

Topics March 2022

The draft of Establishment of and Procedure for Tax Court Act (No. ...) B.E. (Criminal Judgment on Taxation)

On 8 March B.E. 2565 (2022), the Cabinet has the resolution approving the draft of Establishment of and Procedure for Tax Court Act (No. ...) B.E.

1. To prescribe the definition of the word "Tax case" and the Tax Court has the power to consider and adjudicate the criminal cases related to taxation. By the cases within the jurisdiction of the Juvenile and Family Court are not under the jurisdiction of the Tax Court. As well as the Criminal Procedure Code or the law on the establishment of the and the Criminal Procedure in the Kwaeng Court mutatis mutandis.

2. To prescribe Chief Justice of the Central Tax Court with the approval of the President of the Supreme Court has the authority to issue provisions relating to the procedure of the criminal cases and shall not make the defendant's right to defend a criminal case to less than what is provided by law.

3. To amend the acknowledgment of the court's appointment in civil cases.

4. To amend the rules for appeals, dika appeal, judgments or court orders in criminal cases related to taxation. The Criminal Procedure Code shall be applied mutatis mutandis. In addition, the Criminal Procedure Code shall be applied to the trial and adjudication of such cases in the Court of Appeal for Specialized Cases and the Supreme Court mutatis mutandis.

Investment Stimulation Measure from BOI, the incentive of 50 % reduction of corporate income tax for a period of 5 years in addition to the normal criteria for year B.E.2565

Thailand Board of Investment (BOI) issued an investment stimulation measure under the notification of the Board of Investment No. 1/2565 Subject: Investment Stimulation Measure dated on 21 February B.E.2565 (2022), the projects shall be granted the incentive of 50 % reduction of corporate income tax on net profit derived from the investment for a period of 5 years as from the date on which corporate income tax exemption period expires. The conditions and details are as follow: -

1. The project shall be the activity in Group A1, A2, and A3

2. The Projects shall be eligible for the incentive of corporate income tax exemption pursuant to various investment promotion measures, in total not exceeding 8 years.

3. The Projects shall have actual investment capital of not less than 1,000 million baht (excluding cost of land and working capital) within 12 months as from the date of promotion certificate issuance.

4. The Projects shall submit the evidence of actual investment to apply for additional rights and benefits within 18 months as from the date of promotion certificate issuance.

5. On the date of submitting the application for additional rights and benefits under this measure, the incentive of corporate income tax exemption must still remain both the period and amount.

6. The projects can submit the application for investment promotion from 4 January B.E.2565 (2022) until the last working day of year B.E.2565 (2022).

7. Applying for this promotion cannot extend time for investment promotion acceptance and submission of supporting documents for promotion certificate issuance.

8. The BOI will consider for extension of time for machinery importation and full operation opening as appropriate.