#### <u>Unofficial Translation</u>

## DEBT COLLECTION ACT, B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX. Given on the 3rd day of March B.E. 2558; Being the 70th Year of the Present Reign.

His Majesty King Bhumipol Adulyadej is graciously pleased to proclaim that: Whereas it is expedient to have a law on debt collection.

Be it, therefore, enacted by the King by and with the advice of the National Legislative Assembly as follows:

Section 1. This Act is called the "Debt Collection Act, B.E. 2558".

**Section 2.** This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

### Section 3. In this Act:

"debt collector" means a creditor who is a credit provider, a business operator under the law on consumer protection, an organiser of gambling as usual practices under the law on gambling, and other creditors who are entitled to receive payment incurred from action in the ordinary course of business or usual practices of the creditors irrespective of whether such debt is legal and shall include an attorney authorised by a creditor, a sub-attorney for

<sup>\*</sup>Translated by Mr. Sitthi Leekbhai, under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version– subject to final authorisation by the Office of the Council of State.

<sup>&</sup>lt;sup>1</sup>Published in the Government Gazette, Vol. 132, Part 16a, Page 1, dated 6 March B.E. 2558 (2015).

debt collection, a debt collection business operator and an attorney authorised by a debt collection business operator;

"credit provider" means:

- (1) a person who provides credit in his or her ordinary course of business;
- (2) a person who buys credit or a person to whom the credit is transferred at every interval.

"credit" means credit provided to a natural person by loan, the provision of credit card service, hire-purchase, leasing and credit in similar other forms;

"debtor" means a debtor who is a natural person and shall also include a surety who is a natural person;

"debt collection business" means the direct or indirect employment for the collection of debt as usual practices but shall not include the collection of debt by a lawyer on behalf of his or her client:

"information on the place of contact with the debtor" means a place of abode or a place of employment of a debtor and shall include a telephone and facsimile number and a place of contact by electronic mail, electronic media or other types of information technology media which can make contact with a debtor;

"Committee" means the Debt Collection Supervisory Committee;

"registrar" means a person appointed by the Minister of Interior to have a duty in registration under this Act;

"competent official" means a person appointed by the Minister of Interior by and with the advice of the Debt Collection Supervisory Committee for the execution of this Act; "Minister" means the Minister who has charge and control under this Act.

**Section 4.** The Minister of Finance and the Minister of Interior shall have charge and control of the execution of this Act in a portion relating to his or her powers and duties, and the Minister of Interior shall have the power to issue the Ministerial Regulation for the execution of this Act.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

### CHAPTER I DEBT COLLECTION

**Section 5.** Whoever will operate the debt collection business shall register such debt collection business to the registrar in accordance with rules, procedures and conditions prescribed in the Ministerial Regulation.

A person who has registered the operation of debt collection business under paragraph one shall operate his or her debt collection business in accordance with rules prescribed and announced by the Committee.

**Section 6.** In the case where the debt collection business operator is a lawyer or a lawyers' office, the Committee of the Lawyers' Council of Thailand under the law on lawyers shall serve as a registrar with a duty of registration in accordance with the Ministerial Regulation and the Notification under section 5.

In the case where a debt collection business operator is a lawyer or a lawyers' office, the Committee of the Lawyers' Council of Thailand under the law on lawyers shall have the power to order the registration be revoked under section 37 which is the power of the Committee under section 27.

The Chancellor<sup>2</sup> under the law on lawyers shall have the power to determine the appeal of the order not to register which is the power of the Minister of Interior under section 31 or the power to revoke the registration which is the power of the Committee under section 38. The finding of the Chancellor shall be final. The period of time to appeal and to determine an appeal under section 31 and section 38 shall be applied *mutatis mutandis*.

The Committee of the Lawyers' Council of Thailand shall have the power to issue related Regulations on the condition that such Regulations are not contrary or inconsistent with this Act. Upon receiving approval from the Chancellor in accordance with the procedure under the law on lawyers and being published in the Government Gazette, the Regulation shall come into force.

<sup>&</sup>lt;sup>2</sup>A definition of this term is given in section 10 of Thai Lawyer Act, B.E. 2528 (1985). **DISCLAIMER**: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

**Section 7.** The Committee of the Lawyers' Council of Thailand and the Chancellor shall report their operation under section 6 to the Committee every three months as from the day that this Act comes into force.

In the case where the Committee deems that the operation of the Committee of the Lawyers' Council of Thailand or the Chancellor under section 6 is not in accordance with this Act, the Committee shall inform the Committee of the Lawyers' Council of Thailand or the Chancellor to take action for the compliance with this Act.

**Section 8.** A debt collector is prohibited from making contact with other persons who are not debtors for debt collection, except for a person specified by a debtor for such purpose.

The contact with other persons, other than persons in paragraph one, can be done with the aim of enquiring or confirming the place of contact with a debtor or person specified by a debtor for debt collection purpose only. A debt collector shall perform the following actions:

- (1) informing name, last name and expressing an intention to enquire information in regard to a place of contact with a debtor or person specified by a debtor for debt collection purpose;
- (2) it is prohibited to disclose the indebtedness of a debtor, except in the case where other persons are husband, wife, parents or descendants of a debtor and such other persons have enquired a debt collector in regard to the cause of the contact. A debt collector shall inform the information in regard to debt only as necessary and appropriate;
- (3) it is prohibited to use message, sign, symbol or business name of a debt collector on the envelope, in the letter or in other media used in making contact and enquiry which can be understood as a contact to collect debt from a debtor;
- (4) it is prohibited to contact or express oneself causing misunderstanding in order to acquire information on the place of contact of a debtor or person specified by a debtor for debt collection purpose.

**Section 9.** In collecting a debt, a debt collector shall perform the following actions:

#### (1) Place of contact.

In the case where a contact is made in person or by post, the contact shall be made at a place that a debtor or person specified by a debtor for debt collection purpose has notified to be a place of contact. In the case where such person has not notified a place of contact in advance or the notified place of contact is unable to be contacted and the debt collector has duly tried to make contact, a contact shall be made at a place of domicile, a place of residence or a place of employment of such person or other places as specified and announced by the Committee;

#### (2) Time of contact.

A contact by person, telephone, electronic media or other types of information technology media on Monday to Friday shall be made from 8.00 a.m. to 20.00 p.m. and on public holidays shall be made from 8.00 a.m. to 18.00 p.m. If a contact is unable to be made during such period of time or a contact in such period of time is inappropriate, a contact shall be made at other periods of time in accordance with rules, procedures and conditions as specified and announced by the Committee;

#### (3) The number of times of contact.

During a period of time under (2), a contact shall be made as many times as appropriate, and the Committee may also specify and announce the number of times of contact:

(4) In the case of an attorney authorised by a creditor, a sub-attorney for debt collection, a debt collection business operator and an attorney authorised by a debt collection business operator, a debt collector shall inform a name, last name or name of his or her organisation and those of the creditor and an amount of debt. If such attorney collects a debt in person, the attorney shall also show the evidence of autorisation for the collection of debt.

**Section 10.** In the case where a debt collector asks for payment, a debt collector shall show the evidence of authorisation to receive payment from the creditor to the debtor or a person specified by the debtor for debt collection purpose. Upon receiving payment from the debtor, the debt collector shall issue the evidence of the payment of debt to the debtor.

If the debtor has paid the debt to the debt collector in good faith, it shall be deemed that such payment is a legal payment of debt to the creditor irrespective of whether the debt collector has been authorised by the creditor to receive payment.

**Section 11.** It is prohibited for a debt collector to collect debts in the following manners:

- (1) the use of threat, violence or performance other actions causing damage to the body, reputation or property of a debtor or other persons;
  - (2) the use of profane verbal or other languages to a debtor or other persons;
- (3) the notification or disclosure of the indebtedness of a debtor to other persons irrelevant to the collection of debt under section 8, paragraph two (2);
- (4) the contact with the debtor by postcard, open documents, facsimile, or other things implying the evident collection of debt, except it is the case of a notification for the enforcement of mortgage by announcement in the newspaper which the creditor has been unable to contact with the debtor by other means or other cases as prescribed by the Committee;
- (5) the use of message, sign, symbol or business name of the debt collector on the envelope in making contact with a debtor which can be understood as a contact for debt collection except the business name of a debt collector does not imply that such name is a name of a debt collection business operator;
- (6) the use of other inappropriate debt collection practices as prescribed by the Committee.

The provisions of (5) shall not be applied to the collection of debt in writing for the exercise of the right to the court proceedings.

**Section 12.** It is prohibited for a debt collector to collect debts in a manner that is false or causes misunderstanding as follows:

- (1) the exhibit or use of message, symbol, sign or uniform which causes other persons to understand that it is an action of the court, government officer, or State agency;
- (2) the exhibit or use of message which causes other persons to believe that the collection of debt is done by a lawyer, lawyers' office or law office;
- (3) the exhibit or use of message which may cause other persons to believe that he or she will be prosecuted, or his or her property or salary will be seized or confiscated;

(4) the contact or behavior which causes other persons to believe that a debt collector works for or is hired by a credit bureau.

**Section 13.** It is prohibited for a debt collector to collect debts in the following unfair manners:

- (1) calling for the payment of fees or expenses exceeding the rate prescribed and announced by the Committee;
- (2) offering or inducing a debtor to issue a cheque in the knowledge that a debtor is in a state of inability to pay debt.

**Section 14.** It is prohibited for the State official to take the following actions:

- (1) operating a debt collection business;
- (2) collecting debt or supporting the collection of debt which is not his or her own debt except in the case where it is a debt of husband, wife, parents or descendants or in the case where such State official has the power under the law.

In the interest of this section, "State official" means government official, officer, employee or other workers in the ministry, sub-ministry, department, government agency with other names and with the status of department, central administration, regional administration, local administration or other State agencies.

## CHAPTER II SUPERVISION AND EXAMINATION

Section 15. There shall be a committee called the "Debt Collection Supervisory Committee" consisting of the Minister of Interior as Chairperson, the Permanent Secretary of Interior as the first Vice-Chairperson, the Permanent Secretary of Finance as the second Vice-Chairperson, the Permanent Secretary of Defence, the Permanent Secretary of Commerce, the Permanent Secretary of Justice, the Commissioner-General of the Royal Thai Police, the Secretary-General of the Consumer Protection Board, the Director of the Fiscal Policy Office, the Secretary-General of the National Human Rights Commission, the Governor of the Bank of Thailand, the President of the Lawyers' Council

of Thailand as *ex officio* members, and not more than five eminent persons appointed by the Minister of Interior as members.

The Director-General of the Department of Provincial Administration shall become a member and secretary, and the Committee shall appoint two government officials of the Department of Provincial Administration to serve as assistant secretaries.

At least one qualified member appointed by the Minister of Interior under paragraph one shall have knowledge, expertise or experience in each area of finance and banking, law or consumer protection. Qualified members shall hold office for a term of three years and may be reappointed but shall not hold office more than two consecutive terms. A qualified member in consumer protection shall be appointed from a representative of nongovernmental organisation in consumer protection.

A qualified member vacating office on the expiration of term shall continue holding office until a newly appointed qualified member assumes his or her duty.

**Section 16.** The Committee shall have powers and duties in the supervision of the collection of debts of the debt collector. Such powers and duties shall include:

- (1) to issue Notifications or Orders for the execution of this Act;
- (2) to issue Regulations prescribing rules and procedures for the determination of complaint of the Committee under section 27 and to supervise the execution of duties of such Committee;
- (3) to determine an appeal of an order to pay an administrative fine and an order revoking the registration of the debt collection business under section 38;
- (4) to prescribe rules on case settlement and the period of time for the payment of a fine as settled under section 45;
- (5) to recommend or give advice to the Minister for the execution of this Act and to recommend the Council of Ministers or the Minister for the consideration on giving order in the case where there is a problem or obstacle in regard to the coordination in the execution of power and duty of the Committee, the Committee under section 27, the subcommittee under section 21, section 22 and section 28 (3), the case settlement committee, the Department of Provincial Administration, Fiscal Policy Office, Provincial Administration Office and Metropolitan Police Division;

- (6) to recommend the Council of Ministers or the Minister relating to measures on the protection or assistance to be given to the debtor in other matters;
  - (7) to perform other actions as provided by law or assigned by the Minister.

Regulations and Notifications of the Committee shall come into force upon its publication in the Government Gazette.

**Section 17.** Qualified members shall have Thai nationality and shall not be under the following prohibitions:

- (1) being bankrupt, an incompetent or quasi-incompetent person;
- (2) being sentenced by a final judgement to imprisonment;
- (3) being imprisoned due to a final judgement except for an offence committed through negligence or a petty offence;
  - (4) being in the period of being suspended or discharged from an official service;
- (5) having been expelled, dismissed or discharged from an official service, a State agency or a State enterprise on the grounds of breaching disciplines or having been expelled, dismissed or discharged from a private organisation on the grounds of dishonest performance of duties or gross misconduct;
- (6) being a member, manager or person with management power of the credit provider or being a credit provider or having either direct or indirect interest in relation to the debt collection business operator.

**Section 18.** In addition to vacating office under section 15, a qualified member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister of Interior due to negligence or dishonesty in the performance of duty, disgraceful behaviour or incapacity;
  - (4) lacking qualifications or possessing prohibitions under section 17.

**Section 19.** In the case where a qualified member vacates office before the expiration of term, the Committee shall consist of the remaining members until a qualified member is appointed to replace a member who vacates office before the expiration of term, except the remaining term of such member is less than ninety days, the appointed member shall hold office for the unexpired term of office of the member being replaced.

In the case where there is an appointment of additional qualified member while the appointed qualified members are still in office, the appointee shall be in office for the unexpired term of office of the qualified members already appointed.

**Section 20.** At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

At the meeting of the Committee, if the Chairperson does not attend or is unable to perform duty, the Vice-Chairpersons shall perform duty in respective order, if the Vice-Chairpersons do not attend or are unable to perform duty, the meeting shall elect one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member has one vote. In case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

**Section 21.** The Committee has the power to appoint a subcommittee to consider and perform any action as assigned by the Committee.

The section 20 shall be applied to the meeting of the subcommittee *mutatis* mutandis.

**Section 22.** In appointing the subcommittee under section 21, the Committee shall appoint at least one subcommittee to consider or to take action in regard to the supervision of the collection of debt of a credit provider who is a juristic person. 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 subcommittee members with two government officials of the Fiscal Policy Office to be subcommittee member and secretary, and assistant secretary.

**Section 23.** In the case where a debtor or other persons are treated by a debt collector in contravention of this Act, such debtor or other persons shall be entitled to complain to the Committee under section 27 for consideration and giving order.

The making of complaint to the Committee under paragraph one shall be in accordance with rules and procedures prescribed and announced by the Committee.

**Section 24.** In the execution of this Act, the Committee, the Committee under section 27 and the subcommittee under section 21, section 22 and section 28 (3) shall have the power to order any person to come and give factual information or deliver documents or evidence relating to the collection of debt for consideration.

**Section 25.** In the execution of this Act, the Department of Provincial Administration shall be responsible for administrative matters of the Committee and perform other duties as assigned by the Committee.

The Department of Provincial Administration shall have the following powers and duties:

- (1) to receive complaints in regard to debt collection to propose to the Committee under section 27;
- (2) to observe the circumstances of the debt collector or to supervise practices of the debt collection business operator;
- (3) to coordinate with State agencies with powers and duties to supervise or examine the debt collector or other persons related to debt collection;
- (4) to conduct a campaign, public relation and training on correct and appropriate debt collection practices;
  - (5) to perform other duties as assigned by the Committee.

**Section 26.** In the execution of this Act, the Fiscal Policy Office shall be responsible for administrative matters of the subcommittee under section 22 and perform other duties as assigned by the subcommittee.

The Fiscal Policy Office shall have the power and duty to receive complaints in regard to debt collection to propose to the Committee under section 27 including having power

and duty in regard to the collection of debt of the credit provider who is a juristic person as follows:

- (1) to observe the circumstances of the debt collector or to supervise the practices of the debt collection business operator;
- (2) to coordinate with State agencies with power and duty in the supervision or examination of the debt collector or other persons concerning the collection of debt;
- (3) to conduct a campaign, public relation and training on correct and appropriate debt collection practices;
- (4) to perform other duties as assigned by the Committee or the subcommittee under paragraph one.

Section 27. In a province, there shall be a Provincial Debt Collection Supervisory Committee consisting of the Governor as Chairperson, Provincial Chief Public Prosecutor, Commanding General Military Circle in such area, the Commander of Provincial Police, the Provincial Office of the Comptroller General, the President of the Provincial Lawyers' Council as *ex officio* members and the representative of nongovernmental organisation on the consumer protection appointed by the Governor as a member.

The Deputy Governor shall be a member and secretary, and the Provincial Debt Collection Supervisory Committee shall appoint two government officials of Provincial Administration Office to be assistant secretaries.

In Bangkok Metropolitan Administration, there shall be Bangkok Metropolitan Debt Collection Supervisory Committee consisting of the Commissioner of Metropolitan Police as Chairperson, a representative of the Ministry of Finance, a representative of the Department of Provincial Administration, a representative of the Office of the Attorney-General, a representative of the 11th Military Circle, a representative of the Lawyers' Council of Thailand, a representative of nongovernmental organisation on the consumer protection appointed by the Commissioner of Metropolitan Police as members.

The Commander of Investigation, Metropolitan Police Bureau, shall be a member and secretary, and the Commissioner of Metropolitan Police Bureau shall appoint two police officers of Metropolitan Police Bureau to be assistant secretaries.

**Section 28.** The Committee under section 27 shall have powers and duties in their responsible areas as follows:

- (1) to consider and decide on complaints under this Act;
- (2) to order the registration of debt collection business operator be revoked under section 37;
- (3) to appoint the subcommittee for the consideration or performance of action as assigned by the Committee under section 27;
- (4) to report the performance of duties as well as problems, obstacles and recommendations to the Committee once every three months;
  - (5) to perform other duties as assigned by the Committee.

Section 20 shall be applied to the meeting of the Committee under section 27 and the subcommittee under paragraph one (3) *mutatis mutandis*.

**Section 29.** In the execution of this Act, the Provincial Administration Office and the Metropolitan Police Bureau shall be responsible for administrative matters of the Provincial Debt Collection Supervisory Committee and Bangkok Metropolitan Debt Collection Supervisory Committee respectively and shall have powers and duties in their responsible areas as follows:

- (1) to be an office for the registration of the debt collection business;
- (2) to receive complaints in regard to debt collection to propose to the Provincial Debt Collection Supervisory Committee or Bangkok Metropolitan Debt Collection Supervisory Committee as the case may be;
- (3) to observe circumstances of the debt collector or to supervise practices of the debt collection business operator;
- (4) to coordinate with Sate agencies with power and duty in supervising and examining the debt collector or persons concerning debt collection;
- (5) to conduct a campaign, public relation and training on correct and appropriate debt collection practices;
- (6) to perform other duties as assigned by the Committee and the Provincial Debt Collection Supervisory Committee or Bangkok Metropolitan Debt Collection Supervisory Committee as the case may be.

**Section 30.** In the interest of receiving complaints in regard to debt collection, the district office and the police station shall also be a place receiving complaints on debt collection. The heads of such organisations shall have powers and duties to gather facts and documents to submit to the Provincial Administration Office and Metropolitan Police Bureau as the case may be in accordance with rules, procedures and conditions as specified and announced by the Committee.

**Section 31.** In the case where the registrar orders the debt collection business not to be registered under section 5, the lodger of the registration application is entitled to appeal the order not to register to the Minister of Interior within sixty days as from the day of being informed of such order.

The Minister of Interior shall complete the consideration of the appeal under paragraph one within sixty days as from the day of receiving such appeal.

The finding of the Minister of Interior shall be final.

**Section 32.** In the execution of this Act, the competent official shall have the power to order a debt collector or a director, manager, person with management power or employee of a debt collector in the case where a debt collector is a juristic person to give a statement, show information or send bankbook, document, seal or other properties relating to business, assets and debts of the debt collector and of persons mentioned above.

**Section 33.** A competent official performing duties under this Act shall be a public official under the Criminal Code.

In the execution of duties, a competent official shall show an identity card to the concerned person every time.

An identity card of a competent official shall be in accordance with the form prescribed and announced by the Minister of Interior.

# CHAPTER III PENALTY

# Part 1 Administrative Penalty

**Section 34.** In the case where it appears to the Committee under section 27 that a debt collector violates or fails to comply with section 8, paragraph two (1) or (4), section 9, section 10, paragraph one, section 11 (6) or section 13 (1), the Committee under section 27 shall have the power to order the violation be stopped or the situation be rectified within a specified period.

If a debt collector fails to comply with an order of the Committee under paragraph one, the Committee under section 27 shall consider giving order for the payment of an administrative fine not exceeding one hundred thousand baht.

**Section 35.** In considering issuing an order to pay an administrative fine, the Committee under section 27 shall take the seriousness of the perpetration into consideration.

In the case where the punished person fails to pay an administrative fine, the provisions on administrative enforcement under the law on administrative procedures shall be applied *mutatis mutandis*. In the case where there is no officer enforces the order, or there is but such officer is unable to enforce the order, the Committee under section 27 shall have the power to sue to the administrative court for the enforcement of fine payment. In this regard, if the administrative court deems that the order to pay a fine is legal, the administrative court shall have the power to try, decide and enforce by seizing and confiscating properties and sell such properties at public auction for the payment of fine.

**Section 36.** In the case where a debt collector who is a juristic person is administratively fined, if the perpetration of such juristic person caused by an order or failure to give order, or action or inaction which is a duty of a director, manager, or a person with management power on behalf of such juristic person, such person shall also be liable to an administrative fine as provided for such offence.

**Section 37.** The Committee under section 27 shall have the power to order the registration of the debt collection business operator be revoked, when it appears that a debt collection business operator:

- (1) having been punished by an administrative fine and having been repeatedly punished due to the same wrongdoing;
  - (2) acting in breach of provisions with criminal penalties under this Act.

**Section 38.** A debt collector is entitled to appeal an order to pay an administrative fine under section 34, paragraph two, or a debt collection business operator is entitled to appeal an order revoking the registration under section 37 to the Committee within sixty days as from the day of being notified of such order.

The Committee shall determine the appeal under paragraph one within sixty days as from the day of receiving such appeal.

The finding of the Committee shall be final.

# Part 2 Criminal Penalties

**Section 39.** Any person violates or fails to comply with section 5, section 6 paragraph one, section 8 paragraph one, section 8 paragraph two (2) or (3), section 11 (2) (3) (4) or (5) or section 13 (2) shall be liable to imprisonment not exceeding one year or a fine not exceeding one hundred thousand baht or to both.

**Section 40.** Any person who violates section 12 (2) (3) or (4) shall be liable to imprisonment not exceeding three years or a fine not exceeding three hundred thousand baht or to both.

**Section 41.** Any person who violates section 11 (1) or section 12 (1) shall be liable to imprisonment not exceeding five years or a fine not exceeding five hundred thousand baht or to both.

**Section 42.** Any State official who violates section 14 shall be liable to imprisonment not exceeding five years or a fine not exceeding five hundred thousand baht or to both.

**Section 43.** Any person who fails to comply with an order under section 24 or obstructs or fails to comply with an order under section 32 shall be liable to imprisonment not exceeding three months or a fine not exceeding thirty thousand baht or to both.

**Section 44.** In the case where a perpetrator who shall be liable to criminal penalty under this Act is a juristic person, if the perpetration of such juristic person is caused by an order or failure to give order, or action or inaction which is a duty of a director, manager or person with management power on behalf of such juristic person, such person shall be liable to a penalty provided for such offence.

**Section 45.** As for offences in Part 2, except for section 41 and section 42, the case settlement committee appointed by the Minister of Interior shall have the power to settle the case in accordance with rules prescribed by the Committee.

The case settlement committee appointed by the Minister of Interior under paragraph one shall consist of three persons. One of them shall be an enquiry official under the Criminal Procedure Code.

When the case settlement committee has settled a case and the accused has paid a fine as settled within a period specified by the committee, it shall be deemed that the case is settled in accordance with the Criminal Procedure Code and the case settlement committee shall expeditiously notify the Committee.

#### **Transitory Provisions**

**Section 46.** Any person operating a debt collection business or a similar business under this Act prior to the date that this Act comes into force, if such person wishes to continue operating a debt collection business, such person shall lodge a registration application under section 5 paragraph one or section 6 paragraph one as the case may be within ninety days as from the day that this Act comes into force.

During the registration period under paragraph one, such person shall be able to continue operating the business until being informed of the refusal of the registration from the registrar.

**Section 47.** The Minister of Interior shall appoint a qualified member under section 15, paragraph one, within thirty days as from the day that this Act comes into force.

At the initial stage that a qualified member under section 15, paragraph one, has not yet been appointed, the Committee shall consist of the Minister of Interior as Chairperson, the Permanent Secretary of Interior as the first Vice-Chairperson and the Permanent Secretary of Finance as the second Vice-Chairperson, the Permanent Secretary of Interior, the Permanent Secretary of Commerce, the Permanent Secretary of Justice, the Commissioner-General of the 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, the Governor of the Bank of Thailand and the President of the Lawyers' Council of Thailand as members.

The Director-General of the Department of Provincial Administration shall be a member and secretary, and the Director-General of the Department of Provincial Administration shall appoint two government officials of the Department of Provincial Administration to be assistant secretaries for the execution of this Act for the meantime.

Countersigned by:
General Prayut Chan-o-cha
Prime Minister