

**Prime Minister Office Regulation
on the Coordination in Compliance with
the Anti-Money Laundering Act, 1999,
2001**

Whereas Section 34, Section 35, Section 36, Section 38, Section 40, Section 46, Section 47, Section 48, Section 49, Section 51, Section 55, Section 56, Section 57, Section 58 and Section 59 of the Anti Money Laundering Act, 1999, have the provisions regarding the authority of the Transaction Committee, the Secretary-General and the Anti-Money Laundering Office in the manner having to coordinate with relevant authorities, agencies and persons in order for the operations to be in compliance with the above-mentioned law.

By virtue of the provisions of Section 4 of the Anti-Money Laundering Act, 1999, being an Act having certain provisions concerning the restriction of personal rights and liberties whereas Section 29, in combination with Section 35, Section 37, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, provides that such restriction may be imposed by virtue of the provisions of the law, the Prime Minister hereby issues the regulation as follows:

Clause 1. This regulation shall be called the “Prime Minister Office Regulation on the Coordination in Compliance with the Anti- Money Laundering Act, 1999, 2001”

Clause 2. In this regulation:

“Investigation” means an investigation under the Criminal Procedure Code.

“Inquiry” means an inquiry under the Criminal Procedure Code or under other law, including also seeking the facts related to an offense against the law governing anti-money laundering.

“Board” means the Anti-Money Laundering Board under the law governing anti- money laundering.

“Case” means a case of predicate offense or money-laundering offense or action related to property under the law governing anti-money laundering.

“Predicate offense” means a predicate offense under the law governing anti- money laundering.

“Money-laundering offense” means an offense on grounds of money laundering under the law governing anti- money laundering.

“Offense-related property” means a property related to an offense under the law governing anti- money laundering.

“Competent official” means a competent official under the law governing anti-money laundering.

“Administration or police officer” means an administration or police officer under the Criminal Procedure Code.

“Inquiry officer” means an inquiry officer under the Criminal Procedure Code, including also other government officer being duty bound to conduct an inquiry under other law.

“Inquiry observation” means an observation of the inquiry from the moment an enquiry officer beginning to make the inquiry until its completion, including also the additional inquiry.

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

“Office” means the Anti-Money Laundering Office (AMLO).

Clause 3. The authorities or agencies bound to comply herewith shall be authorized to issue regulations, notifications or directives for compliance herewith or as far as they shall not be contradictory hereto.

Clause 4. In case of grievance or allegation or arrest for proceedings under the predicate offense, the inquiry officer of the local or agency, having the authority to make inquiry into the said offense, shall undertake the investigation and inquiry whether or not there is or there exist a reasonable belief that there is also a money-laundering offense under the law governing anti-money laundering. Should there be a money-laundering offense on one or another ground, the inquiry officer shall also undertake the investigation and inquiry into such ground of offense and then the chief inquiry officer of such local or agency shall rush its report to the Office by using the form attached hereto.

In the event that the inquiry officer of any local or agency has already undertaken the investigation and inquiry into one or another ground of money-laundering offense, the compliance with paragraph one shall be assumed *mutatis mutandis*.

Apart from the report under paragraph one or paragraph two, upon any reasons and necessities in compliance with the law governing money laundering, the Office may request the chief inquiry officer of the local or agency, having the authority to make inquiry, to notify or report additional facts within a specified period of time.

The type of case to be reported under paragraph one shall be in accordance with the agreement entered under Clause 16 hereof.

Clause 5. For the case of predicate offense or money-laundering offense reported to the Office under Clause 4, should the Secretary-General deem it expedient, the Secretary-General may request an inquiry observation by oneself or may assign a competent official to observe the inquiry.

When the Secretary-General deems it expedient to observe the inquiry under paragraph one, a written prior request to observe the inquiry shall be made to the chief inquiry officer of the local or agency, having the authority to make the inquiry, and the notified chief inquiry officer of the local or agency shall promptly send out a written notice giving the schedule, time and place of the inquiry to the Secretary-General or the competent official assigned by the Secretary-General in advance prior to each inquiry with sufficient time for travel except in emergency case when the notice may be made by phone or other means of communication.

In the event of the Secretary-General or the competent official assigned by the Secretary-General being unable to observe the inquiry as requested, the inquiry officer shall make note in the inquiry record and then proceed with the inquiry.

Clause 6. If the Secretary-General or the competent official assigned by the Secretary-General to observe the inquiry deems any facts material to the case, the inquiry official may be requested to ask questions on such issues. If the inquiry officer disagrees therewith, the Secretary-General or the competent official assigned by the Secretary-General to observe the inquiry shall make note of the opinions and causes to be included in the inquiry record for further consideration by the public prosecutor.

Clause 7. For the case without the inquiry observation under Clause 5 but requiring a report under Clause 4, should the Secretary-General deem it expedient, the chief inquiry officer of the local or agency, having the authority to make the inquiry, may be requested to submit a copy of the inquiry report of such case to the Office within a specified period of time.

Clause 8. Upon the Transaction Committee or Secretary-General having issued a directive under Section 35, Section 36 or Section 48 of the Anti-Money Laundering Act, 1999, the chief inquiry officer of the local or agency, having the authority to make the inquiry into the case of predicate offense or money-laundering offense, shall promptly submit a copy of the inquiry record to the Office.

Clause 9. The Secretary-General or the competent official assigned by the Secretary-General may request an inquiry officer of the local or agency, having the authority to make the inquiry, to undertake the investigation and inquiry into a money-laundering offense case.

For the undertakings under paragraph one, the Secretary-General or the competent official assigned by the Secretary-General may request to make an enquiry or inspection at the agency involved in the case or to interrogate the alleged offender or imprisoned person in the place of confinement or penitentiary by requesting the chief of such place in advance.

Clause 10. For the benefits in performing duties under Section 38 (3) of the Anti-Money Laundering Act, 1999, upon the administration or police officer or relevant agency being requested by the Secretary-General or the competent official assigned by the Secretary-General to jointly enter any dwellings, places or vehicles under reasonable suspicion of hiding or keeping property related to an offense or evidence related to a money-laundering offense or related to undertakings connected with property in order to search, track, check, seize or attach any property or evidence, the administration or police officer or relevant agency shall render cooperation by sending officers or personnel to assist the competent official as requested.

Should it be necessary or urgent for the undertakings under paragraph one, the Secretary-General or the competent official assigned by the Secretary-General may take actions in the meantime and promptly notify the administration or police officer or relevant agency at the earliest occasion. In this regard, the notice may be made verbally or in writing depending on the circumstances and necessities whereas the Secretary-General or such competent official shall make note of the reasons as evidence.

In the event of the administration or police officer or officer of the relevant agency being unable to render the cooperation, the Secretary-General or such

competent official assigned by the Secretary-General shall make note of the reasons as evidence.

Clause 11. In case of the court granting permission at the request of the competent official assigned by the Secretary-General for access to any customer account of financial institution, means or accessory for communication or computer being utilized for an offense, the persons connected with the account, communication data or computer data shall render the cooperation or facilities or send personnel to assist the competent official as permitted by the court.

For the undertakings under paragraph one, the relevant persons shall render the cooperation immediately at the request of the competent official together with a copy of the court order. If they are unable to render the cooperation, the competent official shall make note of the reasons for not rendering such cooperation as evidence.

Clause 12. Upon the authority, state organization or agency or state enterprise being requested in writing by the Office or the competent official assigned by the Secretary-General to keep safe the property related to an offense, it shall be in compliance with the regulation of the Anti-Money Laundering Board on the storage and management of the seized or attached property. For the said storage of property, an evidence of submission and acceptance of such property shall be made in duplicate and the property storage party and the competent official assigned by the Secretary-General shall hold one copy each.

Clause 13. Upon the competent official or officer or the persons assisting the said competent official or officer being alleged of committing criminal offense owing to performing duties under the law governing anti-money laundering, the inquiry officer shall make the investigation first. If the investigation under such allegation expressly indicates a non-criminal offense or neither criminal nor civil offense has been committed, the inquiry officer acknowledging the complaint shall file the daily report on the case as evidence. If the investigation implies a criminal offense or a criminal offense has been committed, the inquiry officer shall accept such complaint or allegation for further official inquiry.

Subject to the provisions of paragraph one, upon the inquiry officer accepting the complaint or allegation or having to take the alleged person into custody for proceedings, the Secretary-General or the Office's civil servant assigned by the

Secretary-General in writing may request a bail for the said alleged person without securities.

The bail for the alleged person or defendant at the public prosecutor level or court level shall be implemented under the provisions of paragraph two *mutatis mutandis*.

Clause 14. For the benefits in improving the proceedings to achieve better efficiency, in a predicate offense case requested for information by the Office or a money-laundering offense or undertakings on property, upon the public prosecutor issuing an absolute non-prosecution order or the court issuing a final order not accepting the request of the public prosecutor for the offense-related property, in whole or part thereof, to be devolved on the state or for the property to be returned, the public prosecutor shall give notice of the non-prosecution order together with the reasons or the order or judgment of the court together with recommendations under the regulation of the Attorney-General Office to the Office for further submission to the Anti-Money Laundering Board.

In improving the proceedings to achieve better efficiency under paragraph one, the Office shall give notice of the acknowledgement and analysis results of the improvement as already approved by the Anti-Money Laundering Board to the Attorney-General Office and relevant agencies in the proceedings of predicate offenses or money-laundering offenses at least twice a year.

Clause 15. For the undertakings on the property connected with the offense under Section 58 of the Anti-Money Laundering Act, 1999, the Board-appointed coordination sub-committee shall consider stipulating the rules and procedures or guidelines for the undertakings on the property connected with the offense in order to enable the operations of relevant agencies to be more efficient.

Clause 16. In case of there being provisions herein or for the benefits in the compliance with the law governing anti-money laundering with better efficiency, the Secretary-General, authorities, state organizations or agencies or state enterprises may enter into joint agreements for the said operations. Such agreements shall come into force upon the approval of the Anti-Money Laundering Board.

Clause 17. The expenses for delivering and copying the inquiry record under Clause 8, the expenses for the property storage under Clause 12 and other applicable expenses for the operations of the Office or relevant agencies hereunder, including the expenses under paragraph five of Section 49 of the Anti-Money

Laundering Act, 1999, shall be requisitioned from the budget of the Office under the rules and rates specified by the Office under the approval of Ministry of Finance.

Clause 18. The Secretary-General shall take charge hereof and shall be authorized to issue regulations, notifications or directives for the operations in compliance herewith.

In the event that there are problems in respect of the operations in compliance herewith, the Secretary-General shall forward the problems to the Board for final decision-making and such decision-making shall be deemed an integral part hereof.

Announced this 15th day of February of 2001

Chuan Leekbhai

(Mr. Chuan Leekbhai)

Prime Minister

(Published in the Government Gazette, General Edition, Volume 118, Special Section
14 Ngor, dated February 16, 2001)