
<tr>
<th>1 Baht</th>
<th>Lender</th>
<th>Borrower</th>
</tr>
</thead>
</table>

---

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<table>
<thead>
<tr>
<th>Exemption from payment of duty</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Loan provided by a cooperative to its member, or provided by a cooperative or the Bank of Agriculture and Agricultural Cooperatives to another cooperative.</td>
<td></td>
</tr>
</tbody>
</table>

6. Insurance policy

(a) **Insurance policy against loss**
   For every 250 Baht or fraction thereof of the insurance premium.

(b) **Life insurance policy**
   For every 2,000 Baht or fraction thereof of the amount insured.

(c) **Any other insurance policy**
   For every 2,000 Baht or fraction thereof of the amount insured.

(d) **Annuity policy**
   For every 2,000 Baht or fraction thereof of the principal amount, or, if there is no principal amount, for every 2,000 Baht or fraction thereof of 33 1/3 times the annual income.

(e) **Insurance policy where reinsurance is made by an insurer to another person.**

(f) **Renewal of insurance policy**

|  |
|--------------------------------|---|---|
| **Exemption from payment of duty** | 1 Baht | Insurer |
| (a) Insurance of beasts of burden used for agricultural purposes | 1 Baht | Insurer |
| (b) Insurance memorandum or temporary policy certifying that an actual policy will be issued. Nevertheless, if the holder demands rights other than the delivery of the actual insurance policy, it shall be stamped in the same manner as the actual insurance policy. | 1 Baht Half the rate for the original policy | Insurer |
7. **Authorization letter** i.e., a letter appointing an agent, which is not in the form of instrument or contract including a letter appointing arbitrators:

   (a) authorizing one or more persons to perform an act once only.
   (b) authorizing one or more persons to jointly perform acts more than once.
   (c) authorizing to perform acts more than once by authorizing several persons to perform acts separately; the instrument will be charged on the basis of each individual who is authorized.

**Note**

Where several principals do not have joint authorization authority within a single instrument, the instrument will be charged on the basis of each individual authorizer which is treated as each transaction in accordance with Section 108.

**Exemption from payment of duty**

(1) Letter appointing an attorney and authorization letter made by attorney to his clerk to undertake court proceedings on his behalf.

(2) Authorization letter for the purpose of transferring of any act in respect of beasts of burden in accordance with the law governing beasts of burden.

(3) Authorization letter for the purpose of receiving money or goods instead.

(4) Authorization letter made by a cooperative and authorization letter appointing a cooperative as an agent of another cooperative in obtaining rights in an immovable property.

<table>
<thead>
<tr>
<th>Principal</th>
<th>Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Baht</td>
<td></td>
</tr>
<tr>
<td>30 Baht</td>
<td></td>
</tr>
<tr>
<td>30 Baht</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authorizer</th>
<th>Authorized person</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Baht</td>
<td></td>
</tr>
<tr>
<td>100 Baht</td>
<td></td>
</tr>
</tbody>
</table>

8. **Proxy letter for voting at a meeting of a company**

   (a) Authorized for one meeting only
   (b) Authorized for more than one meeting
9.  
(1) Bill of exchange or similar instrument used like bill of exchange for each bill or instrument  
(2) Promissory note or similar instrument used like promissory note for each note or instrument  

Exemption from payment of duty  
If a bill is issued as a set and the first document of the set is duty stamped, the other documents of the set may not be stamped. However, an endorsement that duty has been paid shall be made for that document.

<table>
<thead>
<tr>
<th>3 Baht</th>
<th>Drawer</th>
<th>Drawer</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Baht</td>
<td>Issuer</td>
<td>Issuer</td>
</tr>
</tbody>
</table>

10. Bill of lading  

Note  
If issued as a set, every document of the set must be stamped in accordance with the rate.

<table>
<thead>
<tr>
<th>2 Baht</th>
<th>Person executing the instrument</th>
<th>Person executing the instrument</th>
</tr>
</thead>
</table>

11.  
(1) Share or debenture certificate, or certificate of debt issued by any company, association, body of persons or organization  
(2) Bond of any government sold in Thailand  

For every 100 Baht or fraction thereof.  

Exemption from payment of duty  
Share certificate, debenture certificate or certificate of debt issued by a cooperative.

<table>
<thead>
<tr>
<th>5 Baht</th>
<th>Holder</th>
<th>Holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Baht</td>
<td>Holder</td>
<td>Holder</td>
</tr>
</tbody>
</table>

12. Cheque or any written order used in lieu of cheque for each instrument  

| 3 Baht | Drawer | Drawer |

13. Receipt for interest bearing fixed deposit in a bank  

| 5 Baht | Depositary | Depositary |

14. Letter of credit  
(a) Issued in Thailand  
- For value less than 10,000 Baht  
- For value of 10,000 Baht or over  
(b) Issued abroad and payable in Thailand for each payment  

Note  
In the case of a letter of credit issued in
Thailand and payable abroad, a copy shall be prepared and kept in Thailand. In the payment of duty only the said copy shall be duty stamped.

<table>
<thead>
<tr>
<th>15. Traveler’s cheque</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For each cheque issued in Thailand</td>
</tr>
<tr>
<td>(b) For each cheque issued abroad but payable in Thailand</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16. Each goods’ receipt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuer</td>
</tr>
</tbody>
</table>

| Note |
| If issued as a set, every document of the set must be duty stamped at the rate. |

<table>
<thead>
<tr>
<th>17. Guarantee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For an unlimited amount of money</td>
</tr>
<tr>
<td>(b) For an amount exceeding 1,000 Baht</td>
</tr>
<tr>
<td>(c) For an amount exceeding 1,000 Baht but not exceeding 10,000 Baht</td>
</tr>
<tr>
<td>(d) For an amount exceeding 10,000 Baht</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exemption from payment of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Guarantee of debt from a loan provided by the Government to citizens for the purpose of consumption or agriculture</td>
</tr>
<tr>
<td>(b) Guarantee of debt from a loan provided by a cooperative to its member</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18. Pawn broking</th>
</tr>
</thead>
<tbody>
<tr>
<td>For every 2,000 Baht or fraction thereof of the debt.</td>
</tr>
<tr>
<td>If the pawn broking does not limit the amount of debt.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exemption from payment of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Pawn tickets issued by a legally licensed pawnshop</td>
</tr>
<tr>
<td>(b) Pawn made in connection with a loan that is duty stamped in accordance with Item 5.</td>
</tr>
<tr>
<td>19. Warehouse receipt</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
</tbody>
</table>

20. Delivery order  
-namely, an instrument where a person’s name appears or when that person gives his name or the holder having the right to receive delivery of goods in a dock, port, or warehouse where goods are stored or kept in custody for rent, or to take goods at a wharf. The owner or his agent will give his signature in the instrument upon sale or transfer of the property specified within that instrument.  

<table>
<thead>
<tr>
<th>1 Baht</th>
<th>Issuer</th>
<th>Issuer</th>
</tr>
</thead>
</table>

21. Agency  
(a) specific authorization  
(b) general authorization  

**Exemption from payment of duty**  
Appointment of an agent where a cooperative is the principal.  

<table>
<thead>
<tr>
<th>10 Baht</th>
<th>Principal</th>
<th>Principal</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Baht</td>
<td>Principal</td>
<td>Principal</td>
</tr>
</tbody>
</table>

22. Decision given by an arbitrator  
(a) In the case where the dispute is concerned with the amount of money or price for every 1,000 Baht or fraction thereof  
(b) In the case where no amount of money or price is mentioned.  

<table>
<thead>
<tr>
<th>1 Baht</th>
<th>Arbitrator</th>
<th>Arbitrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Baht</td>
<td>Arbitrator</td>
<td>Arbitrator</td>
</tr>
</tbody>
</table>

23. Duplicate or counterfoil of an instrument,  
-namely, an instrument having the same contents as the original document or contract and signed by the person executing the instrument in the same manner as the original.  

(a) If the duty payable for the original does not exceed 5 Baht.  
(b) If the duty exceeds 5 Baht.  

**Exemption from payment of duty**  
If the party liable to duty is a cooperative.  

| 1 Baht | | Same person who cancels the stamps on the original instrument. |
|--------|-------------------------------|
| 5 Baht  | (1) If there is no party as the contract party the person who pays duty for the original instrument shall pay duty.  
(2) If there is another party to the contract, such other party shall pay duty. |

24. Memorandum of association of a limited company submitted to the registrar.  

<table>
<thead>
<tr>
<th>200 Baht</th>
<th>Promoter</th>
<th>Promoter</th>
</tr>
</thead>
</table>
25. Articles of association of a limited company submitted to the registrar.  
<table>
<thead>
<tr>
<th></th>
<th>Price</th>
<th>Signatory 1</th>
<th>Signatory 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>200 Baht</td>
<td>Director</td>
<td>Director</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Price</th>
<th>Signatory 1</th>
<th>Signatory 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 Baht</td>
<td>Director</td>
<td>Director</td>
</tr>
</tbody>
</table>

27. Partnership contract  
(a) Contract on the establishment of a partnership  
(b) Amendment of the contract on the establishment of a partnership  
<table>
<thead>
<tr>
<th></th>
<th>Price</th>
<th>Signatory 1</th>
<th>Signatory 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100 Baht</td>
<td>Partner</td>
<td>Partner</td>
</tr>
<tr>
<td></td>
<td>50 Baht</td>
<td>Partner</td>
<td>Partner</td>
</tr>
</tbody>
</table>

28. Receipt only as specified below:  
(a) Receipt issued for government lottery prizes;  
(b) Receipt issued in connection with a transfer of, or creation of any right in, an immovable property, if the juristic act which gives rise to such receipt is registered under the law;  
(c) Receipt issued in connection with a sale, sale with right of redemption, hire-purchase or transfer of ownership in a vehicle, only if the vehicle is registered under the law governing such vehicle. If the receipt under (a) (b) (c) has an amount of 200 Baht or more: for every 200 Baht or fraction thereof.  
<table>
<thead>
<tr>
<th></th>
<th>Price</th>
<th>Signatory 1</th>
<th>Signatory 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Baht</td>
<td>Issuer</td>
<td>Issuer</td>
</tr>
</tbody>
</table>

Exemption from payment of duty  
Receipts for an amount which the recipient is liable to pay value added tax or specific business tax.

29. (Repealed by R.C.A.D. (No.14) B.E. 2529 S.29)

30. (Repealed by R.C.A.D. (No.14) B.E. 2529 S.29)

Note  
(a) Stamp duty that has a value less than 1 Baht or fraction of a Baht shall be duty exempt  
(b) Stamp duty for life insurance policy with a value exceeding 20 Baht, shall be reduced to 20 Baht.
Chapter 7
Entertainment Duty (Repealed)
(This Chapter, from Section 130 to Section 143, was repealed by the Revenue Code Amendment Act, (No.13) B.E. 2527, which has come into force as from 1st January B.E. 2528)

Title 3
Local Maintenance Tax (Repealed)
(This Title, from Section 144 to Section 164, was repealed by the Local Maintenance Tax Act, B.E. 2508)

Abbreviations

R.D. = Royal Decree
M.R. = Ministerial Regulation
R.CT. = Ruling of the Commission of Taxation
N.MF. = Notification of the Ministry of Finance
N.RD. = Notification of the Revenue Department
N.DG. = Notification of the Director-General of Revenue Department
N.DG.IT. = Notification of the Director-General of Revenue Department on Income Tax
N.DG.VAT = Notification of the Director-General of Revenue Department on Value Added Tax
N.DG.SBT. = Notification of the Director-General of Revenue Department on Specific Business Tax
N.DG.SD. = Notification of the Director-General of Revenue Department on Stamp Duty

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