

**(Translation)**  
**ANTI-MONEY LAUNDERING ACT**  
**B.E. 2542 (1999)**

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BHUMIBOL ADULYADEJ, REX;  
Given on the 10<sup>th</sup> Day of April B.E. 2542;  
Being the 54<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on anti-money laundering;

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 35, Section 37, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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

**Section 1** This Act is called the "Anti-Money Laundering Act, B.E. 2542 (1999)".

**Section 2<sup>1</sup>** This Act shall come into force after one hundred and twenty days as from the date of its publication in the Government Gazette.

**Section 3** In this Act: "predicate offense" means any offense;

(1) relating to narcotics under the law on narcotics control or the law on measures for the suppression of offenders in offenses relating to narcotics;

(2) relating to sexuality under the Penal Code only in respect of procuring, seducing or taking away for an indecent act a woman and a child for sexual gratification of others, offense of taking away a child and a minor, offense under the law on measures for the prevention and suppression of women and children trading 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, supervisor or manager of a prostitution business or establishment or being a controller of prostitutes in a prostitution establishment;

(3) relating to public fraud under the Penal Code or offense under the law on loans of a public fraud nature;

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<sup>1</sup> Published in the Government Gazette, Vol. 116, Part 29a, page 45, dated 21st April 1999.

(4) relating to misappropriation or fraud or exertion of an act of violence against assets or dishonest conduct under the law on commercial banking, the law on the operation of finance, securities and credit foncier businesses or the law on securities and stock exchange committed by a manager, director or any person responsible for or interested in the operation of such financial institutions;

(5) relating to malfeasance in office or malfeasance in judicial office under the Penal Code, offense under the law on offenses of officials in State organizations or agencies or offense of malfeasance in office or corruption under other laws;

(6) relating to extortion or blackmail committed by claiming an influence of a secret society or criminal association under the Penal Code;

(7) relating to smuggling under the customs law;

(8)<sup>2</sup> relating to terrorism under the Penal Code;

(9)<sup>3</sup> relating to gambling under the law on gambling, limited to offenses relating to being an organizer of a gambling activity without permission and there are more than one hundred players or gamblers at one time, or the total amount of money involved exceeds ten million Baht.

(10)<sup>4</sup> offense relating to being a member of a racketeering group under the Penal Code or participating in an organized criminal group which constitutes an offense under relevant laws;

(11)<sup>5</sup> offense relating to receiving stolen property under the Penal Code only as it constitutes assisting in selling, buying, pawning or receiving in any way property obtained from the commission of an offense with a nature of business conduct;

(12)<sup>6</sup> offense relating to counterfeiting or alteration of currencies, seal, stamp and ticket under the Penal Code with a nature of business conduct;

(13)<sup>7</sup> offence relating to trading under the Penal Code only where it is associated with the counterfeiting or violating the intellectual property rights to goods or the commission of an offense under the laws on the protection of intellectual property rights with a nature of business conduct;

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<sup>2</sup> Section 3 definition of “predicate offense” (8) added in accordance with the provision of the Royal Decree on Amendment to the Anti-Money Laundering Act of B.E. 2542 (1999) B.E. 2546 (2003)

<sup>3</sup> Section 3 definition of “predicate offense” (9) added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>4</sup> Section 3 definition of “predicate offense” (10) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>5</sup> Section 3 definition of “predicate offense” (11) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>6</sup> Section 3 definition of “predicate offense” (12) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>7</sup> Section 3 definition of “predicate offense” (13) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

(14)<sup>8</sup> offence relating to forging a document of right, electronic cards or passports under the Penal Code with a nature of regular or business conduct;

(15)<sup>9</sup> offence relating to the unlawful use, holding, or possessing of natural resources or a process for illegal exploitation of natural resources with a nature of business conduct;

(16)<sup>10</sup> offence relating to murder or grievous bodily injury under the Penal Code which leads to the acquisition of assets;

(17)<sup>11</sup> offence relating to restraining or confining a person under the Penal Code only where it is to demand or obtain benefits or to negotiate for any benefits;

(18)<sup>12</sup> offence relating to theft, extortion, blackmailing, robbery, gang-robbery, fraud or misappropriation under the Penal Code with a nature of regular conduct;

(19)<sup>13</sup> offence relating to piracy under the anti-piracy law;

(20)<sup>14</sup> offence relating to unfair securities trading practice under the law on securities and stock exchange;

(21)<sup>15</sup> offence relating to arms or arms equipment which is or may be used in the combat or war under the law on arms control.”

Predicate offence under paragraph one shall include a penal offence committed outside the Kingdom which would have constituted a predicate offence had it been committed in the Kingdom.<sup>16</sup>

“Transaction” means an activity related to an entry into a juristic act, a contract or the execution of any act with others in financial or commercial matters, or the operation in connection with assets;

“Suspicious transaction”<sup>17</sup> means a transaction with reasonable grounds to believe that it is conducted to avoid the application of this Act, or transaction connected or possibly connected with the commission of a predicate offense or terrorist financing offense,

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<sup>8</sup> Section 3 definition of “predicate offense” (14) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>9</sup> Section 3 definition of “predicate offense” (15) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>10</sup> Section 3 definition of “predicate offense” (16) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>11</sup> Section 3 definition of “predicate offense” (17) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>12</sup> Section 3 definition of “predicate offense” (18) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>13</sup> Section 3 definition of “predicate offense” (19) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>14</sup> Section 3 definition of “predicate offense” (20) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>15</sup> Section 3 definition of “predicate offense” (21) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>16</sup> Section 3 definition of “predicate offense” Paragraph two added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>17</sup> Section 3 definition of “Suspicious transaction” amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

notwithstanding the transaction being single or multiple, and shall include an attempt to conduct such a transaction.

“Asset connected with the commission of an offense” means:

(1)<sup>18</sup> 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 or abetting the commission of a predicate offense under (8) of the definition of “predicate offense” or the offence of the financing of terrorism under the suppression of the financing of terrorism law.;

(2) money or asset obtained from the distribution, disposal or transfer in any manner of the money or asset under (1); or

(3) fruits of the money or asset under (1) or (2).

Notwithstanding the number of times the asset under (1), (2) or (3) is distributed, disposed of, transferred or converted and notwithstanding the fact that the same is in possession of any person or transferred to any person or evidently registered as belonging to any person.

“Financial institution” means:

(1) the Bank of Thailand under the law on Bank of Thailand, a commercial bank under the law on commercial banking and such banks as specifically established by law;

(2) a finance company and credit foncier company under the law on the operation of finance, securities and credit foncier businesses, and a securities company under the law on securities and stock exchange;

(3) the Industrial Finance Corporation of Thailand under the law on Industrial Finance Corporation of Thailand and a small industrial finance corporation under the law on small industrial finance corporations;

(4) a life insurance company under the law on life insurance and an insurance company under the law on insurance;

(5)<sup>19</sup> cooperatives under the law on cooperatives, limited to a cooperative with operating capital exceeding two million Baht of total share value and having objectives of its operation relating to acceptance of deposits, lending of loans, mortgage, pawning or acquiring of money or asset by any means;

(6) a juristic person carrying on such other businesses related to finance as prescribed in the Ministerial Regulation.

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<sup>18</sup> Section 3 definition of “asset connected with the commission of an offense” (1) amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>19</sup> Section 3 definition of “financial institution” (5) amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

“Fund”<sup>20</sup> means the Anti-Money Laundering Fund;

“Board” means the Anti-Money Laundering Board;

“Member” means a member of the Anti-Money Laundering Board and shall also include the Chairman of the Anti-Money Laundering Board;

“Competent official” means a person appointed by the Minister to perform an act under this Act;

“Secretary-General” means Secretary-General of the Anti-Money Laundering Board;

“Deputy Secretary-General” means Deputy Secretary-General of the Anti-Money Laundering Board;

“Office” means the Anti-Money Laundering Office;

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

**Section 4** The Prime Minister shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations, Rules and Notifications for the execution of this Act.

Such Ministerial Regulations, Rules and Notifications shall come into force upon their publication in the Government Gazette.

## **CHAPTER I**

### **General Provisions**

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**Section 5** Any person who:

(1) transfers, accepts a transfer of or converts the asset connected with the commission of an offense for the purpose of covering or concealing the origin of that asset or, whether before or after the commission thereof, for the purpose of assisting other persons to evade criminal liability or to be liable to lesser penalty in respect of a predicate offense; or

(2) acts in any manner whatsoever for the purpose of concealing or disguising the true nature, acquisition, source, location, distribution or transfer of the asset connected with the commission of an offense or the acquisition of rights therein,

shall be said to commit an offense of money laundering.

**Section 6** Any person who commits an offense of money laundering shall, even if the offense is committed outside the Kingdom, be punished under this Act in the Kingdom if it appears that:

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<sup>20</sup> Section 3 definition of “fund” added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

(1) the offender or any of the co-offenders is a Thai national or has a residence in Thailand;

(2) the offender is an alien and commits the offense with the intent that the consequence thereof shall have occurred in the Kingdom, or the Thai Government is the injured person; or

(3) the offender is an alien and the act so committed is an offense under the law of the State in whose jurisdiction the act occurs, provided that such person remains his or her appearance in the Kingdom without being extradited in accordance with the law on extradition.

For this purpose, Section 10 of the Penal Code shall apply *mutatis mutandis*.

**Section 7** In an offense of money laundering, any person who commits any of the following acts shall be liable to the same penalty as that to which the principal committing such offense shall be liable:

(1) aiding and abetting the commission of the offense or assisting the offender before or at the time of the commission of the offense,

(2) providing or giving money or asset, a vehicle, place or any article or committing any act for the purpose of assisting the offender to escape or to evade punishment or for the purpose of obtaining any benefit from the commission of the offense.

In the case where any person provides or gives money or asset, a shelter or hiding place in order to enable his or her father, mother, child, husband or wife to escape from being arrested, the Court may inflict on such person no punishment or lesser punishment to any extent than that provided by law for such offense.

**Section 8** Any person who attempts to commit an offense of money laundering shall be liable to the same penalty as that provided for the offender who has accomplished such offense.

**Section 9** Any person who enters into conspiracy to commit an offense of money laundering shall, when there are at least two persons in the conspiracy, be liable to one-half of the penalty provided for such offense.

If the offense of money laundering has been committed in consequence of the conspiracy under paragraph one, the person so conspiring shall be liable to the penalty provided for such offense.

In the case where the offense has been committed up to the stage of its commencement but, on account of the obstruction by the conspiring person, has not been carried out through its completion or has been carried out through its completion without achieving its end, the conspiring person rendering such obstruction shall only be liable to the penalty provided in paragraph one.

If the offender under paragraph one changes his or her mind and reveals the truth in connection with the conspiracy to the competent official prior to the commission of the offense to which the conspiracy relates, the Court may inflict on such person no punishment or lesser punishment to any extent than that provided by law for such offense.

**Section 10<sup>21</sup>** Any official, member of the House of Representatives, senator, member of a local assembly, local administrator, Government official, official of a local government organization, public official, official of a State organization or agency, director or executive or official of a State enterprise, director, manager or any person authorized to manage the operation of a financial institution, or any member of an organ under the Constitution who commits an offense under this Chapter shall be liable to twice as much penalty as that provided for such offense.

Any member, member of a sub-committee, member of the Transaction Committee, Secretary-General, Deputy Secretary-General or competent official under this Act who commits an offense under this Chapter shall be liable to three times as much penalty as that provided for such offense.

**Section 11** Any member, member of a sub-committee, member of the Transaction Committee, Secretary-General, Deputy Secretary-General, competent official, official or Government official who commits an offense of malfeasance in office or malfeasance in judicial office as provided in the Penal Code which is connected with the commission of the offense under this Chapter shall be liable to three times as much penalty as that provided for such offense.

A political official, member of the House of Representatives, member of the Senate, member of a local assembly or local administrator who conspires with a person under paragraph one to commit an offense, whether as a principal, instigator or supporter shall receive equivalent punishment as persons under paragraph one.<sup>22</sup>

**Section 12** In the execution of this Act, a member, member of a sub-committee, member of the Transaction Committee, Secretary-General, Deputy Secretary-General and competent official shall be an official under the Penal Code.

## **CHAPTER II**

### **Report and Identification**

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<sup>21</sup> Section 10 Paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>22</sup> Section 11 Paragraph two amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

**Section 13** When a transaction is made with a financial institution, the financial institution shall have the duty to report that transaction to the Office when it appears that such transaction is:

- (1) a cash transaction exceeding the threshold prescribed in the Ministerial Regulation;
- (2) a transaction connected with the asset worth more than the value prescribed in the Ministerial Regulation; or
- (3) a suspicious transaction, whether it is the transaction under (1) or (2) or not.

In the case where there appears any fact which is relevant or probably beneficial to the confirmation or cancellation of the fact concerning the transaction already reported by the financial institution, that financial institution shall report such fact to the Office without delay.

**Section 14** In the case where there subsequently appears a reasonable ground to believe that any transaction already made without being reported under Section 13 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 15** A Land Office of Bangkok Metropolitan, *Changwad* Land Office, Branch Land Office and *Amphoe* Land Office shall report to the Office when it appears that an application is made for registration of a right and juristic act related to an immovable asset to which a financial institution is not a party and which is of any of the following descriptions:

- (1) requiring cash payment in a larger amount than that prescribed in the Ministerial Regulation;
- (2) involving a greater value of an immovable asset than that prescribed in the Ministerial Regulation, being the assessment value on the basis of which fees for registration of the right and juristic act are levied, except in the case of a transfer by succession to a statutory heir; or
- (3) being made in connection with a suspicious transaction.

**Section 16**<sup>23</sup> Professions stated below shall have the duty to report to the Office any transaction when it is carried out in cash of a value exceeding the amount prescribed in the Ministerial Regulation or is a suspicious transaction. However, profession under (2), (3), (4) and (5) must be a juristic person, unless there is probable cause to suspect under reasonable evidence that such transaction is related or may be related to the commission of a predicate offense or money laundering offense with profession under (2), (3), (4) and (5)

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<sup>23</sup> Section 16 paragraph one amended in accordance with the Anti-Money Laundering Act (No. 3) B.E. 2552 (2009)



that is not a juristic person, the Office shall have the power to give a written order to such profession to report the transaction to the Office:

(1) Professions that undertake provision of advice or being an advisor in transactions relating to the investment or movement of funds, under the law governing securities and stock exchange, and that are not a financial institution under Section 13.

(2) Professions relating to trading of precious stones, diamonds, gems, gold, or ornaments decorated with precious stones, diamonds, gems, or gold.

(3) Professions relating to trading or hire-purchase of cars.

(4) Professions acting as a broker or an agent in buying or selling immovable property.

(5) Professions relating to trading of antiques under the law governing selling by auction and trading of antiques.

(6) Professions relating to personal loan under supervision for businesses that are not a financial institution under the Ministry of Finance Notification relating to Personal Loan Businesses under Supervision or under the law governing financial institution business.

(7) Professions relating to electronic money card that are not a financial institution under the Ministry of Finance Notification relating to electronic money card or under the law governing financial institution business.

(8) Professions relating to credit card that are not a financial institution under the Ministry of Finance Notification relating to credit card or under the law governing financial institution business.

(9) Professions relating to electronic payment under the law governing the supervision of electronic payment service business.

In the case where there appears any fact which is relevant or probably beneficial to the confirmation or cancellation of the fact concerning the transaction already reported under paragraph one, that person shall report such fact to the Office without delay.

**Section 17** The report under Section 13, Section 14, Section 15 and Section 16 shall be in accordance with the form, period of time, rules and procedures prescribed in the Ministerial Regulation.

**Section 18** Any transaction that the Minister deems appropriate to be exempted from reporting under Section 13, Section 15 and Section 16 shall be as prescribed in the Ministerial Regulation.

**Section 19** In the case where the report under Section 13, Section 14, Section 15 and Section 16 has been made in good faith by the reporter, if the report causes injury to any person, the reporter shall not be responsible therefor.

**Section 20**<sup>24</sup> Financial institutions and professions under Section 16 shall require all customers to identify themselves prior to conducting any transaction as prescribed in the Ministerial Regulation, unless that customer has previously done so. There shall also be a measure to eliminate obstacles in identification procedures for the disabled or incapacitated.

The identification under paragraph one shall be in accordance with the procedure prescribed by the Minister.

**Section 20/1**<sup>25</sup> Financial institutions and professions under Section 16 (1) and (9) shall issue customer acceptance policy and risk management that may relate to money laundering and shall undertake customer due diligence when the first transaction is carried out and periodically reviewed until the account is closed or relationship has been terminated.

The scope of due diligence procedures under paragraph one shall be in accordance with the rules and procedures prescribed by the Ministerial Regulation on customer identification, customer due diligence, customer review and monitoring of customers' accounts that are named by the Office.

**Section 21** In making a transaction under Section 13, a financial institution shall also cause a customer to record statements of fact with regard to such transaction.

In the case where a customer refuses to prepare a record of statements of fact under paragraph one, the financial institution shall prepare such record on its own motion and notify the Office thereof forthwith.

The record of statements of fact under paragraph one and paragraph two shall be in accordance with the form, contain such particulars and be in accordance with the rules and procedures as prescribed in the Ministerial Regulation.

**Section 22**<sup>26</sup> Unless otherwise notified in writing by the competent official, a financial institution shall retain information as follows:

(1) relating to customer identification under Section 20 for a period of five years from the date that the account was closed or of the termination of relationship with the customer.

(2) relating to a financial transaction or a record of facts under Section 21 for a period of five years from the date the transaction or the recording of the facts occurred.

The contents of (1) above shall be applied to professions under Section 16.<sup>27</sup>

**Section 22/1**<sup>28</sup> Financial institutions and professions under Section 16 (1) and (9) shall keep due diligence records under Section 20/1 for five years from the date the account was closed or relationship had been terminated, unless where there is a necessary and

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<sup>24</sup> Section 20 paragraph one amended in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

<sup>25</sup> Section 20/1 added in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

<sup>26</sup> Section 22 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>27</sup> Section 22 paragraph two added in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

<sup>28</sup> Section 22/1 added in accordance with the Anti-Money Laundering Act (No. 3) B.E. 2552 (2009)

reasonable matter, the Secretary-General shall have the power to notify in writing to extend the period in respect of a specific customer for the benefit of executing this Act and shall report such act to the Board.

**Section 23** The provisions of this Chapter shall not apply to the Bank of Thailand under the law on Bank of Thailand.

### **CHAPTER III**

#### **Anti-Money Laundering Board**

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**Section 24**<sup>29</sup> There shall be an Anti-Money Laundering Board, consisting of: the Prime Minister as Chairman, Minister of Justice and Minister of Finance as Vice Chairmen, Permanent Secretary of the Ministry of Justice, Attorney General, Commissioner-General of the Royal Thai Police, Secretary-General of the Narcotics Control Board, Director of the Fiscal Policy Office, Director-General of the Department of Lands, Director-General of the Customs Department, Director-General of the Department of Revenue, Director-General of the Department of Treaties and Legal Affairs, Governor of the Bank of Thailand, Secretary-General of the Office of Insurance Commission, Secretary-General of the Securities and Exchange Commission, President of the Thai Bankers' Association, and nine qualified experts appointed by the Council of Ministers from those who have expertise in economics, monetary affairs, finance, law or any other related fields beneficial to the execution of this Act with the consent of the House of Representatives and the Senate respectively as members of the Board and the Secretary-General of the Office as a member and the secretary of the Board.

The Board shall appoint not more than two Government officials of the Office as assistant secretaries.

In the case where the Chairman or an *ex officio* member under paragraph one is unable to attend any particular meeting by reason of necessity, such person may entrust a holder of inferior office who possesses the knowledge and understanding of the Board's performance of duties to attend that meeting.

**Section 25**<sup>30</sup> The Board shall have the powers and duties as follows:

(1) to propose to the Council of Ministers measures for anti-money laundering;

(1/1)<sup>31</sup> establish rules and procedures for assessing risks relating to money laundering which may arise from transaction conducted by government agencies or certain

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<sup>29</sup> Section 24 paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>30</sup> Section 25 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>31</sup> Section 3 (1/1) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

entities not subject to reporting obligation under this Act; and recommend guidelines to prevent such risks.

(2) to consider and give opinions to the Minister with regard to the issuing of ministerial regulations, rules and notifications for the execution of this Act;

(3) to set rules pertaining to the returning of the assets in accordance with Section 49 and Section 51/1, the retention, sale by public auction, utilization of the assets, and the assessment of damage and depreciation costs under Section 57 and set rules pertaining to the Fund in accordance with Section 59/1, Section 59/4, Section 59/5 and Section 59/6;

(4) to promote public cooperation in connection with the giving of information for the purpose of anti-money laundering and set rules pertaining to the procedure on information or document to be used as evidence in the execution of this Act;

(5) to monitor and evaluate the execution of this Act;

(6) to perform any other acts prescribed in this Act or other laws or any other regulations in the execution of this Act.

**Section 26** A qualified member appointed by the Council of Ministers shall hold office for a term of four years as from the date of appointment and shall serve for only one term.

**Section 27** In addition to vacating office on the expiration of term under Section 26, a qualified member appointed by the Council of Ministers vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Council of Ministers with the approval of the House of Representatives and the Senate respectively;

(4) being a bankrupt;

(5) being an incompetent or quasi-incompetent person;

(6) being imprisoned by a final judgment.

In the case where a qualified member is appointed during the term of the qualified members already appointed, notwithstanding the fact that it is an additional or replacing appointment, the appointee shall hold office for the remaining term of the qualified members already appointed.

**Section 28** In the case where qualified members vacate office at the expiration of term but new qualified members have not yet been appointed, the qualified members who have vacated office at the expiration of term shall perform duties for the time being until new qualified members have been appointed.

**Section 29** At a meeting of the Board, the presence of not less than one-half of the total number of the 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 Vice Chairman is not present at the meeting or is 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 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 casting vote, except that the decision under Section 49 paragraph three shall be voted for by not less than two-thirds of the total number of the existing members.

**Section 30** The Board may appoint a sub-committee for considering and giving opinions on any particular matter or performing any particular act on behalf of the Board, and Section 29 shall apply to a meeting of the sub-committee *mutatis mutandis*.

**Section 31** A member of the Board and of a sub-committee shall receive such remuneration as prescribed by the Council of Ministers.

#### **CHAPTER IV**

##### **Transaction Committee**

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**Section 32**<sup>32</sup> There shall be a Transaction Committee consisting of five committee members that the Board appoints from persons nominated one each by the Judiciary Commission, the State Audit Committee, the National Human Rights Commission, and the Committee of Public Prosecutors. If any of the said committees could not designate a person from the respective committee to be a Transaction Committee member within forty five days from the date notified by the Office, the Board shall appoint an appropriate person as a Transaction Committee member instead. A Chairman of the Committee shall be elected from among the designated committee members and the Secretary-General shall be a committee member and the secretary of the Committee.

The Transaction Committee shall have knowledge and expertise in economics, monetary affairs, finance, law or any other related fields beneficial to the execution of this Act and shall possess and shall not have disqualifying attributes as follows:

- (1) Being of not over seventy years of age;
- (2) Being or, having in the past served as, a Government official in the position not lower than Level 10 or equivalent or being or, having in the past served, in the position not lower than a deputy head or equivalent of a State enterprise or State agency or

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<sup>32</sup> Section 32 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

being or, having in the past been, a lecturer in the field and holding or, having in the past been in, the position not lower than an assistant professor;

(3) Not being a member of a political party or a committee member or an officer of a political party;

(4) Not being a member of the House of Representatives, member of the Senate, member of a local assembly, local administrator or political official or board member of a State enterprise;

(5) Not being a member of a committee of a public agency, unless approved by the Board;

(6) Not being a director, manager, consultant or holding any other position with a similar nature of work, or having vested interest in a partnership, company or financial institution or engaging in any other occupation or profession or doing any act inconsistent with the performance of duties under the anti-money laundering law.

A member of Transaction Committee appointed by the Board under paragraph one shall serve a three-year term. A member of Transaction Committee whose term has expired may be reappointed, but shall not serve more than two consecutive terms, and Sections 27 and 28 shall apply *mutatis mutandis*, except in the case of the termination from office in accordance with Section 27 (3) where the committee member appointed by the Board shall vacate the office upon removal by the Board.

**Section 33** Section 29 shall apply *mutatis mutandis* to a meeting of the Transaction Committee.

**Section 34**<sup>33</sup> The Transaction Committee shall have the powers and duties as follows:

(1) to examine a transaction or an asset connected with the commission of an offense;

(2) to give an order withholding the transaction under Section 35 or Section 36;

(3) to carry out the acts under Section 48;

(4) to submit to the Board and the National Anti-Corruption Commission a report on the result of the execution of this Act;

(5) to supervise the independence and neutrality of the Office and the Secretary-General;

(6) to perform any other acts as entrusted by the Board.

**Section 35**<sup>34</sup> In the case where there is a probable cause to suspect and sufficient evidence to believe that any transaction is connected or possibly connected with the

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<sup>33</sup> Section 34 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

commission of a predicate offense or money laundering offense, the Transaction Committee shall have the power to give a written order withholding such transaction for a fixed period of time which shall not be longer than three working days.

In case of compelling necessity or urgency, the Secretary-General may give a prior order withholding the transaction under paragraph one and report it to the Transaction Committee.

**Section 36**<sup>35</sup> In the case where there is convincing evidence that any transaction is connected or possibly connected with the commission of a predicate offense or money laundering offence, the Transaction Committee shall have the power to give a written order withholding such transaction for the time being for a fixed period of time which shall not be longer than ten working days.

**Section 36/1**<sup>36</sup> In the execution of Section 34, Section 35 or Section 36, the Transaction Committee or Secretary-General shall make written record in the minutes of each Transaction Committee meeting or in the order of the Secretary-General to indicate evidence and the requesting person, person who asked or ordered other person to undertake such act under the said provision.

**Section 37**<sup>37</sup> When the Transaction Committee or the Secretary-General, as the case may be, has given an order withholding the transaction under Section 35 or Section 36, the Transaction Committee shall report it to the Board and the National Anti-Corruption Commission.

**Section 37/1**<sup>38</sup> 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 implementation of this Act, 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 a general measure or special measure under such law should be applied to such person.

In the case of a loss of life, body, health, reputation, property or any right of a person under paragraph one, or the husband, wife, ascendant, descendant or other person closely related to such person, as a result of a willful commission of a criminal offence due to the action or testimony or giving of a clue or information to a competent official, such person shall have the right to submit a claim to the responsible agency for the necessary and appropriate compensation under the law on witness protection in criminal cases.

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<sup>34</sup> Section 35 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>35</sup> Section 36 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>36</sup> Section 36/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>37</sup> Section 37 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>38</sup> Section 37/1 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

The Office may provide compensation or other benefits to a person under paragraph one, in accordance with ordinances prescribed by the Board.

**Section 38** For the purpose of performing duties under this Act, a member of the Transaction Committee, the Secretary-General and the competent official entrusted in writing by the Secretary-General shall have the powers as follows:

(1) to address a written inquiry towards or summon a financial institution, Government agency, State organization or agency or State enterprise, as the case may be, to send officials concerned for giving statements or furnish written explanations or any account, document or evidence for examination or consideration;

(2) to address a written inquiry towards or summon any person to give statements or furnish written explanations or any account, document or evidence for examination or consideration;

(3) to enter any dwelling place, place or vehicle reasonably suspected to have the asset connected with the commission of an offense or evidence connected with the commission of an offense of money laundering hidden or kept therein, for the purposes of searching for, pursuing, examining, seizing or attaching the asset or evidence, when there is a reasonable ground to believe that the delay occurring in the obtaining of a warrant of search will cause such asset or evidence to be moved, hidden, destroyed or converted from its original state.

In performing the duty under (3), the competent official entrusted under paragraph one shall produce to the persons concerned the document evidencing the authorization and the identification.

The identity card under paragraph two shall be in accordance with the form prescribed by the Minister and published in the Government Gazette.

All information obtained from the statements, written explanations, account, document or any evidence having the characteristic of specific information of an individual person, financial institution, Government agency, State organization or agency or State enterprise shall be under the Secretary-General's responsibility with respect to its retention and utilization.

**Section 38/1**<sup>39</sup> Under the Criminal Procedure Code, in the execution of this Act, the Secretary-General, Deputy Secretary-General, and competent officials assigned in writing by the Secretary-General shall have the power to arrest a person who committed a money laundering offense and record the person's statement as preliminary evidence and transfer the person to a police interrogator without delay but shall not exceed twenty-four hours.

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<sup>39</sup> Section 38/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)



**Section 39** A member of the Transaction Committee shall receive such remuneration as prescribed by the Council of Ministers.

**Section 39/1**<sup>40</sup> For the purpose of performing duties under this Act, the Transaction Committee and the Secretary-General shall prepare a summary report of the execution under this Chapter to the National Anti-Corruption Commission every four months.

The report under paragraph one shall at least state the following details:

(1) Persons whose transactions or assets were examined or whose transactions were restrained or whose assets were seized or frozen.

(2) Evidence that was used against the person under (1).

(3) Requesting person, person who asked or instructed someone to undertake such act.

(4) Results of the act.

Details under this Section shall be treated as official secrets.

**Section 39/2**<sup>41</sup> The National Anti-Corruption Commission may appoint an expert to examine such report to establish the appropriateness of the action under this Act, and report to the National Anti-Corruption Commission.

The provision under Section 38 shall be applied to the examination under paragraph one.

In the case where the examination under paragraph one found out that there is an act that is against this Act and the National Anti-Corruption Commission agreed with the examination findings, the report and the comment of the National Anti-Corruption Commission shall be sent to the Transaction Committee for further action.

## CHAPTER V

### Anti-Money Laundering Office

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**Section 40**<sup>42</sup> There shall be an Anti-Money Laundering Office, called in short “AMLO”, as an office not under the Prime Minister Office, Ministry, or Sub-Ministry, to function independently and neutrally, which shall have the powers and duties as follows:

(1) to carry out acts in the implementation of resolutions of the Board and the Transaction Committee and perform other administrative tasks;

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<sup>40</sup> Section 39/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>41</sup> Section 39/2 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>42</sup> Section 40 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

(2) to receive transaction reports submitted under Chapter II and acknowledge receipt thereof as well as receive reports and information related to transactions from other sources;

(3)<sup>43</sup> to receive or disseminate reports or information for the execution of this Act or other laws or under an agreement made between domestic or foreign agencies;

(3/1)<sup>44</sup> establish guidelines for observance, supervise, examine and evaluate reporting entities on implementation of this Act in accordance with rules, procedures and guidelines established by ordinance of the Board.

(4) to gather, collect data, statistics, examine, monitor and evaluate the implementation of this Act and analyze reports or data related to transactions, and assess risk relating to money laundering and terrorist financing;<sup>45</sup>

(5) to gather evidence for the purpose of taking legal proceedings against offenders under this Act;

(6) to conduct projects with regard to the dissemination of knowledge, the giving of education and the training in the fields involving the execution of this Act, or to provide assistance or support to both Government and private sectors in organizing such projects; and

(7) to perform any other acts under this Act or under other laws.

**Section 41**<sup>46</sup> There shall be a Secretary-General who, with the duty to independently and neutrally exercise general supervision of official affairs of the Office, shall be directly answerable to the Minister of Justice and shall be the superior of Government officials of the Office. There shall also be Deputy Secretaries-General to assist in giving directions and performing official duties.

**Section 42** The Secretary-General shall be an ordinary Government official appointed by the King upon the recommendation of the Council of Ministers and with the approval of the House of Representatives and the Senate respectively.

**Section 43** The Secretary-General shall possess qualifications and shall not be under prohibitions as follows:

(1) having knowledge and expertise in economics, finance, public finance or law;

(2) serving in the position of Deputy Secretary-General or being an ordinary Government official of the level not lower than Director-General or its equivalent;

(3) not being a director in a State enterprise or other State undertaking;

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<sup>43</sup> Section 40 (3) amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>44</sup> Section 40 (3/1) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>45</sup> Section 40 (4) amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>46</sup> Section 41 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

(4) not being a director, manager, consultant or holding any other position with a similar nature of work, or having an interest in a partnership, company or financial institution or engaging in any other occupation or profession or doing any act inconsistent with the performance of duties under this Act.

**Section 44**<sup>47</sup> 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. The Secretary-General who has vacated office cannot be re-appointed, but the Office shall create a post of advisor to the Office to which the vacating Secretary-General can be appointed.

The Secretary-General shall be entitled to fringe benefits to ensure independence and neutrality at the rate that, when accumulated with the salary and stipend, is equivalent to the salary and stipend of a Permanent Secretary, until retirement.

Official of the Office appointed as competent officers shall be positions with special reasons under the law on civil servant and in determining the additional stipend for such position, consideration has to be given to their work load, work quality and integrity, and comparison shall be made with the additional stipend for functionary of other jobs within the justice process. This shall be in accordance with the ordinance issued by the Board, with the consent of the Ministry of Finance.<sup>48</sup>

**Section 45**<sup>49</sup> In addition to vacating office at the expiration of term under Section 44, the Secretary-General vacates office upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any prohibition under Section 43;
- (4) the Council of Ministers passing a resolution removing him from office

upon the recommendation of the Minister or at the proposal of the Minister upon the recommendation of the Transaction Committee due to his serious negligence of duty or incompetency or publicly demonstrable act of performing his duty in bad faith or partially or not freely. The aforesaid resolution shall state clearly the reasons for his removal with the approval of the House of Representatives and the Senate respectively.

**Section 45/1**<sup>50</sup> The former Secretary-General shall not be appointed as an executive of any Government agency, State enterprise or State agency except as an advisor to the Office.

The provision in paragraph one shall not be applied to a former Secretary-General who had left the Government service.

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<sup>47</sup> Section 44 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>48</sup> Section 44 Paragraph three added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>49</sup> Section 45 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>50</sup> Section 45/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

**Section 46**<sup>51</sup> In the case where there is sufficient evidence to believe that any account of a financial institution's customer, communication device or equipment or computer is used or may be used in the commission of an offense of money laundering, the competent official entrusted in writing by the Secretary-General may file an *ex parte* application with the Civil Court for an order permitting the competent official to have access to the account, communicated data or computer data, for the acquisition thereof.

In the case under paragraph one, the Court may give an order permitting the competent official who has filed the application to take action with the aid of any device or equipment as deemed appropriate, provided that the permission on each occasion shall not be for the duration of more than ninety days.

Upon the Court's order granting permission under paragraph one or paragraph two, the person concerned with such account, communicated data or computer data to which the order relates shall render cooperation for the implementation in accordance with the provision of this Section.

**Section 46/1** In the case where it is necessary for the benefit of evidence gathering under this Act, when the Office requests the Department of Special Investigation to exercise its powers to investigate, inquire and gather evidence under the law on special case investigation for the prosecution of offenders under this Act or to take proceedings on assets connected with the commission of offenses, the Department of Special Investigation shall have the powers to act within its authority in support of the Office.

For the purposes of taking action under paragraph one, the Director-General of the Department of Special Investigation on the recommendation of the Secretary-General may appoint an official of the Office as special case inquiry officer to perform the duties in investigation, inquiry and evidence gathering under the law on special case investigation relating to the performing of duties under this Act.

The operation under paragraphs one and two shall be in accordance with ordinances set out by the Director-General of the Department of Special Investigation and the Secretary-General.<sup>52</sup>

**Section 47** The Office shall prepare an annual report on the result of its work performance for submission to the Council of Ministers. The annual report on the result of work performance shall at least contain the following material particulars:

- (1) a report on the result of the performance with regard to assets and any other performance under this Act;
- (2) problems and obstacles encountered in the work performance;

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<sup>51</sup> Section 46 paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>52</sup> Section 46/1 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

(3) a report on facts or remarks with regard to the discharge of functions as well as opinions and suggestions.

The Council of Ministers shall submit the annual report on the result of work performance under paragraph one together with its remarks to the House of Representatives and the Senate.

## **CHAPTER VI**

### **Asset Proceedings**

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**Section 48** In conducting an examination of the report and information on transaction-making, if there is a reasonable ground to believe that any asset connected with the commission of an offense may be transferred, distributed, moved, concealed or hidden, the Transaction Committee shall have the power to order a provisional seizure or attachment of such asset for the duration of not more than ninety days.

In case of compelling necessity or urgency, the Secretary-General shall order a seizure or an attachment of the asset under paragraph one for the time being and then report it to the Transaction Committee accordingly.

The examination of the report and information on transaction-making under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

The person having made the transaction in respect of which the asset has been seized or attached or any interested person in the asset may produce evidence that the money or asset in such transaction is not the asset connected with the commission of the offense in order that the seizure or attachment order may be revoked, in accordance with the rules and procedures prescribed in the Ministerial Regulation.

When the Transaction Committee or the Secretary-General, as the case may be, has ordered a seizure or an attachment of the asset or ordered revocation thereof, the Transaction Committee shall report it to the Board.

**Section 49** Subject to Section 48 paragraph one, in the case where there is convincing evidence that any asset is the asset connected with the commission of an offense, the Secretary-General shall refer the case to the public prosecutor for consideration and filing a petition to the Court for an order that such asset be vested in the State without delay.

In the case where the public prosecutor considers that the case is not so sufficiently complete as to justify the filing of a petition to the Court for its order that the whole or part of that asset be vested in the State, the public prosecutor shall notify the

Secretary-General thereof without delay for taking further action. For this purpose, the incomplete items shall also be specified.

The Secretary-General shall take action under paragraph two without delay and refer additional matters to the public prosecutor for reconsideration. If the public prosecutor is still of the opinion that there is no sufficient *prima facie* case for filing a petition to the Court for its order that the whole or part of that asset be vested in the State, the public prosecutor shall notify the Secretary-General thereof without delay for referring the matter to the Board for its determination. The Board shall consider and determine the matter within thirty days as from its receipt from the Secretary-General, and upon the Board's determination, the public prosecutor and the Secretary-General shall act in compliance with such determination. If the Board has not made the determination within such time limit, the opinion of the public prosecutor shall be complied with.

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 there is obtained fresh and material evidence likely to prompt the Court to give an order that the asset be vested in the State. 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 fails to issue the decision within the prescribed time limit, the Office shall transfer the asset to the Fund, and in the case where a claimant filed a petition under another law permitting the exercise of the rights 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 shall be made from the Fund. If there is no claimant within twenty 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 regulation prescribed by the Board.<sup>53</sup>

Upon receipt of the petition filed by the public prosecutor, the Court shall order the notice thereof to be posted at that Court and the same shall be published for at least two consecutive days in a newspaper widely distributed in the locality in order that the person who may claim ownership or interest in the asset may file an application before the Court has an order. At the same time, the Court shall also order the submission of a copy of the notice to the Secretary-General for posting it at the Office and at the Police Station where the asset is located. If there is evidence of whosoever making any claim of ownership or interest in the asset, the Secretary-General shall notify in writing to that person for the exercise of the rights

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<sup>53</sup> Section 49 paragraph four amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

therein. The notice shall be sent by registered post with advice of receipt to such person's latest address as shown in the evidence.

In the case under paragraph one, if there is a reasonable ground to take such action as to protect the rights of the injured person in a predicate offense, the Secretary-General shall refer the case to the competent official under the law which prescribes such offense in order to proceed in accordance with that law for preliminary protection of the injured person's rights.

**Section 50** The person claiming ownership in the asset in respect of which the public prosecutor has filed a petition for it to be vested in the State under Section 49 may, before the Court gives an order under Section 51, file an application satisfying that:

(1) the applicant is the real owner and the asset is not the asset connected with the commission of the offense, or

(2) the applicant is a transferee in good faith and for value or has secured its acquisition in good faith and appropriately in the course of good morals or public charity.

The person claiming to be a beneficiary of the asset in respect of which the public prosecutor has filed a petition for it to be vested in the State under Section 49 may file an application for the protection of his or her rights before the Court gives an order. For this purpose, the person shall satisfy that he or she is a beneficiary in good faith and for value or has obtained the benefit in good faith and appropriately in the course of good morals or public charity.

**Section 51**<sup>54</sup> When the Court has conducted an inquiry into the petition filed by the public prosecutor under Section 49, if the Court is satisfied that the asset to which the petition relates is the asset connected with the commission of the offense and that the application of the person claiming to be the owner or transferee thereof under Section 50 paragraph one is not tenable, the Court shall give an order that the asset be vested in the State.

If the asset under paragraph one is cash, the Office shall forward one half to the Fund and another half to the Ministry of Finance. If it is the other type of asset, rules of the Council of Ministers shall be followed.

For the purpose of this Section, if the person claiming to be the owner or transferee of the asset under Section 50 paragraph one is the person who is or had, in the past, been associated with an offender of a predicate offense or an offense of money laundering, it shall be presumed that such asset is the asset connected with the commission of the offense or transferred in bad faith, as the case may be.

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<sup>54</sup> Section 51 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

**Section 51/1**<sup>55</sup> If the Court deems that the asset in the petition is not related to the commission of the offense, the Court shall order the return of the said asset. In such case, where there is no claimant to the restrained asset within two years from the date the Court made the return order, the Office shall transfer the asset into the Fund.

In the case where a claimant filed a petition under another law permitting the exercise of the rights 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 shall be made from the Fund. If there is no claimant within twenty 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 regulation prescribed by the Board.

**Section 52** In the case where the Court has ordered that the asset be vested in the State under Section 51, if the Court conducts an inquiry into the application of the person claiming to be the beneficiary under Section 50 paragraph two and is of the opinion that it is tenable, the Court shall give an order protecting the rights of the beneficiary with or without any conditions.

For the purpose of this Section, if the person claiming to be the beneficiary under Section 50 paragraph two is the person who is or had, in the past, been associated with an offender of a predicate offense or an offense of money laundering, it shall be presumed that such benefit is the benefit the existence or acquisition of which is in bad faith.

**Section 53** In the case where the Court has ordered that the asset be vested in the State under Section 51, if it subsequently appears from an application by the owner, transferee or beneficiary thereof and from the Court's inquiry that it is the case under the provisions of Section 50, the Court shall order the return of such asset or determine conditions for the protection of the rights of the beneficiary. If the return of the asset or the protection of the right thereto is not possible, payment of its price or compensation therefor shall be made, as the case may be.

The application under paragraph one shall be filed within one year as from the Court's order that the asset be vested in the State becoming final and the applicant must prove that the application under Section 50 was unable to be filed due to the lack of knowledge of the publication or written notice by the Secretary-General or other reasonable intervening cause.

Before the Court gives an order under paragraph one, the Court shall notify the Secretary-General of such application and give the public prosecutor an opportunity to enter an appearance and file an objection to the application.

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<sup>55</sup> Section 51/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)



**Section 54** In the case where the Court has given an order that the asset connected with the commission of the offense be vested in the State under Section 51, if there appears an additional asset connected with the commission of the offense, the public prosecutor may file a petition for a Court's order that such asset be vested in the State, and the provisions of this Chapter shall apply *mutatis mutandis*.

**Section 55** After the public prosecutor has filed the petition under Section 49, if there is a reasonable ground to believe that the asset connected with the commission of the offense may be transferred, distributed or taken away, the Secretary-General may refer the case to the public prosecutor for filing an *ex parte* petition with the Court for its provisional order seizing or attaching such asset prior to an order under Section 51. Upon receipt of such petition, the Court shall consider it as a matter of urgency. If there is convincing evidence that the application is justifiable, the Court shall give an order as requested without delay.

**Section 56** When the Transaction Committee or the Secretary-General, as the case may be, has given an order seizing or attaching any asset under Section 48, the competent official entrusted shall carry out the seizure or attachment of the asset in accordance with the order and report it together with the valuation of that asset without delay.

The seizure or attachment of the asset and the valuation thereof shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation; provided that the provisions of the Civil Procedure Code shall apply *mutatis mutandis*.

**Section 57<sup>56</sup>** The retention and management of the asset seized or attached by an order of the Transaction Committee or the Secretary-General or the Court, under this Chapter, as the case may be, shall be in accordance with the regulation prescribed by the Board.

In the case where the asset under paragraph one is not suitable for retention or will, if retained, be more burdensome to the Government service than its usability for other purposes, the Secretary-General may order that the interested person take such asset for his or her retention and utilization with a bail or security or that the asset be sold by auction or put into official use and a report thereon be made to the Board accordingly.

The permission of an interested person to take the asset for retention and utilization, the sale of the asset by auction or the putting of the asset into official use under paragraph two shall be in accordance with the regulation prescribed by the Board.

If it subsequently appears that the asset sold by auction or put into official use under paragraph two is not the asset connected with the commission of the offense, such asset as well as such amount of compensation and depreciation as prescribed by the Board shall be returned to its owner or possessor. If the return of the asset becomes impossible, compensation

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<sup>56</sup> Section 57 paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

thereof shall be made by reference to the price valued on the date of its seizure or attachment or the price obtained from a sale of that asset by auction, as the case may be. For this purpose, the owner or possessor shall be entitled to the interest, at the Government Savings Bank's highest rate for a fixed deposit, of the amount returned or the amount of compensation, as the case may be.

The assessment of damage and depreciation costs under paragraph four shall be in accordance with the regulation prescribed by the Board.

**Section 58** In the case where the asset connected with the commission of any offense is the asset in respect of which action can be taken under another law but no action has been taken against that asset under that law or the action taken under that law has failed to achieve its purpose or the action under this Act is more beneficial to the Government service, action shall be taken against that asset in accordance with this Act.

**Section 59** Lawsuit under this Chapter shall be brought to the Civil Court and the Civil Procedure Code shall apply *mutatis mutandis*.

For this purpose, the public prosecutor shall be exempted from all fees.

## CHAPTER VI/

### Anti-Money Laundering Fund<sup>57</sup>

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**Section 59/1**<sup>58</sup> There shall be an Anti-Money Laundering Fund within the Office for the purpose of anti-money laundering as follows:

(1) Facilitate the execution of investigation, prosecution, search, seizure or restraint, asset management, clue reporting, witness protection, or other matters related to anti-money laundering, including assisting other agencies, parties concerned and the public in the said actions;

(2) Enhance cooperation with other agencies, parties concerned and the public in provision and dissemination of information, meetings or training courses, domestic and international cooperation, and operation to support anti- money laundering measure.

(3) Carry out any other acts as necessary to achieve the objectives of this Act.

Under Section 59/6, the Board shall have the power to prescribe a regulation on disbursement procedures in accordance with the objectives in paragraph one.

**Section 59/2**<sup>59</sup> The Fund under Section 59/1 consists of assets as follows:

(1) Asset forwarded to the Fund under Section 51;

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<sup>57</sup> Chapter VI/1 Anti-Money Laundering Fund, Section 59/1 – 59/7 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>58</sup> Section 59/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>59</sup> Section 59/2 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

- (2) Asset retained but not claimed under Section 49 and Section 51/1;
- (3) Asset that was donated;
- (4) Asset received from Thai or foreign Government agencies;
- (5) Interest accrued from asset under (1), (2), (3) and (4)

**Section 59/3**<sup>60</sup>The Fund under Section 59/2 shall be vested in the Office without having to be transferred to the State treasury.

**Section 59/4**<sup>61</sup> Receiving, spending, and retention of the Fund and retention of assets shall be in accordance with the regulation prescribed by the Board with the consent of the Ministry of Finance.

**Section 59/5**<sup>62</sup>The mandate in administration, management, utilization, disposal of asset and other matters related to the Fund's operation shall be in accordance with the regulation prescribed by the Board with the consent of the Ministry of Finance.

**Section 59/6**<sup>63</sup> Expenditure or any other remuneration payable to other agencies, other persons, competent officials, public officials or other officials performing duty, assisting or supporting the performance of duty to ensure efficient and effective execution under this Act shall be disbursed from the Fund in accordance with the regulation prescribed by the Board with the consent of the Ministry of Finance.

**Section 59/7**<sup>64</sup> Within six months from the end of each fiscal year, the Secretary-General shall present a balance sheet and a report on expenditure of the Fund for the previous year, which were examined and endorsed by the Office of the Auditor-General, to the Board and the Minister.

## CHAPTER VII

### Penalties

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**Section 60** Any person who commits an offense of money laundering shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand Baht to two hundred thousand Baht or both.

**Section 61** Any juristic person who commits offenses under Section 5, Section 7, Section 8 or Section 9 shall be liable to a fine of two hundred thousand Baht to one million Baht.

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<sup>60</sup> Section 59/3 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>61</sup> Section 59/4 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>62</sup> Section 59/5 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>63</sup> Section 59/6 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>64</sup> Section 59/7 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

Any director, manager or person responsible for the conduct of business of the juristic person under paragraph one who commits the offense shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand Baht to two hundred thousand Baht or to both unless that person can prove that he or she takes no part in the commission of the offense of such juristic person.

**Section 61/1**<sup>65</sup> The Prime Minister, a Minister or a person holding political positions who instructs or orders the Transaction Committee, Secretary-General, Deputy Secretary-General or a competent official to examine transactions or assets or to restrain transactions, seize or restrain or act under this Act without sufficient evidence for the purpose of persecution or cause damage to anyone or for political reason or doing so *mala fide* shall receive three to thirty years imprisonment or a fine from sixty-thousand to six hundred thousand Baht or both.

A Transaction Committee member, the Secretary-General, Deputy Secretary-General or competent official who follows the instruction or the order under paragraph one unlawfully under this Act shall receive three to thirty years imprisonment or a fine from sixty-thousand to six hundred thousand Baht or both.

**Section 62**<sup>66</sup> Any person who violates or refuses to act under Section 13, Section 14, Section 16, Section 20, Section 20/1, Section 21, Section 22, Section 22/1, Section 35 or Section 36 shall receive a fine not exceeding five hundred thousand Baht and an additional amount not exceeding five thousand Baht for each following day that the violation was not corrected or until the action was carried out correctly.

**Section 63** Any person who reports or makes a notification under Section 13, Section 14, Section 16 or Section 21 paragraph two 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 64** Any person who fails to give statements or to furnish written explanations, accounts, documents or evidence under Section 38 (1) or (2) or causes obstruction or fails to render assistance to the acts under Section 38 (3) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or both.

Any person who does any act to enable other persons to have knowledge of the information retained under Section 38 paragraph four, except in the case of doing such act in

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<sup>65</sup> Section 61/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>66</sup> Section 62 amended in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

the performance of official duties or in accordance with the law, shall be liable to the penalty specified in paragraph one.

**Section 64/1**<sup>67</sup> As for offenses under Section 62, Section 63 and Section 64, a settling committee appointed by the Board shall have the power to determine fines.

The settling committee shall consist of five members; the Secretary-General as chairman, two representatives from government agencies concerned, one enquiry officer under the Criminal Procedural Code, and official of the Office assigned by the Secretary-General as a committee member and secretary.

The Secretary-General shall appoint no more than two other officials as assistant secretaries.

When the settling committee determines the fine and the accused pays the fine in full and within the period of time set by the committee, the case shall be deemed settled under the Criminal Procedural Code.

**Section 64/2**<sup>68</sup> For offenses for which fines could be determined under Section 62, if no charges are brought to the court or no fine determined under Section 64/1 within two years of the date on which the competent officer found the commission of the offense and reported the matter to the Secretary-General or within five years of the date of the commission of the offense, the term of prescription shall expire.

**Section 65** Any person who moves, damages, destroys, conceals, takes away, renders lost or useless documents, records, information or asset which is seized or attached by the official or which is known or ought to be known to him as subsequently being vested in the State under this Act shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or both.

**Section 66** Any person who, know 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, is liable to an imprisonment of not exceeding five years or to a fine not exceeding one hundred thousand Baht or both.

Countersigned by:

Chuan Leekpai

Prime Minister

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<sup>67</sup> Section 64/1 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>68</sup> Section 64/2 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)