

**(Translation)**



**NOTIFICATION OF THE MINISTRY OF COMMERCE**  
**RE: PRESCRIBING FORMS AND PROCEDURES FOR APPLICATIONS FOR AND ISSUANCE OF SUBSTITUTES FOR FOREIGN BUSINESS OPERATION LICENCES OR CERTIFICATES SECTION 21, B.E. 2546 (2003) \***

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By virtue of the provisions of section 21 paragraph four 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 Notification, as follows.

**Clause 1.** This Notification is called the “Notification of the Ministry of Commerce Re: Prescribing Forms and Procedures for Applications for and Issuance of Substitutes for Foreign Business Operation Licences or Certificates under Section 21, B.E. 2546 (2003).”

**Clause 2.** This Notification shall come into force after thirty days as from the date of its publication in the Government Gazette. \*\*

**Clause 3.** A foreigner intending to be granted a substitute for a business operation licence or certificate shall submit an application to the Registrar in accordance with the Form Tor 8 attached hereto together with supporting documents specified in the Form Tor 8.

**Clause 4.** Submission of the application for a substitute for a business operation licence or certificate shall be made at the following places:

(1) in case of the application in Bangkok, at the Department of Business Development, Ministry of Commerce or at any other place prescribed in the Notification by the Director-General;

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

\*\* Published in Government Gazette, Vol. 120, Special Part 80d, dated 25<sup>th</sup> July 2003.

(2) in case of the application in any other province, at the Provincial Business Development Office or at any other place prescribed in the Notification by the Director-General.


**Clause 5.** A substitute for a business operation licence shall be in accordance with the Form Tor 3 prescribed in the Notification of the Ministry of Commerce Re: Prescribing Forms for Applications and Licences for Foreign Business Operation under Section 17, B.E. 2546 (2003) or the Form Tor 5 prescribed in the Notification of the Department of Business Development Re: Prescribing Forms for Applications and Licences for Foreign Business Operation under Section 7, B.E. 2546 (2003), as the case may be, provided that the expression "Substitute" shall also be indicated.

**Clause 6.** A substitute for a business operation certificate shall be in accordance with the Form Tor 7 prescribed in the Notification of the Department of Business Development Re: Prescribing Forms for Notification and Certificates of Foreign Business Operation, B.E. 2546 (2003), provided that the expression "Substitute" shall also be indicated.

Given on the 11<sup>th</sup> Day of July 2003.

Adisai Bhotaramik  
Minister of Commerce

**FORM Tor 8**

 Department of Business Development	Form for an Application for a Substitute for a Business Operation Licence or Certificate under Section 21 of the Foreign Business Act, B.E. 2542 (1999)	Official Use Only  Application No. ....  Date of Receipt .....				
Applicant	<table border="1"> <tr> <td colspan="2" data-bbox="344 573 1418 651">                     Name (Thai)                       (English)                 </td> </tr> <tr> <td data-bbox="344 651 882 965">                     Having been granted a licence or a certificate for the operation of business under the Foreign Business Act, B.E. 2542 (1999)  <input type="checkbox"/> Licence No. ....                      .....  <input type="checkbox"/> Certificate No. ....                      .....                 </td> <td data-bbox="882 651 1418 965">                     Having been granted a licence or a certificate for the operation of business under the Notification of the National Executive Council No. 281  <input type="checkbox"/> Licence No. ....                      .....  <input type="checkbox"/> Certificate No. ....                      .....                 </td> </tr> </table>		Name (Thai)  (English)		Having been granted a licence or a certificate for the operation of business under the Foreign Business Act, B.E. 2542 (1999) <input type="checkbox"/> Licence No. .... ..... <input type="checkbox"/> Certificate No. .... .....	Having been granted a licence or a certificate for the operation of business under the Notification of the National Executive Council No. 281 <input type="checkbox"/> Licence No. .... ..... <input type="checkbox"/> Certificate No. .... .....
Name (Thai)  (English)						
Having been granted a licence or a certificate for the operation of business under the Foreign Business Act, B.E. 2542 (1999) <input type="checkbox"/> Licence No. .... ..... <input type="checkbox"/> Certificate No. .... .....	Having been granted a licence or a certificate for the operation of business under the Notification of the National Executive Council No. 281 <input type="checkbox"/> Licence No. .... ..... <input type="checkbox"/> Certificate No. .... .....					
Applicant's Status	<table border="1"> <tr> <td data-bbox="344 965 1418 1025"> <input type="checkbox"/> Natural Person Age ..... Years Nationality ..... Occupation .....                 </td> </tr> <tr> <td data-bbox="344 1025 1418 1249"> <input type="checkbox"/> Juristic Person of the ..... Category, Registration No. ....                      Registered at ..... Date of Registration .....                      Address : No. .... Soi .....Road .....                      Tambol/Khwaeng ..... Amphoe/Khet .....                      Province ..... Postal Code .....                      Telephone ..... Facsimile .....                 </td> </tr> </table>		<input type="checkbox"/> Natural Person Age ..... Years Nationality ..... Occupation .....	<input type="checkbox"/> Juristic Person of the ..... Category, Registration No. .... Registered at ..... Date of Registration ..... Address : No. .... Soi .....Road ..... Tambol/Khwaeng ..... Amphoe/Khet ..... Province ..... Postal Code ..... Telephone ..... Facsimile .....		
<input type="checkbox"/> Natural Person Age ..... Years Nationality ..... Occupation .....						
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Supporting Documents	<table border="1"> <tr> <td data-bbox="344 1249 1418 1310"> <input type="checkbox"/> The original licence or certificate which has been damaged                 </td> </tr> <tr> <td data-bbox="344 1310 1418 1370"> <input type="checkbox"/> A written report of loss                 </td> </tr> <tr> <td data-bbox="344 1370 1418 1473"> <input type="checkbox"/> 4 half-body photographs of a 4x4-centimetre size, taken without hat and no longer than a previous period of 6 months                      (For the application for a business operation licence substitute under section 7)                 </td> </tr> <tr> <td data-bbox="344 1473 1418 1518"> <input type="checkbox"/> A power of attorney in the case of authorising another person to act on behalf of the applicant                 </td> </tr> </table>		<input type="checkbox"/> The original licence or certificate which has been damaged	<input type="checkbox"/> A written report of loss	<input type="checkbox"/> 4 half-body photographs of a 4x4-centimetre size, taken without hat and no longer than a previous period of 6 months (For the application for a business operation licence substitute under section 7)	<input type="checkbox"/> A power of attorney in the case of authorising another person to act on behalf of the applicant
<input type="checkbox"/> The original licence or certificate which has been damaged						
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<input type="checkbox"/> 4 half-body photographs of a 4x4-centimetre size, taken without hat and no longer than a previous period of 6 months (For the application for a business operation licence substitute under section 7)						
<input type="checkbox"/> A power of attorney in the case of authorising another person to act on behalf of the applicant						
<p align="center"><b>Certification by the Applicant for a Licence or Certificate Substitute</b></p> I, in the capacity as a director, manager or the person responsible for the operation of the juristic person, hereby certify that the statements hitherto given are all correct. (Sign) (1) ..... (.....) (2) ..... (.....) Date .....		<p align="center"><b>Certification by the Competent Official</b></p> It is hereby certified that the application for a substitute for a business operation licence or certificate hitherto submitted has duly been received.  (Sign) ..... (.....)  Date .....				