

Legislation Development

With reference to the information from Thailand submitted in response to note verbale CU 2022/156(A)/DTA/CEB/CSS dated 26 May 2022, the Anti-Money Laundering Office (AMLO) provided that it was drafting the Beneficial Ownership Information Bill. The objective of the Bill is to systematically collect beneficial ownership information of legal persons and legal arrangements in a central data center, the Anti-Money Laundering Office. The Secretary General of the Anti-Money Laundering Board will be a registrar who keeps and makes use of the information. The relevant agencies will be able to check the beneficial ownership and transparency of legal persons and legal arrangements and use it as a tool for front entities investigation. It would be beneficial for combating money laundering and the financing of terrorism and proliferations as well as tax avoidance and corruption.

At present, the draft bill on beneficial ownership information is in the process of revision concerning its principles and significances. The AMLO, in close consultation with other competent agencies, such as Department of Business Development, the Comptroller General's Department, the Revenue Department, and Office of the NACC, are revising this draft B.O. Act with a view to implementing the international standards: FATF, OECD, and UNCAC. In this regard, provisional principles included in the act are as follows:

- (1) Definitions of beneficial ownership, obliged persons, and registrar;
- (2) Beneficial owners of obliged persons;
- (3) Representatives of each obliged person that have duty to submit beneficial information;
- (4) Agencies having duty to obtain beneficial information from each obliged person before further submitting to a registrar;
- (5) Procedures and requirement of submission, verification and update of beneficial information;
- (6) Rules on retaining and exchange of information;
- (7) Period of time beneficial information is retained after obliged persons are dissolved;
- (8) Duties and powers of a registrar;

- (9) Sanction and punishment; and
- (10) Procedures for submitting further explanation, information, or any evidence.

The above-mentioned lists are provisional principles covered by the act. In conclusion, Thailand is expected to have its act on beneficial ownership information, which is in alignment with the international standards, and aims at enhancing transparency of businesses operated in the state as well as preventing the misuse of juristic persons, non-juristic body of persons or trust for commission of offences.
