

(Unofficial Translation as of October 2015)

ANTI-MONEY LAUNDERING ACT (No. 5)

B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX;

Given on the 1st Day of October B.E. 2558 (2015);

Being the 70th Year of the Present Reign.

Whereas it is expedient to amend the law on anti-money laundering;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows.

Section 1 This Act shall be called the "Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)".

Section 2 This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3 The provisions contained in (2) of the definition of "predicate offense" in Section 3 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following;

“(2) relating to human trafficking under the law on prevention and suppression of human trafficking or offense of sexuality under the Penal Code only in respect of procuring, seducing, taking away or accepting for an indecent act of man or woman for sexual gratification of others, or offence of taking away a child or a minor only in respect of profit seeking or for an indecent act or dishonestly buying, disposing of or accepting such a child or minor, or offense under the law on prevention and suppression of prostitution only in respect of procuring, seducing or taking away such persons for their prostitution, or offense relating to being an owner, keeper or manager of a prostitution business or establishment or being a controller of prostitutes in a prostitution establishment;”

Section 4 The provisions contained in (4) of the definition of “predicate offense” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following;

“(4) relating to misappropriation or fraud or commission of an act of violence against assets or dishonest conduct under the law on financial businesses, or the law on securities and exchange committed by a manager, director or any person responsible for or with an interest in the operation of such financial institutions;”

Section 5 The provisions contained in (9) of the definition of “predicate offense” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following;

“(9) relating to gambling under the law on gambling, only where it is an offense relating to being an organizer of a gambling activity without permission and the total amount of money involved being five million Baht or above or being an organizer of gambling through an electronic means;”

Section 6 The provisions contained in (20) and (21) of the definition of “predicate offence” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 4) B.E. 2556 shall be repealed and replaced by the followings.

“(20) offence relating to unfair securities trading practice under the law on securities and exchange or offence relating to unfair futures trading under the law on futures contracts or offence relating to unfair practice which affect trading price of agricultural futures or the use of inside information under the law on agricultural futures trading;

(21) offence relating to arms, ammunition, explosive object, fireworks and arms equivalent, only where it is arms, ammunition and explosive object trading, and offense under the law on armaments control, only where it is trading in armaments for the purpose of terrorism, battle or war.”

Section 7 The provisions contained in (1) of the definition of “asset connected with the commission of an offence” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 4) B.E. 2556 shall be repealed and replaced by the following.

“money or asset obtained from the commission of a predicate offense or money laundering offense or from aiding and abetting or rendering assistance in the commission of an act constituting a predicate offense or money laundering offense and shall include money or asset that was used or possessed to be used in, or for aiding and abetting the commission of a predicate offense or money laundering offence.”

Section 8 The provisions contained in (1) and (2) of the definition of “financial institutions” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the followings.

“(1) a commercial bank, finance company and credit foncier company under the law on financial businesses and special financial institution established by law;

(2) a securities company under the law on securities and exchange;”

Section 9 The provisions contained in (3) of the definition of “financial institutions” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed.

Section 10 The following shall be added as (3) of Section 5 of the Anti-Money Laundering Act, B.E. 2542.

“(3) obtain, possess or use asset, knowingly at the time of obtaining, possessing or using of such asset, that it is the asset connected with the commission of predicate offense”

Section 11 Section 14 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 14 In the case where there subsequently appears reasonable grounds to believe that any transaction already conducted without being reported under Section 13(3) is a transaction required to be reported by a financial institution under Section 13, that financial institution shall report it to the Office without delay.”

Section 12 The following shall be added as Section 15/1 of the Anti-Money Laundering Act, B.E. 2542.

“Section 15/1 When a customs official receives a declaration relating to transportation of currency, whether Thai or foreign, under the law on exchange control, into or out of the Kingdom, with total value up to or above the threshold prescribed by the Board,

such customs official shall compile and deliver the declaration to the Office, in accordance with the rules, procedures and forms prescribed by the Board.

The threshold of currency prescribed by the Board under paragraph one shall not be below the value the transporter is required to declare under the law on exchange control.”

Section 13 The following shall be added as (10) of paragraph one under Section 16 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552.

“(10) Professions conducting a financial business under the law on exchange control which is not a financial institution and poses a risk, according to risk assessment, of being abused for money laundering or terrorism financing, as prescribed by the Ministerial Regulation.”

Section 14 The following shall be added as paragraph three of Section 16 of the Anti-Money Laundering Act, B.E. 2542.

“Provision under Section 14 shall apply *mutatis mutandis* to reporting entities under paragraph one, except where such reporting entity committed money laundering offense.”

Section 15 The following shall be added as Section 16/1 of the Anti-Money Laundering Act, B.E. 2542.

“Section 16/1 In the case where there is suspicion with probable evidence that a foundation, association or non-profit organization conducts a transaction relating to the financing of terrorism, the Office, with the approval of the Transaction Committee, shall have the power to issue written order requiring such foundation, association or non-profit organization to explain the fact relating to the conduct of such financial transaction or to temporarily freeze such transaction for the period prescribed by the Office. In the case where there is a compelling necessity, Secretary-General or competent official designated in writing by Secretary-General may enter establishment of a foundation, association or non-profit organization during sunrise and sunset to conduct necessary examination.”

Section 16 The following shall be added as paragraph three of Section 20/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552.

“Paragraph one and two shall apply *mutatis mutandis* to professions under Section 16 (2) (3) (4) (5) (6) (7) (8) and (10), only where it is a profession categorized in the Ministerial Regulation and it shall not cause undue difficulties to small businesses or professionals and the public, and shall be done only for the benefit of prevention and suppression of money laundering.”

Section 17 Section 21 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 21 In making a transaction under Section 13, a financial institution shall record factual information relating to such transaction in forms, items, rules and procedures prescribed in Ministerial Regulation.”

Section 18 The following shall be added as Section 21/1, Section 21/2 and Section 21/3 of the Anti-Money Laundering Act, B.E. 2542.

“Section 21/1 Any reporting entities under Section 13 and Section 16 or any person shall not reveal or act in any way that may cause a customer or third party to know of the conduct of customer due diligence or the reporting of transaction or the dissemination of any other information to the Office, except it is being done in accordance with law or court order or the exchange of information between head office and branch of a reporting entity under Section 13 and Section 16, whether located in the Kingdom or abroad, to carry out obligations under this Act.

Any report that the Office receives under this Chapter shall be deemed as confidential information relating to the execution of this Act and the Secretary-General shall be responsible for the custody and usage of such information only for the benefit of action under this Act.

Section 21/2 In the case where a reporting entity under Section 13 and Section 16 is unable to conduct customer due diligence on a customer, such reporting entity shall report the case to the Office immediately.

After the Office examined the report under paragraph one and found probable cause to believe that there was a commission of predicate offense or money laundering offense, the Office shall have the power to order the reporting entity to freeze such transaction for not exceeding ten working days.

Section 21/3 For the benefit of the execution of this Act, the Office shall organize training relating to prevention and suppression of money laundering and terrorism financing for reporting entities under Section 13 and Section 16.

When a reporting entity under Section 13 and Section 16 has officers who received training under paragraph one, such reporting entity shall assign the officers the task of reporting or supervising the reporting, conducting customer identification and customer due diligence in accordance with this Act.

Rules, procedures and conditions in organizing training under paragraph one and assignment of officers who received training under paragraph two shall be prescribed by the Board.”

Section 19 Section 22/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552 shall be repealed and replaced by the following.

“Section 22/1 Subject to Section 20/1 paragraph three, reporting entities under Section 13 and Section 16 shall keep due diligence records under Section 20/1 for ten years from the date the account was closed or relationship was terminated. In the case where there is a compelling necessity, before the lapse of such ten years, for the benefit of the execution of this Act in respect of a specific customer, the Secretary-General shall have the power to instruct the reporting entity in writing to continue keeping the records of that specific customer for not exceeding five years after the lapse of ten years.

Rules and procedures for record keeping under paragraph one shall be prescribed by the Board.”

Section 20 Section 24 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 24 There shall be an Anti-Money Laundering Board, referred in short as “AMLB”, consisting of:

- (1) Six qualified experts appointed by the Cabinet, in accordance with result of selection process under Section 24/1 with the consent of the Senate, as members;
- (2) Permanent Secretary of the Ministry of Finance, Permanent Secretary of the Ministry of Foreign Affairs, Permanent Secretary of the Ministry of Justice, Secretary-General of the National Security Council, Attorney General, Commissioner-General of the

Royal Thai Police, Governor of the Bank of Thailand, Secretary-General of the Securities and Exchange Commission as members;

(3) The Secretary-General of the Anti-Money Laundering Board as a member and the secretary of the Board;

The fifteen Board members shall select two qualified experts under (1) as the chairman and vice-chairman.

The Board shall appoint not more than two Anti-Money Laundering Office's officials as assistant secretaries.

Board members under (2) may delegate their deputy or a holder of office not lower than director-general or equivalent who has a knowledge and understanding of the Board's performance of duties to act as a Board member in their place.”

Section 21 The following shall be added as Section 24/1 and Section 24/2 of the Anti-Money Laundering Act, B.E. 2542.

“Section 24/1 There shall be a selection committee, consisting of representative of the Supreme Court, Constitutional Court and Supreme Administrative Court. The members shall elect one among themselves to be the chairman of the committee. The committee shall have the duties to select qualified experts by recruiting persons with required qualifications and without prohibition attributes in accordance with Section 24/2. Six qualified experts shall be selected from such applicants and proposed to the Cabinet for appointment as qualified experts under Section 24 (1) within ninety days from the date the necessity for such nomination arises.

The committee members under paragraph one shall not hold political position and shall not have an interest or stake contrary to the duty entrusted at the time of appointment or during his office period.

The Office shall be responsible for secretarial and clerical work for action under paragraph one. The committee shall receive meeting allowance and other remuneration as prescribed by the Minister.

Section 24/2 Persons nominated as qualified experts shall have qualifications and be without prohibition attributes as follows;

- (1) Being of Thai nationality by birth right;
- (2) Being not over seventy years of age;
- (3) Holding or having, in the past, held the position of a director-general or head of a government agency with department status or higher, or being or having, in the past, been

a head of state-enterprise or other type of state agency, or being or having, in the past, been an associate professor or above in any area under (4);

(4) Having knowledge, expertise or experience in economics, finance, treasury or law and knowledge and expertise in anti-money laundering and combating the financing of terrorism;

(5) Not being or having, in the past, been a person holding political position, a member of political party or a committee member or officer in a political party within five years prior to the application date;

(6) Not being a director, manager, consultant or holding similar other position in an establishment of a reporting entity under Section 13 or Section 16, or having an interest in partnership, company or connected with a person having duty to report under this Act, or engaging in other occupation or profession or any business in conflict with the performing of duty under this Act;

(7) Not being a judge in a court of justice, the constitutional court, the administrative court, election committee member, an ombudsman, a state audit commission member, or a national human rights commission member;

(8) Not being or having, in the past, been a bankrupt person or a dishonestly bankrupt person;

(9) Not having been sentenced by a judgment to imprisonment, except for an offence committed through negligence or a petty offence;

(10) Not having been sentenced by a final judgment for committing an offence of malfeasance, money laundering, an offence under a law on narcotics, financial businesses, securities and exchange, counter-terrorism financing, anti-human trafficking, participation in transnational organized crime, or relating to election;

(11) Not having been expelled, dismissed or removed from government service, state agency or state enterprise on the ground of corruption or deemed corruption and malfeasance;

(12) Not having been ordered by a judgment or court order for asset forfeiture.”

Section 22 Section 25 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 4) B.E. 2556 shall be repealed and replaced by the following.

“Section 25 The Board shall have the powers and duties as follows:

(1) to recommend to the Cabinet measures, advice and suggestion related to anti-money laundering and combating the financing of terrorism;

(2) to oversee, monitor and evaluate the work of the Office under this Act or the law on counter-terrorism financing;

(3) to oversee, supervise and control the Transaction Committee, the Office and the Secretary-General to perform their duty independently and scrutinizably, including to hold or restrain any act of the Transaction Committee, the Office or the Secretary-General, which the Board sees as discrimination or violation of basic human rights;

(4) to establish rules and procedures for assessing risks relating to money laundering and terrorism financing which may arise from transaction conducted by government agencies or certain categories of entities not subject to reporting obligation under this Act; and recommend guidelines to prevent such risks;

(5) to issue rules, regulations, notifications, orders or any terms relating to powers of the Transaction Committee, as well as issue any other rules or notifications which the Board is authorized to issue under this Act. Such rules, regulations, notifications, orders and any terms which require the public to act shall be published in the government gazette before coming into force;

(6) to nominate a person as Secretary-General to the Cabinet;

(7) to issue rules in the handling of information and documents to be used as evidence for the implementation of this Act and the law on counter-terrorism financing;

(8) to perform any other acts prescribed in this Act or as entrusted by other laws.

Terms and procedures under (6) shall be prescribed by the Board.”

Section 23 The provisions contained in (3) under Section 27 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“(3) Being disqualified or having prohibition attributes under Section 24/2 or being removed by the Cabinet with the approval of the Senate;”

Section 24 Section 29 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 29 At a meeting of the Board, the presence of not less than one-half of the total number of the existing members is required to constitute a quorum.

The Chairman shall preside over the meeting. In the case where the Chairman is not present at the meeting or is unable to perform the duty, the Vice Chairman shall preside over

the meeting. If the Chairman and the Vice Chairman are not present at the meeting or are unable to perform the duty, the members present shall elect one among themselves to preside over the meeting.

A decision of a meeting shall be carried out by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a final deciding vote, except that the decision to nominate person under Section 25 (6), to remove the Secretary-General from the office under Section 45 (3) or the final decision under Section 49 paragraph three shall be made by the vote of more than one-half of the total number of the existing members.”

Section 25 Section 32 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 32 There shall be a Transaction Committee consisting of;

- (1) Four persons selected in accordance with Section 32/1 as committee members;
- (2) The Secretary-General as a member and secretary.

The five Transaction Committee members shall elect one among the members under (1) to be Chairman.

Rules and procedures for meetings and issuance of any order by the Transaction Committee shall be in accordance with regulations prescribed by the Transaction Committee, with the consent of the Board.

The said regulations shall come into force upon its publication in the Government Gazette.”

Section 26 The following shall be added as Section 32/1, Section 32/2 and Section 32/3 of the Anti-Money Laundering Act, B.E. 2542.

“Section 32/1 The Judiciary Commission, the Judicial Commission of the Administrative Court, the State Audit Committee, and the Committee of Public Prosecutors shall each nominate a person who is honest and have knowledge beneficial to the implementation of this Act. The Office shall submit the list to the Board for appointment as Transaction Committee members. In the case where a committee does not submit a name to be a Transaction Committee member within forty five days as from the date of notification by the Office, the Board shall appoint another appropriate person to be a Transaction Committee member in place of such nomination by that committee.

Nomination under paragraph one shall be accompanied by a letter of consent of the nominated person.

Section 32/2 Transaction Committee members shall possess qualifications and be without prohibition attributes under Section 24/2 (1), (2), (4), (5), (6), (7), (8), (9), (10), (11) and (12) and shall be serving or having, in the past, served as government officials in a position not lower than a director-general or equivalent, or chief of justice, or director general of the Office of the Attorney General, or a head of a state enterprise or other government agency, or an associate professor in a field under Section 24/2 (4).

Section 32/3 Transaction Committee members appointed by the Board shall hold office for a term of three years. Transaction Committee members may be re-elected, but not for over two consecutive terms. Section 27 and Section 28 shall apply *mutatis mutandis*, except in the case of being removed under Section 27 (3). A Transaction Committee member shall be removed by the Board when disqualified or possessed a prohibition attribute under Section 32/2.

In the case a Transaction Committee member vacated office and a new Transaction Committee member is yet to be appointed in place of vacancy, the remaining members shall continue their duty, but the remaining shall not be less than three members.”

Section 27 The provisions contained in (4) and (5) under Section 34 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“(4) to submit to the Board a report on the result of the implementation of this Act;
 (5) to oversee, supervise and control the work of the Office and the Secretary-General so that it shall be conducted independently and scrutinizably;”

Section 28 The following shall be added as (5/1) under Section 34 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551.

“(5/1) issue rules, regulations, notification, order or any term to enable the Office to perform its duty in relation to the power of the Transaction Committee, in accordance with rules, regulations, notification, order or term prescribed by the Board and shall be published in the government gazette.”

Section 29 Section 37 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 37 When the Transaction Committee or the Secretary-General, as the case may be, has given an order restraining a transaction under Section 35 or Section 36, the Transaction Committee shall report it to the Board at the next meeting and shall also report to the National Anti-Corruption Commission.

The report under paragraph one shall at least include details as follows;

- (1) person subject to restraining order;
- (2) evidence pertaining to the act of person under (1);
- (3) requesting person and person ordering such restraint;
- (4) result of such restraint.

The report shall be deemed confidential information.

In the case where the Board or the National Anti-Corruption Commission examines the report under paragraph one and finds an act not in line with this Act, the result of such examination and opinion of the Board or the National Anti-Corruption Commission, as the case may be, shall be submitted to the Transaction Committee for further action.”

Section 30 Paragraph one of Section 37/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 4) B.E. 2556 shall be repealed and replaced by the following.

“Section 37/1 In the case where the Transaction Committee deems it appropriate to provide protection measures for a testifying person or informant of clue or any information beneficial for the conduct of the duty of the Transaction Committee, the Transaction Committee shall notify the relevant agency to provide protection for such person. Such person shall be regarded as a witness entitled to receive protection under the law on witness protection in criminal cases. The Transaction Committee shall submit an opinion on whether general measures or special measures under such law should be applied to such person.”

Section 31 The following shall be added as Section 38/2 of the Anti-Money Laundering Act, B.E. 2542.

“Section 38/2 Officer performing duties or his lawful aid who has been charged or prosecuted, resulting from his lawful performance, has the right to receive help in accordance with rules prescribed by the Board, even after he vacated the office.”

Section 32 Section 39/1 and Section 39/2 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed.

Section 33 The following shall be added as (3/2), (3/3), (3/4) and (3/5) under Section 40 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551.

“(3/2) to conduct national money laundering and terrorism financing risk assessment in support of the formulation of policy and strategy for anti-money laundering and combating the financing of terrorism for submission to the Board and the Cabinet, as well as disseminate the results of such assessment to agencies supervising reporting entities under Section 13 and Section 16 and other relevant agencies for action in relation to anti-money laundering and combating the financing of terrorism;

(3/3) to formulate an action plan, jointly with relevant government units and agencies in implementation of the policy and strategy for anti-money laundering and combating the financing of terrorism;

(3/4) to notify the names of reporting entities under Section 13 and Section 16 who violate this Act or the law on counter-terrorism financing to respective supervisory agencies to consider taking action under relevant laws;

(3/5) to promote people’s cooperation in giving information for anti-money laundering and combating the financing of terrorism;”

Section 34 Section 41 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 41 There shall be a Secretary-General who is responsible for general supervision of official affairs of the Office, and shall be the supervisor of Government officials, government employees and contingent workers of the Office, directly answerable to the Prime Minister. There may also be Deputy Secretaries-General to assist in giving directions and performing official duties as assigned by the Secretary-General.

The Secretary-General shall perform his duties independently as stipulated by this Act.”

Section 35 Section 42 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 42 The Secretary-General shall be an ordinary Government official appointed by the King in accordance with the result of the nomination under Section 25/6 with the approval of the Senate.”

Section 36 The provisions in (2) under Section 43 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“(2) serving or having, in the past, served in the position of Deputy Secretary-General or holding or having, in the past, held the position of a director-general or head of a government agency with department status or higher or deputy head of a government agency whose head is equivalent to Permanent Secretary;”

Section 37 The provisions in paragraph one under Section 44 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 44 The Secretary-General shall hold office for a term of four years as from the date of appointment by the King and shall serve for only one term.”

Section 38 Section 45 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 45 In addition to vacating office at the expiration of term, the Secretary-General vacates office upon:

- (1) being removed from government service for any reason;
- (2) being disqualified or having any prohibition attributes under Section 43;
- (3) the Board passing a resolution removing him from office due to his serious negligence of duty or incompetency or dishonest act of performing his duty with the approval of the Senate;
- (4) being subjected to the court decision or court order to forfeit the assets.”

Section 39 Section 45/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“Section 45/1 Within two years from the date vacating the office, the Secretary-General shall not serve in any position or be an employee of a reporting entity under Section 13 or Section 16.”

Section 40 Section 46/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 4) B.E. 2556 shall be repealed and replaced by the following.

“Section 46/1 In the conduct of duties, where a competent official has the necessity to produce a document or disguise himself for the benefit of evidence gathering and examination, to take proceedings against asset connected with the commission of an offence, prosecution of offenders in money laundering case or prosecution of offenders in terrorism financing case under the law on counter-terrorism financing, the Secretary-General shall have the power to order in writing the competent officials to act accordingly in accordance with rules, procedures and conditions prescribed by the Board.”

Section 41 The following shall be added as Section 46/2 of the Anti-Money Laundering Act, B.E. 2542.

“Section 46/2 For the benefit of the conduct of duties under this Act, firearms, ammunition, explosives, fireworks and firearms equivalent of the Office shall be deemed as firearms, ammunition, explosives, fireworks and firearms equivalent of the military and police which are for use in government service under Section 5 (1) (a) of the Firearms, Ammunition, Explosives, Fireworks and Firearms Equivalent Act B.E. 2490 (1947), and arms materials of the Office are the arms materials of the military or police under Section 6 (1) of the Arms Control Act B.E. 2530 (1987).

Types, sizes, amount of firearms, ammunition, explosives, fireworks and firearms equivalent and arms materials the Office possesses shall be prescribed by the Cabinet.

Possession, use and carrying of firearms, ammunition and arms materials, for performing of duties of competent officials shall be in accordance with regulations prescribed by the Board.”

Section 42 Paragraph four of Section 49 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“When the Board has made the determination disallowing the filing of the petition or has not made the determination within the time specified and action has already been taken in compliance with the public prosecutor's opinion under paragraph three, the matter shall become final and no action shall be taken against such person in respect of the same asset unless fresh and material evidence is obtained which is likely to persuade the Court to give a forfeiture order. In such case, where there is no claimant to the restrained asset within two years from the date the Board decided not to file a petition or failed to make a decision within the prescribed time limit, the Office shall transfer the asset to the Fund, and in the case where a claimant files a petition under another law permitting the exercise of the right to claim the return of the asset even though the two-year period has lapsed, the Office shall return the asset to the claimant. If the asset is in the condition that cannot be returned, payment in cash shall be made from the Fund. If there is no claimant within five years, the asset shall fall into the Fund. Rules and procedures in respect of the retention and management of asset or money that is yet to be claimed shall be in accordance with the regulations prescribed by the Board.”

Section 43 Paragraph six of Section 49 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“In the case under paragraph one, if there is a fact that there are damaged persons caused by the predicate offence, the Secretary-General shall request the public prosecutor to also file a petition to the court for an order to return or repay the value of assets connected with the commission of the offence to the damaged persons instead of forfeiting to the state. When there is such return or repayment order under this paragraph, the Office shall proceed in accordance with the order without delay.”

Section 44 Paragraph two of Section 51 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“If the asset under paragraph one is cash or money received from management of asset seized or frozen, the Office shall forward one-half to the Fund and another half to the Ministry of Finance. If it is another type of asset, action shall be taken in accordance with rules prescribed by the Cabinet.”

Section 45 Paragraph two of Section 51/1 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 2) B.E. 2551 shall be repealed and replaced by the following.

“In the case where a claimant files a petition under another law permitting the exercise of the right to claim the return of the asset even though the two-year period has lapsed under paragraph one, the Office shall return the asset to the claimant. If the asset is in the condition that cannot be returned, payment in cash shall be made from the Fund. If there is no claimant within five years, the asset shall fall into the Fund. Rules, procedures, in respect of the retention and management of asset or money that is yet to be claimed shall be in accordance with the regulations prescribed by the Board.”

Section 46 The following shall be added as paragraph two of Section 58 of the Anti-Money Laundering Act, B.E. 2542.

“For proceedings against assets connected with the commission of an offence under paragraph one, the Office shall consider only offences which possibly affect severely public peace and order and morality, national security, international relations or the Kingdom’s economy and fiscal system, or an offence which is a transnational crime or committed by a criminal organization or having persons with significant influence as a principal, instigator or supporter. Rules and conditions for determining whether an offence is of the said nature shall be set out by the Board.”

Section 47 The following shall be added as Section 61/2 of the Anti-Money Laundering Act, B.E. 2542.

“Section 61/2 Any person who violates Section 45/1 shall be fined from three times to six times the annual remuneration and other income receivable from such work, but shall not be less than five hundred thousand Baht.”

Section 48 Section 62 of the Anti-Money Laundering Act, B.E. 2542 as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552 shall be repealed and replaced by the following.

“Section 62 Any person who fails to observe Section 13, Section 14, Section 16, Section 20, Section 20/1, Section 21, Section 21/2 paragraph one, Section 22, Section 22/1, Section 35 or Section 36 or orders issued under Section 16/1 or Section 21/2 paragraph two

shall receive a fine not exceeding one million Baht and an additional amount not exceeding ten thousand Baht for each following day until rectification is made.

A reporting entity under Section 13 or Section 16 who fails to observe Section 21/3 paragraph two shall receive a fine not exceeding five hundred thousand Baht.”

Section 49 Section 63 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 63 Any person who reports or makes a notification under Section 13, Section 14, Section 16 or Section 21 by presenting false statements of fact or concealing the facts required to be revealed to the competent official shall be liable to imprisonment for a term not exceeding two years or to a fine of fifty thousand to five hundred thousand Baht or both.”

Section 50 Section 66 of the Anti-Money Laundering Act, B.E. 2542 shall be repealed and replaced by the following.

“Section 66 Any person who;

(1) violates Section 21/1, or

(2) knows or may know an official secret relating to action taken under this Act, acts in any way which results in another person’s knowledge or potential knowledge of the secret, except where he does it in the conduct of his duty or under the law;

shall be liable to an imprisonment of not exceeding five years or to a fine not exceeding one hundred thousand Baht or both.”

Section 51 The Secretary-General who is holding the position prior to the effective date of this Act shall be the Secretary-General under the Anti-Money Laundering Act, B.E. 2542 as amended by this Act. His time in office which lapsed prior to the effective date of this Act shall be his time in office under the Anti-Money Laundering Act, B.E. 2542 as amended by this Act.

When the term of the person holding the position of Secretary-General under paragraph one ends, the Cabinet may pass a resolution allowing the person to hold the position of counselor of the Anti-Money Laundering Office or other equivalent position in another government agency, and receive salary, position allowance, stipend and other benefits not less than the amount he previously received.

Section 52 Appointment of members of the Board and the Transaction Committee under the Anti-Money Laundering Act, B.E. 2542 as amended by this Act, shall be done within one hundred and twenty days from the date this Act comes into effect. While the appointment is yet to be done, the members of the Board and the Transaction Committee who have held position prior to the effective date of this Act shall continue their duties until the members of the Board or the Transaction Committee under the Anti-Money Laundering Act B.E. 2542 as amended by this Act are appointed. During such period, if any position is vacated, the Board or the Transaction Committee shall consist of the remaining members.

Section 53 Any ongoing case under the Anti-Money Laundering Act, B.E. 2542, which cannot be continued under Section 58 paragraph two of the Anti-Money Laundering Act, B.E. 2542 as amended by this Act, shall be terminated by the Board and the Office shall return the case to the agencies concerned without delay, except the Board passes a resolution otherwise for specific cases.

Section 54 The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister