

## Topics February 2022

### The draft of ministerial regulations no..... (B.E...) issued under the Revenue Code governing interest payable to a person receiving tax refunds

On 1 February B.E.2565 (2022), the cabinet has approved a draft of ministerial regulations no..... (B.E...) issued under the Revenue Code governing interest payable to a person receiving tax refunds by improving the rules and conditions the giving interest payable to a person receiving tax refunds by starting to charge interest from the day following of period of the three-months as follows ;

1. In case taxes and duties that have been withheld at source shall be accrue counting from

(1) The last day of such time limit for filing return as prescribed by the law or as extended or postponed and submitting a petition for refund of taxes and duties within time limit for filing return about taxes and duties or

2. In case of action under the Mutual Agreement Procedure (MAP) of the contract is implemented or

(2) The date of filing a petition for refund of taxes and duties for cases other than clause (1) bound by the exemption of double taxation that the Thai government has made to foreign governments or Thailand Trade and Economic Office shall be done with foreign Trade and Economic Office, regardless of whether or not a tax refund is received as a result of the proceedings under such provisions, it shall be counted from

(1) The date on which the taxes and duties refund recipient receives notification of the result of the action under the provisions of the said provisions from the competent authorities of the Thai government or the Thai Trade and Economic Office; or

(2) The date of filing a taxes and duties refund

However, whichever day is the later.

Also, in this regard from the original under clause 1 of the Ministerial Regulations no.161 B.E 2526 (1983) issued under the Revenue Code governing interest payable to a person receiving tax refunds which is specified as follows:-

Clause 1 Interest to be paid to a person receiving tax refunds shall be calculated as follows:

(1) In the case of refunding taxes and duties deducted at source interest shall accrue from the day following the closing date of a period of three months counting from

(A) The last day of such time limit for filing returns as prescribed by law or as extended or postponed, if such person is required to file a return about taxes and duties withheld at the source.

(B) The date of submitting a petition for refund of taxes and duties, if such person is not required to file return in connection with taxes and duties deducted at the source.

**Prescribing the procedures to pay stamp duty in cash under the form to pay stamp duty in cash for electronics instrument (Or.Sor.9) through internet system for certain instruments**

The Revenue department has issued the Notification of Director-General of Revenue Department Regarding on stamp duty (No. 65) Subject: Prescribed the procedures to pay stamp duty in cash under the form to pay stamp duty in cash for electronics instrument (Or.Sor. 9) through internet system for certain instruments dated 13 January B.E.2565 (2022) by increasing the types of instrument under stamp duty schedule that a taxpayer can pay stamp duty in cash under the form to pay stamp duty in cash for electronics instrument (Or.Sor.9) through internet system from the original 5 types, increasing to 23 types as follows: -

1. Lease of land, building, other construction or floating house
2. Transfer of share, debenture, bond and certificate of debt issued by any company, association, body of persons or organization
3. Hire-purchase of property
4. Hire of work
5. Loan of money or agreement for bank overdraft
6. Insurance policy
7. Power of attorney
8. Proxy letter for voting at a meeting of a company
9. Bill of exchange or similar instrument used like bill of exchange and Promissory note or similar instrument used like promissory note
10. Bill of lading
11. Share or debenture certificate, or certificate of debt issued by any company, association, body of persons or organization and bond of any government sold in Thailand
12. Cheque or any written order used in lieu of cheque
13. Receipt for interest bearing fixed deposit in a bank
14. Letter of credit
15. Traveller's cheque
16. Carrier's receipt
17. Guarantee
18. Pledge
19. Warehouse receipt
20. Delivery order
21. Agency
22. Partnership contract
23. Receipt only as the case (c) Receipt issued in connection with a sale, sale with right of redemption, hire purchase or transfer of ownership in a vehicle, only if the vehicle is registered under the law governing such vehicle.

Moreover, the such notification has extended of the period for instruments that a taxpayer can pay stamp duty in cash under the form Or.Sor.9 through internet system from the original for instruments that have been made from 29 September B.E.2563 (2020) to 31 December B.E.2564 (2021) which will be extended until 31 December B.E.2565 (2022).