

(Translation)



**MINISTERIAL REGULATION
PRESCRIBING THE MINIMUM CAPITAL AND PERIOD FOR BRINGING OR REMITTING THE MINIMUM
CAPITAL INTO THAILAND,
B.E. 2545 (2002)***

By virtue of the provisions of section 14 and section 46 of the Foreign Business Act, B.E. 2542 (1999), which is the Act containing certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 35 and section 50 of the Constitution of the Kingdom of Thailand, so permits by virtue of provisions of law, the Minister of Commerce issues this Ministerial Regulation, as follows.

Clause 1. The minimum capital to be used by a foreigner for the commencement of the operation of a business in Thailand under section 14 paragraph one shall be at least two million Baht upwards.

Clause 2. The minimum capital to be used by a foreigner for the commencement of the operation of a business in Thailand under section 14 paragraph two shall be no less than twenty five percent of the average of the estimated annual expenditure on the operation of business for each business of such foreigner over the period of three years, provided that the minimum capital shall be at least three million Baht upwards for each business.

In the case where the period of the operation of business of such foreigner is less than three years, the calculation of the annual average shall be made by reference to such period of the operation of business, provided that the minimum capital shall be at least three million Baht upwards.

The estimated expenditure under paragraph one means the amount of money to be used in Thailand by a foreigner for the operation of business for the purposes of acquiring fixed assets and expending on business operation in each year.

* Translation by Dr. Pinai Nanakorn, Faculty of Law, Thammasat University, for the Department of Business Development, Ministry of Commerce

Clause 3. A foreigner who is a natural person or a juristic person not registered in Thailand must bring or remit foreign currencies that form the minimum capital into Thailand in conformity with the rules as prescribed in Clause 1 or Clause 2, as the case may be, within three years as from the date of the commencement of business operation under section 14 paragraph one or the date of the permission under section 14 paragraph two, on the provisos that within the first three months such foreign currencies must be brought or remitted in an amount of not less than twenty five percent of the minimum capital, that within one year the amount must meet fifty percent of the minimum capital and that the remainder shall be brought or remitted in an amount of not less than twenty five percent of the minimum capital in each year.

In the case where the period of the operation of business is less than three years, the minimum capital must be brought or remitted within six months as from the date of the commencement of business operation under section 14 paragraph one or the date of the permission under section 14 paragraph two.

Clause 4. A foreigner shall produce evidence of the bringing or remitting of the minimum capital into Thailand, with the amount being calculated into the Thai currency by reference to the exchange rate on the date of the bringing or remitting of the minimum capital into Thailand, provided that such evidence shall be submitted to the Department of Business Development within fifteen days as from the date of its bringing or remitting into Thailand.

Given on the 20th Day of October 2002.

Adisai Bhotaramik
Minister of Commerce

Note:- The reason for the promulgation of this Ministerial Regulation is as follows. Whereas section 14 of the Foreign Business Act, B.E. 2542 (1999) requires that a foreigner operating a business in Thailand have a minimum capital to be used for the commencement of the operation of business in an amount prescribed in the Ministerial Regulation and allows the prescription of the time within which the minimum capital must be brought or remitted into Thailand, it is therefore necessary to issue this Ministerial Regulation.