

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

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BHUMIBOL ADULYADEJ, REX;  
Given on the 10th Day of April B.E. 2542;  
Being the 54th 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 offence<sup>2</sup>

(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;

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

<sup>2</sup>The following offense is predicate offense under the Anti-Money Laundering Act B.E. 2542 (1999)

1) offense under Section 53 of the Organic Act on the Election of Members of the House of Representatives and Acquisition of Senators, B.E. 2550 (2007)

2) offense of involvement in transnational organized crimes under Section 22 of the Prevention and Suppression of Participation in Transnational Organized Crime Act, B.E. 2556 (2013)

3) offense of terrorist financing under Section 25 Paragraph One of the Counter-Terrorism and Proliferation of Weapons of Mass Destruction Financing Act, B.E. 2559 (2016)

4) offense of proliferation of weapons of mass destruction financing under Section 25 Paragraph Two of the Counter-Terrorism and Proliferation of Weapons of Mass Destruction Financing Act, B.E. 2559 (2016)

5) offense relating to tax avoidance or fraud under Section 37 Ter of the Revenue Code

(2)<sup>3</sup> 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;

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

(4)<sup>4</sup> 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;

(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>5</sup> relating to terrorism under the Penal Code;

(9)<sup>6</sup> 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;

(10)<sup>7</sup> offense relating to being a racketeering group under the Penal Code or participating in an organized criminal group which constitutes an offense under relevant laws;

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<sup>3</sup>Section 3 definition of “predicate offense” (2) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>4</sup>Section 3 definition of “predicate offense” (4) amended in accordance with the Anti-Money Laundering Act (No.5) B.E.2558 (2015)

<sup>5</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>6</sup>Section 3 definition of “predicate offense” (9) amended in accordance with the Anti-Money Laundering Act (No.5) B.E.2558 (2015)

<sup>7</sup>Section 3 definition of “predicate offense” (10) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

(11)<sup>8</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>9</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>10</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;

(14)<sup>11</sup> offense 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>12</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>13</sup> offence relating to murder or grievous bodily injury under the Penal Code which leads to the acquisition of assets;

(17)<sup>14</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>15</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>16</sup> offence relating to piracy under the anti-piracy law;

(20)<sup>17</sup> offence relating to unfair securities trading practice under the law on securities and exchange or offense relating to unfair futures trading under the law on futures

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<sup>8</sup>Section 3 definition of “predicate offense” (11) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>9</sup>Section 3 definition of “predicate offense” (12) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>10</sup>Section 3 definition of “predicate offense” (13) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>11</sup>Section 3 definition of “predicate offense” (14) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>12</sup>Section 3 definition of “predicate offense” (15) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>13</sup>Section 3 definition of “predicate offense” (16) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>14</sup>Section 3 definition of “predicate offense” (17) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>15</sup>Section 3 definition of “predicate offense” (18) added in accordance with the Anti-Money Laundering Act (No.4) B.E.2556 (2013)

<sup>16</sup>Section 3 definition of “predicate offense” (19) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>17</sup>Section 3 definition of “predicate offense” (20) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

contracts or offense 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)<sup>18</sup> 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.”

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>19</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>20</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, 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>21</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 and abetting the commission of a predicate offense or money laundering offence;

(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.

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<sup>18</sup>Section 3 definition of “predicate offense” (21) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>19</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>20</sup>Section 3 definition of “Suspicious transaction” amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>21</sup>Section 3 definition of “asset connected with the commission of an offense” (1) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

“Financial institution” means:

(1)<sup>22</sup> a commercial bank, finance company and credit foncier company under the law on financial businesses and special financial institution established by law;

(2)<sup>23</sup> a securities company under the law on securities and exchange;

(3)<sup>24</sup> (revoked)

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

(5)<sup>25</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.

“Fund”<sup>26</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.

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<sup>22</sup> Section 3 definition of “financial institution” (1) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>23</sup> Section 3 definition of “financial institution” (2) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>24</sup> Section 3 definition of “financial institution” (3) revoked in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>25</sup> Section 3 definition of “financial institution” (5) amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>26</sup> Section 3 definition of “fund” added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

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;

(3)<sup>27</sup> 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;

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:

(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*.

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<sup>27</sup> Section 5 (3) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

**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 in any way 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>28</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

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<sup>28</sup> Section 10 Paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

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 committee member, sub-committee member, Transaction Committee member, Secretary-General, Deputy Secretary-General or competent official under this Act who commits an offense in 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>29</sup>

**Section 12** In the execution of this Act, a member, member of a subcommittee, 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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**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

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<sup>29</sup>Section 11 Paragraph two amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)



(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**<sup>30</sup> 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 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 15/1**<sup>31</sup> 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 16**<sup>32</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),

<sup>30</sup> Section 14 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>31</sup> Section 15/1 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>32</sup>Section 16 paragraph one amended in accordance with the Anti-Money Laundering Act (No. 3) B.E. 2552 (2009)

(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) 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.

(10)<sup>33</sup> 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.

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.

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<sup>33</sup> Section 16 (10) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

Provision under Section 14 shall apply *mutatis mutandis* to reporting entities under paragraph one, except where such reporting entity committed money laundering offense.<sup>34</sup>

**Section 16/1**<sup>35</sup> 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 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 therefore.

**Section 20**<sup>36</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>37</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.

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<sup>34</sup> Section 16 paragraph three added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>35</sup> Section 16/1 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>36</sup>Section 20 paragraph one amended in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

<sup>37</sup>Section 20/1 added in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

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.

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.<sup>38</sup>

**Section 21<sup>39</sup>** 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 21/1<sup>40</sup>** 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<sup>41</sup>** 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.

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<sup>38</sup>Section 20/1 paragraph three added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>39</sup>Section 21 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>40</sup>Section 21/1 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>41</sup>Section 21/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

**Section 21/3**<sup>42</sup> 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 22**<sup>43</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>44</sup>

**Section 22/1**<sup>45</sup> 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 23** The provisions of this Chapter shall not apply to the Bank of Thailand under the law on Bank of Thailand.

<sup>42</sup> Section 21/3 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>43</sup>Section 22 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>44</sup>Section 22 paragraph two added in accordance with the Anti-Money Laundering Act (No.3) B.E. 2552 (2009)

<sup>45</sup>Section 22/1 amended in accordance with the Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)

**CHAPTER III**  
**Anti-Money Laundering Board**

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**Section 24**<sup>46</sup> There shall be an Anti-Money Laundering Board, referred in short as “AMLB”, consisting of:

- (1) Four qualified experts appointed by the Cabinet 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, Secretary-General of National Anti-Corruption Commission as members;
- (3) The Secretary-General of the Anti-Money Laundering Board as a member and the secretary of the Board;

The fourteen Board members shall select members, one as the chairman and one as the vice-chairman. The chairman shall be selected by the vote of not less than two-third of the total number of all members.

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. The delegated person shall be a board member under (2) instead of the delegating person.

**Section 24/1**<sup>47</sup> (revoked)

**Section 24/2**<sup>48</sup> 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,

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<sup>46</sup>Section 24 amended in accordance with order of head of the National Council for Peace and Order, No. 38/2560, Re: Amendment of members and power and duty of Anti-Money Laundering Board

<sup>47</sup>Section 24/1 revoked in accordance with order of head of the National Council for Peace and Order, No. 38/2560, Re: Amendment of members and power and duty of Anti-Money Laundering Board

<sup>48</sup>Section 24/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

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 25<sup>49</sup>** 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;

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<sup>49</sup>Section 25 amended in accordance with the Anti-Money Launder Act (No.5) B.E. 2558 (2015)

(3)<sup>50</sup> 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, in accordance with rules prescribed by the Board;

Rules under paragraph one shall be endorsed by the Board with the vote of two-third of existing members. The rules shall be published in the Government Gazette before coming into force.

In the absence of rules under rules under paragraph one, the Board shall proceed as it deems appropriate.

(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 26** A qualified member appointed by the Cabinet 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 Cabinet vacates office upon:

- (1) death;
- (2) resignation;

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<sup>50</sup>Section 25 (3) amended in accordance with order of head of the National Council for Peace and Order, No. 38/2560, Re: Amendment of members and power and duty of Anti-Money Laundering Board



(3)<sup>51</sup> being disqualified or having prohibition attributes under Section 24/2 or being removed by the Cabinet;

(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**<sup>52</sup> 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 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 Cabinet.

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<sup>51</sup>Section 27 (3) amended in accordance with order of head of the National Council for Peace and Order, No. 38/2560, Re: Amendment of members and power and duty of Anti-Money Laundering Board

<sup>52</sup>Section 29 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

**CHAPTER IV**  
**Transaction Committee**

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**Section 32**<sup>53</sup> 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 32/1**<sup>54</sup> 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**<sup>55</sup> 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).

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<sup>53</sup>Section 32 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>54</sup>Section 32/1 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>55</sup>Section 32/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

**Section 32/3**<sup>56</sup> 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 33** Section 29 shall apply *mutatis mutandis* to a meeting of the Transaction Committee.

**Section 34**<sup>57</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)<sup>58</sup> to submit to the Board a report on the result of the implementation of this Act;

(5)<sup>59</sup> to oversee, supervise and control the work of the Office and the Secretary-General so that it shall be conducted independently and scrutinizably;

(5/1)<sup>60</sup> 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.

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

**Section 35**<sup>61</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 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.

<sup>56</sup>Section 32/3 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>57</sup>Section 34 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>58</sup>Section 34 (4) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>59</sup>Section 34 (5) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>60</sup>Section 34 (5/1) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>61</sup>Section 35 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

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>62</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>63</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>64</sup>** 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, 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 37/1<sup>65</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 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

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<sup>62</sup>Section 36 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>63</sup>Section 36/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>64</sup>Section 37 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>65</sup>Section 37/1 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

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.<sup>66</sup>

In case of harm to life, body parts, health, reputation, property, or personal right of person under paragraph one or husband, wife, parents, descendants or other persons who have close relationship with such person resulted from intentional commission of criminal offence by action or giving statement or clue or information to competent official, such person has a right to file a petition to responsible authorities for necessary and appropriate compensation under law on witness protection.

The office may provide compensation or other benefit to the person under paragraph one in accordance with rules 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 freezing 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.

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<sup>66</sup>Section 37/1 paragraph one amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

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>67</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.

**Section 38/2**<sup>68</sup> 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 39** A member of the Transaction Committee shall receive such remuneration as prescribed by the Cabinet.

**Section 39/1**<sup>69</sup> (Revoked)

**Section 39/2**<sup>70</sup> (Revoked)

## CHAPTER V

### Anti-Money Laundering Office

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**Section 40**<sup>71</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;
- (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;

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<sup>67</sup>Section 38/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>68</sup> Section 38/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>69</sup>Section 39/1 revoked in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>70</sup>Section 39/2 revoked in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>71</sup>Section 40 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

(3)<sup>72</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>73</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;

(3/2)<sup>74</sup> 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)<sup>75</sup> 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)<sup>76</sup> 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)<sup>77</sup> to promote people's cooperation in giving information for anti-money laundering and combating the financing of terrorism;

(4)<sup>78</sup> 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;

(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.

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<sup>72</sup>Section 40 (3) amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>73</sup>Section 40 (3/1) added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>74</sup>Section 40 (3/2) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>75</sup>Section 40 (3/3) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>76</sup>Section 40 (3/4) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>77</sup>Section 40 (3/5) added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>78</sup>Section 40 (4) amended in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

**Section 41**<sup>79</sup> 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 42**<sup>80</sup> 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 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)<sup>81</sup> 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;

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

(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** 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.<sup>82</sup>

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

<sup>79</sup>Section 41 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>80</sup>Section 42 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>81</sup> Section 43 (2) amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>82</sup>Section 44 paragraph one replaced in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)



justice process. This shall be in accordance with the ordinance issued by the Board, with the consent of the Ministry of Finance.<sup>83</sup>

**Section 45**<sup>84</sup> 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 45/1**<sup>85</sup> 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 46**<sup>86</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**<sup>87</sup> 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

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<sup>83</sup>Section 44 paragraph three added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>84</sup>Section 45 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>85</sup>Section 45/1 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>86</sup>Section 46 paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>87</sup>Section 46/1 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

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 46/2<sup>88</sup>** 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 47** The Office shall prepare an annual report on the result of its work performance for submission to the Cabinet. 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;
- (3) a report on facts or remarks with regard to the discharge of functions as well as opinions and suggestions.

The Cabinet 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

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<sup>88</sup>Section 46/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

Transaction Committee shall have the power to order a provisional seizure or freezing of such asset for the duration of not more than ninety days.

In case of compelling necessity or urgency, the Secretary-General shall order seizure or freezing 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 frozen 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 freezing 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 seizure or freezing 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 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.<sup>89</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 therein. The notice shall be sent by registered post with advice of receipt to such person's latest address as shown in the evidence.

**Section 49/1<sup>90</sup>** In the case where there is the fact that there is a damaged person caused by a predicate offence, Secretary-General shall gather the fact about the damaged persons and damages caused and submit to public prosecutors for filing a petition to the Court requesting for returning or compensating not exceeding the value of damages not returned or compensated, to the damaged person from the assets connected with the commission of an offence, prior to the Court's issuance of an order under Section 51. Upon the Court's order to return or compensate the damaged person, the Office shall proceed in accordance with the order without delay and Section 49 Paragraph Two, Three and Four shall apply *mutatis mutandis*. For benefit of fact gathering, the Office shall publish in the Government Gazette informing the

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<sup>89</sup>Section 49 paragraph four amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>90</sup>Section 49/1 added in accordance with the Anti-Money Laundering Act (No.6) B.E. 2565 (2022)

damaged persons to file a petition together with the evidence showing the detail of the damages within 90 days (ninety days) from the date of publication in the Government Gazette.

If the damaged persons caused by the predicate offence injures the life, body, mind, freedom, property, or reputation, Paragraph one shall be applied to return or repay to the damaged persons.

The damaged persons caused by the predicate offence under this Section shall be a person who was directly damaged by a commission of a predicate offence and should not be involved in the commission of such offence.

The extent of compensation shall be determined by the Court, appropriately to the action and the severity of the case. The Court's order under Paragraph One or Paragraph Two does not deprive the damaged persons of his right to file a petition for compensation from the offender.

The fact gathering about the damaged person and the damage, the petition and the filing of petition, and storage and management of asset, for returning or compensating the damaged persons under Paragraph One and Paragraph Two shall be in accordance with duration, rules, procedures, and condition prescribed in Ministerial Regulation.

**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.<sup>91</sup>

**Section 51**<sup>92</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

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<sup>91</sup>Section 50 paragraph two amended in accordance with the Anti-Money Laundering Act (No.6) B.E. 2565 (2022)

<sup>92</sup>Section 51 amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

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 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.<sup>93</sup>

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.

**Section 51/1**<sup>94</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 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.<sup>95</sup>

**Section 52**<sup>96</sup> In the case where the Court deemed that the assets referred to in the petition were the assets connected with the commission of an offence, and the Court had inquired the person claiming to be the stakeholder and found that the petition submitted under Section 50 was probable, the Court shall give an order to protect the right of the stakeholder before ordering that the assets be returned or reimbursed or compensated to the damaged persons in accordance with Section 49/1 or the assets be vested in the State under Section 51 with or without any conditions.

For the purpose of this Section, if the person claiming to be the stakeholder under Section 50 paragraph two is the person who is or had, in the past, been associated with an

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<sup>93</sup>Section 51 paragraph two amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>94</sup>Section 51/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>95</sup>Section 51/1 paragraph two amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>96</sup>Section 52 amended in accordance with the Anti-Money Laundering Act (No.6) B.E. 2565 (2022)

offender of a predicate offense or an offense of money laundering, it shall be presumed that such stake is the stake that existed or acquired in bad faith.

**Section 52/1**<sup>97</sup> Where the fact found by the Court or appeared in the petition submitted by the public prosecutors that the assets that were requested to be vested in the State under Section 49 or be returned or reimburse or compensated to the damaged persons under Section 49/1 that they were comingle with other assets that were not connected with the commission of an offence and cannot be separated, or the separation will damaged or devalued the assets, and when the Court ordered to return or reimburse or compensate to the damaged persons under Section 49/1, or ordered the asset to be vested in the State under Section 51, the Court shall have the power to order the Office that the comingled asset be auctioned and the proceeds of the auction be returned to the owners or stakeholders of the assets and be compensated to damaged persons or vested in the State proportionately to the value of the comingled assets. Rules prescribed by the Board under Section 57 Paragraph Three shall apply to the auction *mutatis mutandis*.

In the case where the owner or stakeholder of assets under Paragraph One filed a petition to the Court before the auction and lay down the money in amount prescribed by the Court, considering the market price at the time the owner or stakeholder filing the petition and the proportion of value of the assets connected with the commission of the offense that was comingled in the assets to the Office within the duration prescribed by the Court, the Court shall order to cease the auction and the said money shall be compensated to damaged persons or vested in the State instead of the assets connected with the commission of an offence and such assets shall be returned to the owners or stakeholders.

**Section 53**<sup>98</sup> 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 stakeholder 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 stakeholder. 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.

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<sup>97</sup>Section 52/1 added in accordance with the Anti-Money Laundering Act (No.6) B.E. 2565 (2022)

<sup>98</sup>Section 53 amended in accordance with the Anti-Money Laundering Act (No.6) B.E. 2565 (2022)

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.

**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 freezing 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 freezing any asset under Section 48, the competent official entrusted shall carry out the seizure or freezing of the asset in accordance with the order and report it together with the valuation of that asset without delay.

The seizure or freezing of the asset and the valuation thereof shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The provisions of the Civil Procedure Code shall apply *mutatis mutandis*.

**Section 57<sup>99</sup>** The retention and management of the asset seized or frozen 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.

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<sup>99</sup>Section 57 paragraph one amended in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)



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 thereof shall be made by reference to the price valued on the date of its seizure or freezing 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.

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.<sup>100</sup>

**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/I

### Anti-Money Laundering Fund<sup>101</sup>

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<sup>100</sup>Section 58 paragraph two added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>101</sup>Chapter VI/I Anti-Money Laundering Fund, Section 59/1 – 59/7 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

**Section 59/1**<sup>102</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>103</sup> The Fund under Section 59/1 consists of assets as follows:

- (1) Asset forwarded to the Fund under Section 51;
- (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>104</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>105</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>106</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>107</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.

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<sup>102</sup> Section 59/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>103</sup> Section 59/2 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>104</sup> Section 59/3 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>105</sup> Section 59/4 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>106</sup> Section 59/5 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>107</sup> Section 59/6 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

**Section 59/7**<sup>108</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**<sup>109</sup> 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.

In the case where the commission of an offense under paragraph one of juristic person is a result of the order or the conduct of a director, a manager or a person responsible for the operation of the juristic person or where the said person have the duty to order or conduct a business activity but not order or conduct the business activity and resulted in the commission of an offense of such juristic person, such person 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 61/1**<sup>110</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

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<sup>108</sup> Section 59/7 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

<sup>109</sup>Section 61 amended by the Act Amending the Law on Criminal Liability of Representatives of Juristic Persons B.E. 2560 (2017)

<sup>110</sup>Section 61/1 added in accordance with the Anti-Money Laundering Act (No.2) B.E. 2551 (2008)

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 61/2**<sup>111</sup> 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 62**<sup>112</sup> 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 63**<sup>113</sup> 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 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 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>114</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.

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<sup>111</sup>Section 61/2 added in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>112</sup>Section 62 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>113</sup>Section 63 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)

<sup>114</sup>Section 64/1 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

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>115</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 frozen 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**<sup>116</sup> 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;

It shall be 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>115</sup>Section 64/2 added in accordance with the Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

<sup>116</sup>Section 66 amended in accordance with the Anti-Money Laundering Act (No.5) B.E. 2558 (2015)