

Ministerial Regulation

No. 5 (2000)

Issued under the provisions of the Anti-Money Laundering Act, 1999

By virtue of the provisions of Section 4 and Section 18 of the Anti-Money Laundering Act, 1999, being the Act containing some provisions restricting the rights and liberties of an individual, as prescribed by Section 29 in conjunction with Section 35, Section 37, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, to be executable by virtue of the provisions of the law, the Prime Minister hereby issues the ministerial regulation as follows:

Article 1 The transactions being exempted from filing report to the Office under Section 13, Section 15 and Section 16 of the Anti-Money Laundering Act, 1999, are as follows:

(1) The transactions to which the King, the Queen, the Heir Apparent or members of the royal family from the rank of royal prince/princess up to crown prince/princess is a party;

(2) The transactions to which the government, central administration, provincial administration, local administration, state enterprises, public organizations or other state agencies are the parties;

(3) The transactions to which the following foundations is a party:

(a) Chaipattana Foundation;

(b) H. M. the Queen's Foundation for the Promotion of Supplementary Occupations and Related Techniques;

(c) Sai Jai Thai Foundation.

(4) The transactions concerning movable property being conducted with financial institutions except:

(a)¹ A transaction that is conducted through a wire transfer;

(b) A transaction concerning the property being a ship, a ship having tonnage from six tons or above, a steam ship or a motor boat having tonnage from five tons or above, including a raft;

¹ Article 1 (4) (a) amended by Ministerial No. 13 (2011), issued under the Anti-Money Laundering Act, 1999

(c) A transaction concerning the property being a vehicle, instrument, or any other mechanical equipment.

(d)² A transaction concerning digital assets

(5) The conclusion of a non-life insurance contract except for the payment of compensation under a non-life insurance contract with expected claim from ten million baht or above:

(6)³ The registration of rights and juristic acts as a result of adverse possession under Section 1382 or Section 1401 of the Civil and Commercial Code:

(7)⁴ A transactions concerning services as follows:

(a) Bill payment in a value under seven hundred thousand baht.

(b) Settlement in a credit card network.

(c) Settlement in an EDC network.

(d) Switching service

(e) Clearing service

(f) Settlement service

(g) Clearing of a cheque, a draft, a money order, a promissory note, and other monetary instruments.

(8)⁵ transactions conducted via an ATM or CDM

(9)⁶ A money transfer or electronic payment transaction of a domestic financial institution as follows:

(a) a money transfer or electronic payment transaction within a financial institution or between financial institutions.

(b) a money transfer or electronic payment within a financial institution only where it is conducted for the benefit of single customer.

Transactions exempted under (2) (3) (4) (5) (6) (7) (8) and (9) are not exempted from suspicious transaction reporting.⁷

² Article 1 (4) (d) added by Ministerial No. 16 (2019), issued under the Anti-Money Laundering Act, 1999

³ Article 1 (6) amended by Ministerial No. 16 (2019), issued under the Anti-Money Laundering Act, 1999

⁴ Article 1 (7) added by Ministerial No. 13 (2011), issued under the Anti-Money Laundering Act, 1999

⁵ Article 1 (8) amended by Ministerial No. 16 (2019), issued under the Anti-Money Laundering Act, 1999

⁶ Article 1 (9) amended by Ministerial No. 16 (2019), issued under the Anti-Money Laundering Act, 1999

⁷ Article 1 paragraph two added by Ministerial No. 16 (2019), issued under the Anti-Money Laundering Act, 1999

Article 1/1⁸ A money transfer or electronics payment transaction reported by a financial institution under Section 13 paragraph one (1) or (2), is not required for additional filing under Section 16 (9).

Article 2 This Ministerial Regulation shall come into force after a lapse of thirty days from the date of its publication in the Government Gazette.

Given on 11th day of September 2000.

Signature

(Mr. Chuan Leekpai)

Prime Minister

Rationale: Whereas Section 18 of the Anti-Money Laundering Act, 1999, provides that any transactions deemed expedient by the minister to be exempted from filing report under Section 13, Section 15 and Section 16 shall be in accordance with the stipulation in the ministerial regulation, it is expedient to prescribe the said transactions exempted from filing report. It is thus necessary to issue this Ministerial Regulation.

⁸ Article 1/1 added by Ministerial No. 13 (2011), issued under the Anti-Money Laundering Act, 1999