

(Translation)

Unofficial Translation*

THE DEBT COLLECTION ACT

B.E.2558

BHUMIBOL ADULYADEJ, REX.

Given on the 3rd Day of March B.E. 2558;

Being the 70th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to have the law on debt collection;

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the National Legislative Assembly, as follows:

Section 1 This Act shall be called the “Debt Collection Act B.E. 2558”.

Section 2¹ This Act shall come into force when a period of one hundred and eighty days as from the date following the date of its publication in the Government Gazette has been elapsed.

Section 3 In this Act:

“Debt collectors” means creditors who have provided loans, business operators under the law governing consumer protection, normal business providers of gambling under the law governing gambling, and other creditors who are entitled to receive payment of any lawful or unlawful debts incurred from normal trading activities or under normal businesses of creditors, and it shall also include attorneys-in-fact of such creditors, sub-attorneys-in-fact for debt collection, debt collection business operators, and attorneys-in-fact of debt collection business operators;

“Loan Provider” means

- (1) A person who has provided loans in the ordinary course of business; or
- (2) A purchaser or all successive assignees of loans;

“Loan” means loan given to a natural person by means of lending, credit card service provision, provision of hire-purchase and leasing services and other similar types of loans;

¹ The Government Gazette, Volume 132 Section 16A, Page 1 dated 6th October 2015

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“Debtor” means a debtor who is a natural person, and it shall also include the guarantor who is a natural person;

“Debt Collection Business” means the normal business of direct or indirect collection of debts, excluding the debt collection of a lawyer acting on behalf of his or her clients;

“Debtor Contact Information” means the residence or business office of a debtor, and it shall also include telephone numbers and facsimile numbers and email address via electronic media or by other types of information technology media that such debtor can be contacted;

“Committee” means the Debt Collection Committee;

“Registrar” means the person appointed by the Minister of Interior to accept the registration under this Act;

“Competent Official” means the person appointed by the Minister of Interior as per the recommendation of the Debt Collection Regulation Committee for execution of this Act;

“Minister” means the Minister taking charge under this Act;

Section 4 The Minister of Finance and the Minister of Interior shall take charge under this Act relating to their powers and duties; and the Minister of Interior shall be empowered to issue Ministerial Regulations for the execution of this Act.

Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER 1 DEBT COLLECTION

Section 5 Any person who wishes to operate the debt collection business shall register the debt collection business operation with the Registrar as per the criteria, methods and conditions as prescribed in Ministerial Regulations.

Such person who has registered the debt collection business operation under Paragraph 1 shall operate the debt collection business as per the criteria as announced and prescribed by the Committee.

Section 6 In case, the debt collection business operator is a lawyer or a law office, the Committee of the Lawyers Council as per the law governing lawyers shall act as the Registrar who shall be obliged to accept the registration thereof in accordance with Ministerial Regulations and announcement under Section 5.

In case, the debt collection business operator is a lawyer or a law office, the Committee of the Lawyers Council as per the law governing lawyers shall be empowered to revoke the registration under Section 37, which is within the power of the Committee under Section 27.

The Supreme President under the law governing lawyers shall be empowered to adjudicate an appeal against an order of refusal to accept the registration which is within the power of the Minister of Interior under Section 31 or against an order to revoke the registration which is within the power of the Committee under Section 38; and the decision of the Supreme President shall be

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final; provided that the period of appeal and adjudication of an appeal under Section 31 and Section 38 shall apply *mutatis mutandis*.

The Committee of the Lawyers Council shall be empowered to issue related regulations insofar as they are not contrary to or inconsistent with this Act; and such regulations shall come into force upon receiving approval from the Supreme President as per the process under the law governing lawyers and upon their publication in the Government Gazette.

Section 7 The Committee of the Lawyers Council and the Supreme President shall report their operation under Section 6 to the Committee for acknowledgment on a quarterly basis as from the date when this Act has come into force.

In case, the Committee has considered that such operation of the Committee of the Lawyers Council and the Supreme President under Section 6 is not in accordance with this Act, the Committee shall notify the Committee of the Lawyers Council and the Supreme President to take action for the execution of this Act.

Section 8 Debt collectors shall be prohibited to contact other people who are not their debtors for debt collection, except for people as specified by their debtors for such purpose.

People other than those specified under Paragraph 1 may only be contacted for the purpose of inquiry or confirmation of the debtor contact address or people as specified by debtors for debt collection; whereas, the debt collectors shall comply with the followings:

(1) Notify the first name/surname and express the intention of requiring asking for debtor contact information or people specified by debtors for debt collection;

(2) It is prohibited to notify the indebtedness of debtors, except in case, such other people are spouses, parents or successors of debtors and inquiring the debt collectors of the reason of such contact; however, the debt collectors may clarify the data relating to such debts as may be necessary and suitable;

(3) It is prohibited to use statements, marks, symbols or business names of the debt collectors on envelopes, in letters or in any other media used for inquiries which can be understood that it was a contact for collection of debts of the debtors;

(4) It is prohibited to contact or misrepresent to obtain data relating to contact addresses of the debtors or people specified by debtors for debt collection;

Section 9 Regarding the debt collection, the debt collectors shall comply with the followings:

(1) Contact address: in case of contact in person or by post, it should be contacted as per the address that the debtors or people specified by debtors for debt collection have notified as contact address; in case, such people have not notified in advance, or the given addresses may not be contacted, and the debt collectors have exercised reasonable effort to contact them, then, the debt collectors shall contact them as per the domiciles, residences or business offices of such people or other places as announced and prescribed by the Committee;

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(2) Contact hours: in case of contact in person, by telephone, electronic media or other types of information technology media from Mondays through Fridays, it can be contacted as from 08.00 hrs until 20.00 hrs, and on public holidays, as from 08.00 hrs until 18.00 hrs.

In case, it cannot be contacted during such hours, or such periods of time are improper for their contact, then, it can be contacted during other periods of time as per the criteria, methods and conditions as announced and prescribed by the Committee;

(3) Frequencies of contact during the periods of time under (2): it may be contacted as per suitable frequencies, which may also be announced and prescribed by the Committee;

(4) In case of being the attorneys-in-fact of creditors, sub-attorneys-in-fact for debt collection, debt collection business operators, or attorneys-in-fact of debt collection business operators, the debt collectors shall notify the first name/surname or names of their organizations or of creditors and amounts of debts; and in case, such attorneys-in-fact have collected the debts in their presence, they shall also produce evidence of authorization for debt collection;

Section 10 In case, the debt collectors have requested to receive debt payment, they shall produce evidence of the creditor's authorization for receipt of debt payment to debtors or people specified by debtors for debt collection; and when the debtors have settled the debt payment to the debt collectors, then, the debt collectors shall issue a receipt thereof to the debtors.

In case, the debtors have, in good faith, settled the debt payment to the debt collectors, it shall be regarded as lawful debt payment to the creditors, no matter whether the debt collectors have been authorized by the creditors to receive the debt payment or not.

Section 11 The debt collectors shall be prohibited to collect debts in any of the following manners:

(1) Deterrence, use of violence or any other actions which may cause damage to body, reputation or property of the debtors or others;

(2) Use of scornful words or languages to debtors or others;

(3) Notification or disclosure of indebtedness of the debtors to others who are not involved with the debt collection, except in the case under Section 8 Paragraph 2(2);

(4) Contact with debtors by postcards, open letters, facsimile or any other methods of obvious debt collection, except in case of notification of foreclosure by means of publication in newspapers when the creditors cannot contact the debtors by other methods, or any other cases as announced and prescribed by the Committee;

(5) Use of statements, marks, symbols or business names of the debt collectors on envelopes for contact with the debtors, which can be understood that it was a contact for debt collection, except, in case, the business names of the debt collectors have not conveyed meanings of debt collection business operation;

(6) Improper collection of debts in other manners as announced and prescribed by the Committee;

Statements contained in (2) shall not apply to the written collection of debts for exercise of rights of entry of actions in the Court.

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Section 12 The debt collectors shall be prohibited to collect debts with false statements or causing misunderstanding, as follows:

(1) Display or use of statements, marks, symbols, or uniforms that may cause misunderstanding that it is an action of the Court, government officials or state agencies;

(2) Display or use of statements that make the debtors believe that the debt collection is conducted by lawyers, lawyers' offices or law offices;

(3) Display or use of statements that make the debtors believe that the debtors shall be subject to case proceedings, seizure or freezing of property or salaries;

(4) Contact or misrepresentation that the debt collectors have taken actions on behalf of the credit bureau or have been hired by the credit bureau;

Section 13 The debt collectors shall be prohibited to collect debts in an unfair manner, as follows:

(1) Imposition of fees or any expenses exceeding the rates announced and prescribed by the Committee;

(2) Offer or inducement to the debtors to issue cheques despite knowing the debtors' state of insolvency;

Section 14 The government officials shall be prohibited to take actions, as follows:

(1) To operate debt collection businesses;

(2) To collect debts or to support the collection of debts of others, except in case of debts of their spouses, parents or successors of debtors; or in the case that such government officials shall have lawful powers to do so;

For the purpose of this Section, "Government Officials" means civil servants, employees, workers or other operating personnel in ministries, ministerial bureaus, departments, government agencies called otherwise and having the status of departments, provincial administration, local administration or other state agencies.

CHAPTER 2 SUPERVISION AND AUDIT

Section 15 A committee called "Debt Collection Regulation Committee" shall be established, consisting of the Minister of Interior, as the Chairperson; the Permanent Secretary for Interior, as the 1st Vice Chairperson; the Permanent Secretary for Finance, as the 2nd Chairperson; the Permanent Secretary for Defence, the Permanent Secretary for Commerce, the Permanent Secretary for Justice, the Commissioner General of Royal Thai Police, the Secretary-General of the Council of State, the Secretary-General of the Consumer Protection Board, the Director of the Fiscal Policy Office, the Secretary-General of the National Human Rights Commission of Thailand, the Governor of the Bank of Thailand, the President of the Lawyers Council of Thailand, as ex-officio members of the Committee; and no more than 5 specialized members as appointed by the Minister of Interior.

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The Director-General of the Department of Provincial Administration shall act as Member and Secretary; and the Committee shall appoint 2 civil servants of the Department of Provincial Administration as Assistant Secretary.

The specialized members of the Committee as appointed by the Minister of Interior under Paragraph 1 shall have knowledge, expertise or experiences in finance and banking, laws or consumer protection, at least one person in each field and shall be in office for a term of three years each; and the retiring members may be reappointed but for not exceeding two successive terms; provided that the eminent persons on consumer protection shall be appointed from representatives of non-governmental organizations in the field of consumer protection.

The specialized members of the Committee who have vacated the office at the end of the term shall still be in office to perform their duties until the new specialized members of the Committee shall be appointed.

Section 16 The Committee shall have its powers and duties relating to the regulation of debt collection of the debt collectors, as follows:

- (1) To issue announcements or orders for the execution of this Act;
 - (2) To issue regulations prescribing the criteria and methods of the Committee's consideration and decision-making on complaints under Section 27 and supervision of performance of duties of such committee;
 - (3) To consider and adjudicate an appeal of administrative order for payment of fines and order for revocation of registration of debt collection business operation under Section 38;
 - (4) To prescribe the criteria for imposition of fines and periods of payment of fines as per the statements of imposition of fines under Section 45;
 - (5) To recommend or give advice to the Minister for the execution of this Act and to recommend the Cabinet or the Minister for consideration and instruction, in case, there are problems or obstacles relating to the coordination in the operation as per powers and duties of the committee, the Committee under Section 27, subcommittees under Section 21, Section 22 and Section 28(3), the Fines Imposition Committee, the Department of Provincial Administration, Fiscal Policy Office, Provincial Administrative Office and Metropolitan Police Bureau;
 - (6) To recommend the Cabinet or the Minister relating to the debtor protection or assistance measures in other areas;
 - (7) To take any other actions as prescribed by laws or as designated by the Minister;
- Regulations and announcements of the Committee shall come into force upon their publication in the Government Gazette;

Section 17 A specialized member of the Committee shall be of the Thai nationality and shall not have any prohibited characteristics, as follows:

- (1) Being a bankrupt, incompetent or quasi-incompetent person;
- (2) Being sentenced by a final judgment to imprisonment;

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(3) Having been sentenced by a final judgment to imprisonment, except for offences committed by negligence or petty offences;

(4) Being subject to an order of suspension or discharge from the governmental service;

(5) Having been dismissed, removed or discharged from the governmental service, state agencies or state enterprises due to the breach of disciplines; or having been dismissed, removed or discharged from employment by a private organization due to malfeasance or moral turpitude;

(6) Being a director, manager or the authorized manager of the Loan Provider; or being the Loan Provider or having any direct or indirect related benefits with the debt collection business operator;

Section 18 In addition to vacating the office at the end of the term under Section 15, a specialized member of the Committee must vacate the office upon:

(1) Death;

(2) Resignation;

(3) Dismissal by the Minister of Interior due to indiscretion or malfeasance, infamous conduct or defective competency;

(4) Disqualification or having any prohibited characteristics under Section 17;

Section 19 In case, a specialized member of the Committee has vacated the office before the term in office expires, the Committee shall consist of all remaining members until a new specialized member of the Committee shall be appointed to replace the specialized member of the Committee who has vacated the office before the term in office expires, except in the event that the remaining term in office of the retiring member is less than ninety days; and the replacement member of the Committee shall be in office for the remaining term of the vacating member of the Committee.

In case, specialized members of the Committee have been additionally appointed during the term in office of the appointed specialized members of the Committee, those who have been additionally appointed as specialized members of the Committee shall be in office for the remaining term of the appointed specialized members of the Committee.

Section 20 In a meeting of the Committee, at least one half of the total number of members of the Committee shall be present in the meeting to constitute a quorum.

In a meeting of the Committee, in case, the Chairperson is absent or unable to perform his or her duties, the Vice Chairperson shall perform duties in lieu of the Chairperson respectively; in case, the Vice Chairperson is absent or unable to perform his or her duties, the meeting shall elect one member of the Committee to preside over the meeting.

A resolution of the meeting shall be passed by majority votes. In the casting of votes, each member shall have one vote. In case of a tie, the chairman of the meeting shall have an additional and casting vote.

Section 21 The Committee shall be empowered to appoint a subcommittee to consider matters or to take any action as designated by the Committee.

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Provisions contained in Section 20 shall apply, *mutatis mutandis*, to a subcommittee's meeting.

Section 22 In the appointment of a subcommittee under Section 21, the Committee shall appoint at least one subcommittee for consideration of matters or for operation relating to debt collection regulation of a juristic person loan provider; provided that such subcommittee shall at least consist of a representative of the Ministry of Finance, a representative of the Bank of Thailand and a representative of the Thai Bankers' Association as members of the subcommittee, and civil servants from the Fiscal Policy Office as member and secretary, and assistant secretary of the subcommittee.

Section 23 In case, debtors or other people have been treated by the debt collectors against this Act, such debtors or other people shall be entitled to complain to the Committee under Section 27 for decision making.

A complaint to the Committee under Paragraph 1 shall be in accordance with the criteria and methods as announced and prescribed by the Committee.

Section 24 Regarding the operation under this Act, the Committee, committees under Section 27 and subcommittees under Section 21, Section 22 and Section 28(3) shall be empowered to order any person to give matters of facts or to send documents or evidences relating to the debt collection for consideration.

Section 25 For the execution of this Act, the Department of Provincial Administration shall be responsible for the general administration of the Committee and shall perform other duties as designated by the Committee.

The Department of Provincial Administration shall have powers and duties, as follows:

- (1) Accept complaints relating to the debt collection to be proposed to the committee under Section 27;
- (2) Monitor behaviors of the debt collectors or supervise the practice of the debt collection business operators;
- (3) Coordinate with state agencies that have powers and duties in supervising or auditing the debt collectors or any other persons in connection with the debt collection;
- (4) Provide campaigns, public relations and training on the proper and correct methods of debt collection;
- (5) Perform other duties as designated by the Committee;

Section 26 For the execution of this Act, the Fiscal Policy Office shall be responsible for the general administration of subcommittees under Section 22 and for performance of other duties as designated by such subcommittees.

The Fiscal Policy Office shall have powers and duties to accept complaints relating to the debt collection to be proposed to the committee under Section 27, including powers and duties relating to the debt collection of juristic person loan providers, as follows:

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- (1) Monitor behaviors of the debt collectors or supervise the practice of the debt collection business operators;
- (2) Coordinate with state agencies that have powers and duties in supervising or auditing the debt collectors or any other persons in connection with the debt collection;
- (3) Provide campaigns, public relations and training on the proper and correct methods of debt collection;
- (4) Perform other duties as designated by the committee or subcommittees under Paragraph 1;

Section 27 In each province, a Provincial Debt Collection Regulation Committee shall be established, consisting of the Provincial Governor as the Chairperson; the Provincial Public Prosecutor, the Commanding General of Military Circle, the Commander of the Provincial Police, the Provincial Fiscal Officer, the President of the Provincial Lawyers Council as ex-officio members of the Committee; and representatives of non-governmental organizations on consumer protection appointed by the Provincial Governor as members of the Committee.

The Deputy Governor shall act as member and secretary; and the Provincial Debt Collection Regulation Committee shall appoint two civil servants of the Provincial Administrative Office as assistant secretaries.

In the Bangkok Metropolitan areas, BMA Debt Collection Regulation Committee shall be established, consisting of the Commissioner of the Metropolitan Police as the Chairman, representative of the Ministry of Finance, representative of the Department of Provincial Administration, representative of the Office of the Attorney General, representative of the 11th Military Circle, representative of the Lawyers Council, and representatives of non-governmental organizations on consumer protection appointed by the Commissioner of the Metropolitan Police as members of the Committee.

The Commander of the Investigation Division of the Metropolitan Police Bureau shall act as member and secretary; and the Commissioner of the Metropolitan Police shall appoint two police officers of the Metropolitan Police Bureau as assistant secretaries.

Section 28 The Committee under Section 27 shall have powers and duties within areas of responsibilities, as follows:

- (1) Consider and make decisions on complaints under this Act;
- (2) Order the revocation of registration of the debt collection business operators under Section 37;
- (3) Appoint a subcommittee for consideration or taking any action as designated by the committee under Section 27;
- (4) Report on the performance of duties, including problems, obstacles and recommendations to the Committee on a quarterly basis;
- (5) Perform other duties as designated by the Committee;

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Provisions contained in Section 20 shall apply, *mutatis mutandis*, to a meeting of the committee under Section 27 and a meeting of the subcommittee under Paragraph 1(3).

Section 29 For the execution of this Act, the Provincial Administrative Office and the Metropolitan Police Bureau shall be responsible for the general administration of the Provincial Debt Collection Regulation Committee and the BMA Debt Collection Regulation Committee, respectively; and shall have powers and duties within areas of responsibilities, as follows:

(1) Act as the Registration Office to accept the registration of debt collection business operation;

(2) Accept complaints relating to the debt collection to be proposed to the Provincial Debt Collection Regulation Committee or the BMA Debt Collection Regulation Committee, as the case may be;

(3) Monitor behaviors of the debt collectors or supervise the practice of the debt collection business operators;

(4) Coordinate with state agencies that have powers and duties in supervising or auditing the debt collectors or any other persons in connection with the debt collection;

(5) Provide campaigns, public relations and training on the proper and correct methods of debt collection;

(6) Perform other duties as designated by the Committee and the Provincial Debt Collection Regulation Committee or the BMA Debt Collection Regulation Committee, as the case may be;

Section 30 For the purpose of acceptance of complaints on the debt collection, the District Office and Police Station shall be the venues for acceptance of complaints relating to the debt collection; and heads of such units shall have powers and duties to gather matters of facts and documents to be submitted to the Provincial Administrative Office or to the Metropolitan Police Bureau, as the case may be, thus, in accordance with the criteria, methods and conditions prescribed by the Committee.

Section 31 In case, the Registrar has an order not to accept the registration of the debt collection business operation under Section 5, an applicant for registration shall be entitled to appeal such order of refusal to accept the registration thereof to the Minister of Interior within sixty days as from the date of receiving the notification of such order.

The Minister of Interior shall make decision on the appeal under Paragraph 1 completely within sixty days as from the date of receiving such appeal.

The decision of the Minister of Interior shall be final.

Section 32 For the execution of this Act, the competent official shall be empowered to order the debt collector or director, manager, authorized manager or employee of the debt collectors (in case, the debt collector is a juristic person) to make statements, give information or send account books, documents, stamps or others in relation to the business, assets and liabilities of the debt collector and the above-mentioned person.

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Section 33 The competent official who has taken actions under this Act shall be the officer under the Criminal Code.

In the performance of duties, the competent official shall always present his or her identification card to the related personnel.

The identification card of the competent official shall be in accordance with the form announced and prescribed by the Minister of Interior.

CHAPTER 3
STIPULATED PENALTY

PART 1
ADMINISTRATIVE PENALTY

Section 34 In case, it appeared to the committee under Section 27 that the debt collector breached or failed to comply with Section 8 Paragraph 2(1) or (4), Section 9, Section 10 Paragraph 1, Section 11(6) or Section 13(1), the committee under Section 27 shall be empowered to order for cancellation of such breach or for a correct or proper action within the prescribed period of time.

In case, the debt collector failed to comply with the committee's order under Paragraph 1, the committee under Section 27 shall consider issuing its order of imposition of administrative fines for not exceeding one hundred thousand Baht.

Section 35 Regarding the issuing of an order of administrative penalty, the committee under Section 27 shall take account of gravity of the graded offences.

In case, the person who had been punished with imposition of administrative fines failed to settle payment of such administrative fines, the provisions relating to the administrative sanctions as per the law governing the administrative procedures shall apply *mutatis mutandis*; and in case, there is no officer to enforce such order, or there is an officer but he or she is unable to enforce such administrative order, the committee under Section 27 shall be empowered to enter an action to the Administrative Court for enforcement of payment of fines. For this purpose, in case, the Administrative Court considers that such order for payment of fines is lawful, the Administrative Court shall be empowered to commence the trial and to give its decision on the matter and to enforce the seizure or attachment of assets for sale by auction and payment of fines.

Section 36 In case, the debt collector who is a juristic person shall be punished with administrative fines, in case, the commission of offence of such juristic person resulted from the instruction or failure to give instructions, or action or omission within the duties of director, manager, authorized manager of such juristic person, such person shall be punished with administrative fines as provided for such offence.

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Section 37 The committee under Section 27 shall be empowered to issue an order for revocation of registration of the debt collection business operator, when it appeared that the debt collection business operator:

- (1) Having been punished with administrative fines and having been punished repetitively from the commission of the same offence;
- (2) Having breached the provisions with the criminal punishments under this Act;

Section 38 The debt collector shall be entitled to appeal the order for payment of administrative fines under Section 34 Paragraph 2; or the debt collection business operator shall be entitled to appeal the order for revocation of the registration under Section 37 to the Committee within sixty days as from the date of receiving the notification of such order.

The Committee shall make a decision on the appeal under Paragraph 1 completely within sixty days as from the date of receiving such appeal.

The decision of the Committee shall be final.

PART 2 CRIMINAL PENALTIES

Section 39 Whoever breached or failing to comply with Section 5, Section 6 Paragraph 1, Section 8 Paragraph 1, Section 8 Paragraph 2(2) or (3), Section 11(2)(3)(4) or (5) or Section 13(2) shall be imprisoned for not exceeding one year, or shall be fined for not exceeding one hundred thousand Baht, or both.

Section 40 Whoever breached Section 12(2)(3) or (4) shall be imprisoned for not exceeding three years, or shall be fined for not exceeding three hundred thousand Baht, or both.

Section 41 Whoever breached Section 11(1) or Section 12(1) shall be imprisoned for not exceeding five years, or shall be fined for not exceeding five hundred thousand Baht, or both.

Section 42 Any government official who breached Section 14 shall be imprisoned for not exceeding five years, or shall be fined for not exceeding five hundred thousand Baht, or both.

Section 43 Whoever failed to comply with orders under Section 24 or having obstructed or failed to comply with orders under Section 32 shall be imprisoned for not exceeding three months, or shall be fined for not exceeding thirty thousand Baht, or both.

Section 44 In case, the offender who must receive criminal punishment under this Act is a juristic person, and the commission of offence of such juristic person resulted from the instruction or failure to give instructions, or action or omission within the duties of director, manager, authorized manager of such juristic person, such person shall be punished as provided for such offence.

Section 45 The Fines Imposition Committee as appointed by the Minister of Interior shall be empowered to impose fines as per the criteria prescribed by the Committee for all offences in this Part 2, except for those under Section 41 and Section 42.

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The Fines Imposition Committee as appointed by the Minister of Interior under Paragraph 1 shall consist of 3 members; whereas, one of them must be an inquiry official under the Criminal Procedure Code.

When the Fines Imposition Committee has imposed fines in any case, and the alleged offender has settled payment of fines as per the statement of imposition of fines within the period of time prescribed by the Committee, then, it shall be regarded as settlement of the offence as per the Criminal Procedure Code; and the Fines Imposition Committee shall notify the same to the Committee promptly.

TRANSITORY PROVISIONS

Section 46 In case, any person who has operated the debt collection business or any other similar businesses under this Act before the date when this Act shall come into force, and wishes to continue his or her debt collection business operation, shall submit an application for registration under Section 5 Paragraph 1 or Section 6 Paragraph 1, as the case may be, within ninety days as from the date when this Act has come into force.

During the period of submission of an application for registration under Paragraph 1, such person shall continue the said business operation until having received the notification of refusal for registration thereof from the Registrar.

Section 47 The Minister of Interior shall appoint specialized members of the Committee under Section 15 Paragraph 1 within thirty days as from the date when this Act has come into force.

At the beginning when there is no appointment of specialized members of the Committee under Section 15 Paragraph 1, the Committee shall consist of the Minister of Interior as the Chairman, the Permanent Secretary for Interior as the 1st Vice Chairman, the Permanent Secretary for Finance as the 2nd Vice Chairman, the Permanent Secretary for Defence, the Permanent Secretary for Commerce, the Permanent Secretary for Justice, the Commissioner General of Royal Thai Police, the Secretary-General of the Council of State, the Secretary-General of the Consumer Protection Board, the Director of the Fiscal Policy Office, the Secretary-General of the National Human Rights Commission of Thailand, the Governor of the Bank of Thailand, and the President of the Lawyers Council of Thailand as members of the Committee.

The Director-General of the Department of Provincial Administration shall act as member and secretary; and shall appoint two civil servants of the Department of Provincial Administration as assistant secretaries.

Thus, for the execution of this Act for the time being

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Countersigned by:
General Prayuth Chan-O-Cha
Prime Minister

Office of Justice Affairs

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Note:- Reason for promulgation of this Act: Whereas, at present, there have been improper actions regarding debt collection against debtors such as use of impolite words in violation of personal rights, threatening, act of violence or disparagement, including the giving of false data and causing troubles and nuisance to others; moreover, at present, there is no specific law prescribing the criteria, methods and conditions of debt collection and regulation thereof and it is expedient to have the law on such matter; therefore, it is necessary to enact this Act.

Prepared by: Preeyanuch
10th March 2015

Checked by: Kritsadayuth
10th March 2015

Office of Justice Affairs

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