

(Translation)



**MINISTERIAL REGULATION
PRESCRIBING THE MINIMUM CAPITAL AND PERIOD FOR BRINGING OR REMITTING THE MINIMUM
CAPITAL INTO THAILAND (No. 2),
B.E. 2547 (2004)***

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 provisions of Clause 3 of the Ministerial Regulation Prescribing the Minimum Capital and Period for Bringing or Remitting the Minimum Capital into Thailand, B.E. 2545 (2002) shall be repealed and replaced by the following provisions:

“Clause 3. Subject to Clause 3/1, 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, foreign currencies that form 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.”

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Clause 2. There shall be added the following provisions as Clause 3/1 and Clause 3/2 of the Ministerial Regulation Prescribing the Minimum Capital and Period for Bringing or Remitting the Minimum Capital into Thailand, B.E. 2545 (2002):

“Clause 3/1. A foreigner under Clause 3 who operates a business in Thailand by virtue of a bilateral treaty to which Thailand becomes a party, being a treaty under which nationals of the other party are entitled to operate businesses and exempt from legal restrictions as a matter of reciprocity, 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 5 years as from the date of the entry into force of this Ministerial Regulation.

Clause 3/2. A foreigner, being a juristic person registered in Thailand, which operates a business in Thailand by virtue of a bilateral treaty to which Thailand becomes a party, being a treaty under which nationals of the other party are entitled to operate businesses and exempt from legal restrictions as a matter of reciprocity, shall, if it appears that such juristic person does not have the minimum capital in conformity with the rules as prescribed in Clause 1 or Clause 2, as the case may be, on the date of the commencement of business operation or the date of receipt of the certificate, bring or remit foreign currencies that form the minimum capital into Thailand in conformity with such rules within 5 years as from the date of the entry into force of this Ministerial Regulation.”

Clause 3. A foreigner who has operated a business in Thailand by virtue of a bilateral treaty to which Thailand becomes a party, being a treaty under which nationals of the other party are entitled to operate businesses and exempt from legal restrictions as a matter of reciprocity, prior to the date of the entry into force of this Ministerial Regulation but has not yet brought or remitted 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, must take action in conformity with such rules within 5 years as from the date of the entry into force of this Ministerial Regulation.

Given on the 14th Day of July 2004.

Wattana Muangsook
Minister of Commerce

Note:- The reason for the promulgation of this Ministerial Regulation is as follows. Thailand is obliged to perform obligations under bilateral treaties to which Thailand becomes a party, being treaties under which nationals of the other party are entitled to operate businesses and exempt from legal restrictions as a matter of reciprocity. Notwithstanding, the Ministerial Regulation Prescribing the Minimum Capital and Period for Bringing or Remitting the Minimum Capital into Thailand which is currently in force remains inconsistent with such obligations. It is therefore necessary to issue this Ministerial Regulation.