



Approval on Bill on Mediation by the NLA

The National Legislative Assembly (“NLA”) approved Mediation Bill to be enacted as the Mediation Act of Thailand.

As a large number of civil disputes and criminal disputes currently arises in Thailand, the Mediation Bill was then proposed in order to reduce the number of cases being brought to the Court. Under the final approval, the key provisions of the Bill are summarized as set forth below:

1. Mediation on civil disputes

1.1 Civil disputes subject to the mediation under this Bill are:

- (a) A civil dispute relating to a land which is not the matter of ownership;
- (b) A civil dispute relating heritages between the descendants;
- (c) Any other civil disputes as prescribed in the Royal Decree; and
- (d) Any other civil disputes other than 1.1(a), 1.1(b), and 1.1(c) having computable monetary value claims not exceeding 5 million Baht or not exceeding the amount as prescribed in the Royal Decree.

2. Mediation on criminal disputes

2.1 Criminal disputes subject to the mediation under this Bill are:

- (a) A criminal dispute which is a compoundable offence; and
- (b) A criminal dispute which is a misdemeanor not affecting the common good as prescribed in the Royal Decree.

2.2 In case a settlement agreement on a criminal dispute has been made in accordance with this Bill, the right to prosecute criminal offences shall be extinguished only on the parties entering into such settlement agreement.

2.3 A mediation on criminal disputes at the investigation level shall be available only on the following offences:

- (a) A criminal dispute which is a compoundable offence;
- (b) A criminal dispute which is a misdemeanor not affecting the common good as prescribed in the Royal Decree;
- (c) A criminal dispute which its penalty is imprisonment of not exceeding 3 years as prescribed in the Schedule attached to the draft bill; and
- (d) An alleged offender is satisfied with the requirements as prescribed in the Bill.

3. Mediation by a private sector

3.1 A mediation by a private sector shall be available only on the following offences:

- (a) A civil dispute which has its computable monetary value claims is not exceeding 500,000 Baht or not exceeding the amount as prescribed in the Royal Decree;
- (b) Any other civil disputes other than 3.1(a) as prescribed in the Royal Decree;
- (c) A criminal dispute which is a compoundable offence; and
- (d) A criminal dispute which is a misdemeanor not affecting the common good as prescribed in the Royal Decree.

3.2 Any mediation processed in accordance with this Bill and a certificate has then been issued, a settlement agreement shall be enforceable and the right to prosecute criminal offences shall be extinguished.

Presently, the Bill is on the process of being enacted into the Act to be announced in the Government Gazette.

Thailand Cybersecurity Act has been passed with unanimous vote.

On 28th February 2019, the Cybersecurity Act (“Act”) of Thailand was passed by the National Legislative Assembly (“NLA”).

The Purpose of the Act is to ensure that the networks will not get any cyber-attack and is to entitle the power of state surveillance to protect the rights violation. The significant key of the Act is summarized as follows:

Under this Act, “**Cyber Threats**” is defined as any wrongdoing or action by using computer or undesirable program by aiming to cause harm to the computer system, computer data or other related data and including any imminent harm which may cause to injure or damage or affect the operation of the computer, computer system or other related data. “**Cybersecurity**” means any measure or procedure created to prevent, handle, and/or decrease the risk of Cyber Threats regardless of the place of wrongdoing. The Cyber threat under this Act is categorized into 3 levels which is a. non-severe; b. severe; and critical.

The National Cyber Security Committee (“**NCSC**”), which the Prime Minister is the chair shall have rights to collect information, analyze situations and assess their impacts as a cyber threat to national cyber security. In case of severe and critical cyber threats, the NCSC Secretary-General and the committee has the right to demand real-time information from persons connected to cyber threats, and such persons shall cooperate accordingly.

The Act will be become effective, once it is published in the Royal Gazette.

Some key points of Securities and Exchange Act have been amended in 2562.

On 16 April 2019, the Securities and Exchange Act (No.6) B.E. 2562 (2019) (“the Act”) was published in the Royal Gazette with the following significant changes:

1. Enhancing flexibility of securities business supervision;

The Act repeals the minimum requirement of paid-up registered capital of securities company and allows the SEC to use the power to specify the minimum paid-up registered capital requirement which is suitable to business type.

2. Enhancing supervision of mutual fund management;

The Act prescribed that the securities company shall have fiduciary duty and a policy on prevention of conflicts of interest to protect the interest of unitholders.

Revised the provision for management of a mutual fund, in the case revision or modification of the mutual fund project or management procedure, the securities company shall be made through the resolution of the unitholders.

3. Enhancing supervision over the SET to be in line with international standards:

Revised the SET Board of Directors and appointment procedure and extend the directors’ term from two years to three years.

4. Enhancing competitiveness of the capital market:

The SET Board of Directors has the power to allow the business who is not SET’s member to purchase or sell listed securities.

5. Establishing the Capital Market Development Fund (CMDF) as a center to promote market development.

6. Enhancing effectiveness, clarity and transparency of the SEC’s operation:

The SEC strategic plan shall be consistent with the National Strategy, the National Economic and Social Development.

Digital Asset Platform is confirmed to be built in Thailand.

According to our legal insight in the earlier volume., the first initial coin offering (“ICO”) portal has been

authorised by the office of Thailand Securities and Exchange Commission (“SEC”).

As of now, Digital Asset Platform is soon expected to be launched in 2020 by the Stock Exchange of Thailand (“SET”) as part of the strategic plan from 2019 to 2021 with the purpose for the local capital transformations in the era of digitalization with the key change that the electronic or paperless operations will be more applied to the infrastructure of the capital market in order to facilitate the operations to the users such as electronic identification verification, electronic payment of stamp duty including the direct-debit processes of registration. Furthermore, in the near future, the SET has also many plans to support digital assets, for example, the exchange’s member securities firms will be allowed to engage in the digital asset activities as a broker and dealer regarding the new digital asset exchange.

BOI extends the period of importing raw or essential materials imported for use in production for export via electronic system.

On March 21, 2019, The Board of Investment (“BOI”) published the announcement regarding the application for period extension via the online system of the BOI in relation to extension of a period of import of raw or essential materials for use in production for export by means of electronic

system from April 1, 2019 with the 2 main details as set forth below:

1. A promoted person can submit an application for period extension via the online system of the BOI which the decision of the BOI will be informed in the e-mail; and
2. A promoted person can apply for an extension of the import of raw and essential materials in advance not more than 3 months but not exceed 6 months from the end of the import period of such materials. an application in physical form cannot be used from 1 October 2019 onwards.

Should you have any question, please do not hesitate to contact us via info@bglballaw.com

