Accounting Professions Act


Bhumibol Adulyadej, Rex.
Given on the 12th day of October, B.E. 2547 (2004)
Being the 59th year of the present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to enact a law relating to accounting professions,

This Act contains certain provisions related to the restriction of the rights and liberty of the people which Section 29 and Section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of the provisions of law.

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament, as follows:

Section 1. This Act shall be called the "Accounting Professions Act, B.E. 2547 (2004)."

Section 2 This Act shall enter into force immediately after the date of its publication in the Government Gazette.

Section 3 The Auditors Act, B.E. 2505 (1962) shall be repealed.

Section 4 In this Act

"Accounting Profession" means profession in bookkeeping, auditing, managerial accounting, accounting system, tax accounting, accounting education and technology, or other accounting services prescribed by the ministerial regulations.

"Bookkeeper" means a person who is responsible for the bookkeeping in accordance with the law on accounting.

"General Meeting" means an annual general meeting or an extraordinary meeting.

"Member" means a member of the Federation of Accounting Professions.

"Minister" means the Minister in charge of this Act.

Section 5 The Minister of Commerce shall be in charge and control of the execution of this Act and shall have the power to issue the ministerial regulations for the execution of this Act.

Such ministerial regulations shall enter into force on the date of their publication in the Government Gazette.
Chapter 1

The Federation of Accounting Professions

Section 6 The Federation of Accounting Professions shall be a juristic person. Its objective is to promote and develop accounting professions.

Section 7 The Federation of Accounting Professions shall have the following authorities and duties:

(1) Promoting education, training and research with respect to accounting professions;

(2) Promoting the unity and the integrity of its members and to arrange welfare and help among the members;

(3) Setting accounting standards, auditing standards and other standards relating to accounting professions;

(4) Prescribing the Code of Accounting Profession Ethics;

(5) Registering accounting professions, issuing, suspending or revoking a license of an accounting practitioner;

(6) Certifying accounting degrees or certificates from educational institutions to accommodate applications for membership;

(7) Certifying knowledge and expertise in accounting professions;

(8) Certifying professional training courses and continuing education in other areas of accounting professions;

(9) Supervising the conduct and operations of members and registrants to be in accordance with the Code of Accounting Profession Ethics;

(10) Assisting, advising, informing and delivering accounting-related technical knowledge to the public;

(11) Issuing the regulations of the Federation of Accounting Professions;

(12) Being a representative of accounting practitioners;

(13) Giving advisory opinions and presenting policies and problems of accounting professions to the government; and

(14) Operating other activities in accordance with the objectives, authorities and duties of the Federation of Accounting Professions under this Act.

Section 8 The Federation of Accounting Professions may have income from:
(1) Membership dues and fees in accordance with this Act;

(2) Government budget subsidy;

(3) Benefits from asset management and operation of the Federation of Accounting Professions;

(4) Cash and assets donated to the Federation of Accounting Professions; and

(5) Profits from cash and assets under (1), (2), (3) and (4)

Section 9 Subject to Chapter 5 of the Act, the Supervision of Auditing Professions and Chapter 6, the Supervision of Bookkeeping Professions, when public interest is threatened by the operations of any accounting profession or when it is necessary to protect the public and to develop or reorganize any accounting profession, a Royal Decree may be enacted to require a license to be issued by, or the registration to be made with the Federation of Accounting Professions for that profession.

Section 10 When the Royal Decree enacted under Section 9 enters into force for any accounting profession, any person is prohibited to practice in that profession unless such person holds a license issued by, or is registered with, the Federation of Accounting Professions.

A license application, approval, issuance, and registration under paragraph one shall comply with the forms, criteria, procedures, and conditions as prescribed in the regulations of the Federation of Accounting Professions.

To register as an accounting practitioner, the Federation of Accounting Professions may impose an annual fee on a non-member registrant but such fee shall not be higher than an annual due and license fee imposed on its members.

Section 11 A juristic person who provides a service on auditing, bookkeeping, or other accounting services as prescribed in the Royal Decree under Section 9 shall register with the Federation of Accounting Professions upon the following conditions:

(1) Such juristic person shall provide collateral to guarantee the third person’s liability in accordance with types, amount, criteria and procedures prescribed by the ministerial regulations.

(2) With respect to auditing services, a person who is authorized by the juristic person to sign an audit engagement shall be a certified public accountant.

The calculation on the collateral under paragraph one (1) shall take into consideration the size and income of such juristic person along with opinions of related agencies and the Federation of Accounting Professions.

When an auditor is liable to a third person, a juristic person to whom the auditor is attached shall be a joint debtor. In the circumstances that compensation for the damage is not yet paid in full, a partner or an authorized director or any person responsible for the operation of such juristic person shall be liable to paying the remainder of the compensation unless he can prove that the wrongful act has been unknown to him or committed without his consent.
Chapter 2

Members of the Federation of Accounting Professions

Section 12 There shall be four types of membership of the Federation of Accounting Professions:

(1) Ordinary Member
(2) Extraordinary Member
(3) Associate Member
(4) Honorable Member

Section 13 An ordinary member shall have the following qualifications and shall have no prohibited characteristics below:

(1) Being not younger than 20 years old;
(2) Having Thai nationality;
(3) Having at least a bachelor’s degree in accountancy or holding a certificate in accountancy or other degrees equivalent to a bachelor’s degree in accountancy accredited by the Federation of Accounting Professions, or other degrees as prescribed by the Federation of Accounting Professions;
(4) Not being a person of delinquent morals posing discredit to accounting professions as prescribed in the regulations of the Federation of Accounting Professions;
(5) Never having been imprisoned by a final court judgment for an offence on delinquent morals posing discredit to accounting professions as prescribed in the regulations of the Federation of Accounting Professions; and
(6) Not being incompetent or quasi-incompetent or having any disease as prescribed in the regulations of the Federation of Accounting Professions.

Section 14 An extraordinary member and an associate member shall be a Thai national and shall have the qualifications and shall have no prohibited characteristics as prescribed in the regulations of the Federation of Accounting Professions.

The provision in Paragraph One shall not be applied to a person who is not a Thai national but who has a nationality of a country which permits Thai nationals to practice auditing, and who intends to apply for an extraordinary membership. Nevertheless such person shall have the qualifications and shall not have the prohibited characteristics as prescribed under Section 13 (1), (3), (4), (5) and (6).

Section 15 An honorable member is a learned person invited to be a member by a resolution of the Committee of the Federation of Accounting Professions.
Section 16 An ordinary member shall have the following rights and duties:

(1) Presenting opinions in a general meeting;

(2) Casting a vote in a general meeting;

(3) Electing, being elected or being appointed a committee member or to other positions relating to the activities of the Federation of Accounting Professions in accordance with this Act;

(4) Paying membership dues and fees as prescribed in the regulations of the Federation of Accounting Professions;

(5) Preserving the integrity of the accounting professions and complying with the provisions of this Act; and

(6) Other rights and duties as prescribed by the Federation of Accounting Professions.

An extraordinary member, an associate member and an honorable member shall have the rights and duties in accordance with (1), (4), (5) and (6).

Section 17 A membership shall cease upon:

(1) Death;

(2) Resignation;

(3) Lacking the qualifications or having the prohibited characteristics as prescribed under Section 13 or Section 14 or having been removed by a resolution of the Committee of the Federation of Accounting Professions in the case of an honorary member; or

(4) Failure to pay a membership due without appropriate reasons as prescribed in the regulations of the Federation of Accounting Professions.

Section 18 An ordinary meeting of the Federation of Accounting Professions shall be held at least once a year.

All other general meetings apart from an ordinary meeting are called extraordinary meetings.

Section 19 Ordinary members may request for an extraordinary meeting to be convened in accordance with the criteria and procedures prescribed in the regulations of the Federation of Accounting Professions. In such case, the Federation’s President shall summon an extraordinary meeting within thirty days after receiving a written request.

Section 20 There shall be not less than two hundred ordinary members to constitute a quorum at a general meeting.

In any general meeting, after a lapse of thirty minutes from the appointed time if the quorum prescribed by paragraph one is not present, the meeting, if summoned under Section 19, shall be dissolved. If the general meeting is held by the Committee of the Federation of Accounting Professions thereof, it shall be adjourned. The President of the Federation of
Accounting Professions shall summon another general meeting within thirty days and at such meeting, a quorum shall consist of ordinary members being present thereon.

Section 21 At a general meeting, the President of the Federation of Accounting Professions shall act as chairman. If the President is not present or is unable to perform the duty or does not perform the duty, the first Vice-President or second Vice-President respectively, shall be the chairman. If the President and Vice-Presidents are not present or are unable to perform the duty or do not perform the duty, ordinary members being present shall select one of the ordinary members to be the chairman.

Chapter 3
The Committee of the Federation of Accounting Professions

Section 22 The Committee of the Federation of Accounting Professions shall consist of:

(1) The President of the Federation of Accounting Professions elected from ordinary members at a general meeting.

(2) Ex officio members of the Committee derived from chairmen of all accounting profession committees, the chairman of the Committee on Accounting Standard-setting and the chairman of the Committee on Accounting Profession Ethics.

(3) Two accounting specialists and one law specialist appointed by the President of Federation of Accounting Professions and ex officio members under (2)

(4) Members of the Committee elected from ordinary members at a general meeting in the number of not more than five persons.

The Secretary-General of the Federation of Accounting Professions shall be a member and secretary of the Committee. An assistant secretary may be provided as necessary, by a resolution of the Committee of the Federation of Accounting Professions.

Qualifications and prohibited characteristics of the President of the Federation of Accounting Professions, and of members of the Committee under (3) and (4), and the criteria and procedures of an election of the President of the Federation of Accounting Professions and members of the Committee under (4) shall be in accordance with the regulations of the Federation of Accounting Professions.

Section 23 The President of Federation of Accounting Professions and members of the Committee under Section 22 (3) and (4) shall have a tenure of three years.

In the case where the President or members of the Committee under Section 22 (3) and (4) vacate the offices prior to the expiry of their term, or where a general meeting elects additional members of the Committee under Section 22(4) during the active tenure of the elected members of the Committee, the substitute members, elected or appointed, of the Committee or the additional members of the Committee shall retain their offices for the duration of the remaining time as the elected members of the Committee are entitled to remain in their offices.
When the term in paragraph one has expired, if no new election is yet held for the President of the Federation of Accounting Professions or no appointments of members of the Committee under Section 22(3) are yet made, or there is no election yet for new members of the Committee under Section 22(4), the incumbents shall continue to perform duties until the new President or the newly elected or appointed members of the Committee assume their offices.

The President of the Federation of Accounting Professions or members of the Committee who have vacated their offices upon expiry of their terms may be re-elected or re-appointed, but the President shall not serve more than two consecutive terms.

Section 24 Apart from vacation of the office upon expiry of a term, the President of the Federation of Accounting Professions and members of the Committee under Section 22(3) and (4) shall vacate their office upon:

(1) Death;
(2) Resignation;
(3) Cessation of membership in the Federation of Accounting Professions;
(4) Lacking qualifications or having prohibited characteristics as prescribed in the regulations of the Federation of Accounting Professions; or
(5) Discharged from office by an order of the Minister under Section 63

Section 25 The President of the Federation of Accounting Professions shall select from among members of the Committee for appointment as Vice-Presidents in accordance with the number stipulated by the Committee of the Federation of Accounting Professions. One secretary-general, one treasurer and one registrar and other positions stipulated by the Federation of Accounting Professions Committee may be appointed if necessary.

Performance of duties, authorities and vacation of office of the persons under paragraph one shall be in accordance with the regulations of the Federation of Accounting Professions.

Section 26 A meeting of the Committee of the Federation of Accounting Professions requires the presence of half of the total members of the Committee to constitute a quorum.

A resolution shall be passed by a majority of votes. Each member of the Committee shall have one vote. In case voting results in a tie, the chairman of the meeting shall be entitled to an additional vote as a casting vote.

Section 27 The Committee of the Federation of Accounting Professions may appoint sub-committees to consider or execute matters as assigned.

The provisions of Section 26 shall be applied to meetings of the sub-committees mutatis mutandis.

Section 28 The Committee of the Federation of Accounting Professions shall have the following authorities and duties:

(1) Managing the Federation of Accounting Professions to be in accordance with its objectives;
(2) Engaging in activities within its authorities and duties as stipulated in this Act;

(3) Proposing draft regulations of the Federation of Accounting Professions to regulate any activity as prescribed in this Act to a general meeting of the Federation of Accounting Professions;

(4) Holding a general meeting;

(5) Enacting rules for execution to comply with this Act.

Section 29 Ordinary members of not less than one hundred may propose draft regulations under Section 28 (3) to the Federation of Accounting Professions.

The Committee of the Federation of Accounting Professions shall hold a general meeting to consider the draft regulations under paragraph one forthwith.

Section 30 Procedures governing the proposition and consideration of the draft regulations shall be in accordance with the regulations of the Federation of Accounting Professions.

The draft regulations of the Federation of Accounting Professions with respect to membership dues and fees or draft regulations under Section 22 paragraph three, Section 43 paragraph one, and Section 44 paragraph two, shall be approved by the Oversight Committee on Accounting Professions.

The draft regulations of the Federation of Accounting Professions approved by the Federation of Accounting Professions or the Oversight Committee on Accounting Professions in accordance with paragraph two as the case may be shall come into force when the President of the Federation of Accounting Professions affixes his signature and are published in the Government Gazette.

Section 31 The President of the Federation of Accounting Professions shall have the authority to act on behalf of the Federation of Accounting Professions in dealing with outside contacts. He may authorize, in writing, other members of the Committee to perform any specific duty on his behalf.

Section 32 To develop and promote various areas of accounting professions, the committees on accounting professions in each area shall be formed and be composed of a chairman and members in the number prescribed by the Committee of the Federation of Accounting Professions.

The chairman of each committee on accounting profession shall be elected by ordinary members in a general meeting of the Federation of Accounting Professions.

Qualifications and prohibited characteristics of the chairman of committees on accounting professions under paragraph one, the appointment or election, assumption of an office, vacation of an office, the authorities and duties and other operations of the chairman or its members shall be in compliance with the regulations of the Federation of Accounting Professions.
Chapter 4

The Committee on Accounting Standard-setting

Section 33 There shall be a Committee on Accounting Standard-setting which is composed of no less than seven but no more than eleven learned persons appointed by the Committee of the Federation of Accounting Professions from qualified persons with expertise and experiences in accounting, and a representative of the Department of Insurance, a representative of the Department of Business Development, a representative of the Revenue Department, a representative of the Bank of Thailand, a representative of the Office of Auditor General of Thailand, and a representative of the Office of the Securities and Exchange Commission as members of the Committee.

Learned members of the Committee shall hold the office for a term of three years.

The Committee under paragraph one shall select one of its members as the chairman and another one as the secretary.

Qualifications, prohibited characteristics, selection and vacation of office of the learned members shall be in accordance with the regulations of the Federation of Accounting Professions.

Section 34 The Committee on Accounting Standard-setting shall have the powers and duties to set and improve accounting standards to be in accordance with accounting laws and other laws.

Accounting standards must be written in Thai.

Accounting standards as set and improved by the Committee on Standard-setting shall come into force when they are approved by the Oversight Committee on Accounting Professions along with their publication in the Government Gazette.

When the Committee on Accounting Standard-setting is informed by a bookkeeper, a business, a financial information user, the Department of Insurance, the Department of Business Development, the Revenue Department, the Bank of Thailand, the Office of Auditor General of Thailand, the Office of the Securities and Exchange Commission, or other agencies that there have been problems in complying with the accounting standards set which may cause damage, or that complying with the said standards may cause damage to the national economy or obstruct business operations, the Committee on Accounting Standard-setting shall investigate and listen to opinions from interested parties in order to set, improve or develop those accounting standards forthwith.

Section 35 The Committee on Accounting Standard-setting may appoint sub-committees to consider or execute a matter, as assigned.

Section 36 The provision of Section 26 shall be applied to meetings of the Committee on Accounting Standard-setting and sub-committees mutatis mutandis.
Chapter 5
The Supervision of Auditing Professions

Section 37 If there is a provision of law requiring auditing or requiring a document to be affixed with an auditor’s signature or opinion, a person shall be prohibited from certifying the auditing or a document, or from providing an opinion as an auditor unless such person is a certified public accountant or he has been authorized by a competent authority to do so.

Section 38 A person who wishes to be a certified public accountant shall obtain a license from the Federation of Accounting Professions.

Application for, approval, and issuance of a license to be a certified public accountant shall be in accordance with the forms and criteria as prescribed in the regulations of the Federation of Accounting Professions.

If the license issued is not suspended or revoked, a certified public accountant shall be exempt from having to receive the permission from the Director of the Revenue Department to audit and certify an account under the Revenue Code.

Section 39 An applicant for a license of a certified public accountant shall have the following qualifications and shall not have the prohibited characteristics below:

(1) Being an ordinary member or an extraordinary member under Section 14 paragraph two. In the case that an extraordinary member is a foreigner, he shall be proficient in Thai to be able to audit and to prepare a report in Thai and shall have domicile in Thailand. After obtaining a license, he shall obtain a work permit in accordance with the law on aliens’ work, to practice as a certified public accountant.

(2) Having passed an examination, training, or apprentice or having practiced in accounting professions as prescribed by the regulations of the Federation of Accounting Professions;

(3) Never having been imprisoned by a court’s final judgment for offences under Section 269 and Section 323, or offences related to property except offences on loss of property and trespassing under the Criminal Code, offences under accounting law, auditing law, or corporate liability law concerning registered partnerships, limited partnerships, limited companies, associations, and foundations, but limited to only offences relating to faults or untrue certification of financial statements, accounts or reports, or offences under Chapter 5 and Chapter 6 of this Act unless he has been judged or released from punishment for not less than five years;

(4) Not being a bankrupt; or

(5) Having qualifications and having no prohibited characteristics as prescribed in the regulations of the Federation of Accounting Professions.

Section 40 A certified public accountant whose license has been revoked may re-apply for a new license upon the lapse of five years, as from the revocation date. If the Committee of the Federation of Accounting Professions after consideration of the application refuses to issue the
license, he shall be able to re-apply upon the lapse of one year, as from the refusal date thereto. If the Committee of the Federation of Accounting Professions refuses thereto for the second time, he shall no longer have the right to re-apply.

Section 41 A license of a certified public accountant shall have no expiration date but a licensee shall pay a license fee as prescribed by the Federation of Accounting Professions.

A license of a certified public accountant shall be invalid when the licensee:

(1) Dies;

(2) Loses his membership in the Federation of Accounting Professions;

(3) Lacks the qualifications or has the prohibited characteristics under Section 39;

(4) Has his license revoked due to breach of professional ethics;

(5) Fails to pay a license fee while given no respite as prescribed by the Committee of the Federation of Accounting Professions; or

(6) Fails to complete trainings courses as prescribed by the Federation of Accounting Professions in accordance with Section 43 while his license is not being suspended by the Federation of Accounting Professions.

Section 42 After the Federation of Accounting Professions has received the application for a license and considered that the applicant has the qualifications and no prohibited characteristics under Section 39, it will issue a license to the applicant forthwith, which shall not be more than ninety days as from the date of the submission of the application.

In the circumstances that the Federation of Accounting Professions refuses to issue a license to an applicant, it shall give clear reasons for the refusal. In such circumstances, the applicant is entitled to lodge an appeal with the Oversight Committee on Accounting Professions in accordance with criteria and procedures prescribed by the Oversight Committee on Accounting Professions.

Section 43 A certified public accountant is obliged to attend trainings or seminars in accordance with the criteria and procedures prescribed in the regulations of the Federation of Accounting Professions.

In the circumstances that a certified public accountant fails to comply with paragraph one, the Federation of Accounting Professions may suspend his license, until he complies therewith.
Chapter 6
The Supervision of Bookkeeping Professions

Section 44 A person shall be prohibited from engaging in bookkeeping profession, unless he is a member of the Federation of Accounting Professions or is registered with the Federation of Accounting Professions.

The criteria, procedures and conditions for the registration under paragraph one shall be in accordance with the regulations of the Federation of Accounting Professions.

Section 45 A bookkeeper registered with the Federation of Accounting Professions shall have the following qualifications and shall not have the prohibited characteristics below:

1. Having domicile or residence in the Kingdom of Thailand;
2. Being proficient in Thai to be able to do bookkeeping in Thai;
3. Never having been imprisoned by a final court judgment for an offence under Section 39 (3) unless he has been judged or released from punishment for not less than three years;
4. Meeting the educational requirements as prescribed by the regulations of the Federation of Accounting Professions; and
5. Having no other prohibited characteristics as prescribed by the regulations of the Federation of Accounting Professions.

Chapter 7
The Code of Accounting Profession Ethics

Section 46 A professional accountant or a person registered with the Federation of Accounting Professions shall comply with the Code of Accounting Profession Ethics, and perform his duties in accordance with the accounting standards, auditing standards, and other related standards in accordance with this Act.

A person under paragraph one who does not comply with the Code or standards prescribed in accordance with this Act shall be deemed guilty of misconduct.

Section 47 The Federation of Accounting Professions shall prepare the Code in Thai and it shall contain at least the following provisions:

1. Transparency, independence, integrity, and honesty;
2. Knowledge, ability and standards of practice;
(3) Liability for clients and confidentiality; and

(4) Liability for shareholders, partners, persons or juristic persons for whom a professional accountant works.

Section 48 Any clause in an audit engagement that limits or exempts the liability of a certified public accountant shall be null and void.

A certified public accountant is prohibited from making an audit report which contains any statement expressing his exemption from liability in auditing or showing an unclear result due to his failure to perform his duties to the best as to be expected from his professional competency or complete auditing standards.

An act under paragraph two shall be deemed guilty of misconduct.

Section 49 Penalties for ethical misconduct are as follows:

(1) Written warning;

(2) Putting on probation;

(3) Suspension of a license and of registration or prohibition from practice in the area of accounting professions where the misconduct was found within the period not exceeding three years

(4) Revocation of a license and of registration, or withdrawal of membership in the Federation of Accounting Professions.

Section 50 There shall be a Committee on Professional Ethics which consists of not less than nine but not more than fifteen members appointed by the Committee of the Federation of Accounting Professions with approval of a general meeting of the Federation of Accounting Professions. The persons selected shall have the apparent justice, integrity, and honesty and the qualifications and shall have no prohibited characteristics below;

(1) Being an ordinary member;

(2) Having practiced as a professional accountant for not less than a period as prescribed in the regulations of the Federation of Accounting Professions;

(3) Having never been penalized for ethical misconduct;

(4) Not being the President of the Federation of Accounting Professions, members of the committees or sub-committees under this Act.

In the circumstances where it is necessary to have government agencies or other state agencies and the Committee on Professional Ethics to judge the misconduct on the same standards, the Committee of the Federation of Accounting Professions with the consent of a general meeting of the Federation may request the government agencies or other state agencies having the duties to supervise accounting professional ethics to appoint their representatives to be members of the Committee on Professional Ethics under paragraph one. In such circumstances, the provisions in paragraph one (1) and (2) shall not be applied.
The Committee on the Professional Ethics shall select one of its members to be the chairman and may prescribe other positions as it considers necessary.

Section 51 Members of the Committee on Professional Ethics shall have a tenure of three years. They may be eligible for reappointment but shall not serve more than two consecutive terms.

When the tenure expires, the incumbent shall continue to perform the duties until a new member of the Committee assumes his office.

Section 52 Apart from vacation of an office upon an expiry of the term, the members of the Committee on Professional Ethics shall vacate their office upon:

(1) Death;
(2) Resignation;
(3) Lacking qualifications or having prohibited characteristics under Section 50;
(4) Dismissal by a resolution of a general meeting of the Federation of Accounting Professions passed by a majority of not less than two-thirds of votes by the ordinary members attending the meeting, but not less than two hundred votes.

In the case of vacation of an office prior to the expiry of the term, the Committee of the Federation of Accounting Professions shall appoint a substitute member of the Committee who shall perform the duties until the next general meeting.

Section 53 When an allegation of misconduct against a practicing accountant or a person registered with the Federation of Accounting Professions is made, or when that misconduct is known to the Committee on Professional Ethics, the Committee shall launch an investigation forthwith.

The right to allege under paragraph one shall cease upon the lapse of one year as from the date an aggrieved party or an alleger knew of the misconduct and the alleged person, but the lapse shall not exceed three years after the occurrence of the alleged misconduct.

The filing of an allegation, the investigation and the consideration of the alleged misconduct shall be in accordance with the regulations of the Federation of Accounting Professions.

The Committee on Professional Ethics may appoint a sub-committee to execute the investigation on its behalf. Such sub-committee shall consist of at least one member of the Committee on Professional Ethics and other members derived from persons having the qualifications and having no prohibited characteristics under Section 50 (1), (3) and (4) in the number as deemed necessary.

The Committee on Professional Ethics and its sub-committee shall have the powers to summon interested parties to give statements, or facts, or written explanations, or to submit accounts, lists of documents or any evidence, for use in the examination or consideration for the purpose of the investigation.
When its investigation has been completed, the sub-committee shall submit its investigation report along with its opinions to the Committee on Professional Ethics.

Withdrawal of the allegation filed or lodged shall not abort the process and operation under this Act.

**Section 54** If the Committee on Professional Ethics, upon its consideration of the investigation report, finds its resolution that a person is guilty of misconduct, it shall order a penalty for such person in accordance with Section 49.

If the Committee on Professional Ethics finds its resolution that the alleged person is not guilty, the case shall be dismissed.

The order to impose the penalty in paragraph one or to dismiss the allegation in paragraph two shall be notified in writing to the allegor and the alleged person forthwith.

**Section 55** An allegor or the person penalized by the Committee on Professional Ethics under Section 54 is entitled to lodge an appeal to the Oversight Committee on Accounting Professions within thirty days after receiving the notification in accordance with the criteria and procedures prescribed by the Oversight Committee on Accounting Professions.

The decision of the Oversight Committee on Accounting Professions shall be final.

The appeal shall not abate the implementation of the order on the degree of penalty, unless an order is given otherwise by the Oversight Committee on Accounting Professions.

**Section 56** To perform duties in accordance with this Act, the members of the Committee on Professional Ethics or the subcommittees it appoints shall function as competent officers under the Criminal Code.

**Section 57** Any member of the Committee on Professional Ethics or its subcommittees, who has interests in any matter under consultation, shall be prohibited from participating in the consideration of, consultation in, or voting on such matter.

**Section 58** The provision of Section 26 shall be applied to the meeting of the Committee on Professional Ethics and its sub-committees mutatis mutandis.

Chapter 8

Oversight

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**Section 59** There shall be an Oversight Committee on Accounting Professions consisting of:

(1) The Permanent Secretary of the Ministry of Commerce as chairman of the Committee
(2) Ex officio members derived from the Director-General of Department of Insurance, the Director-General of the Department of Revenue, the Governor of the Office of the Auditor General of Thailand, the Governor of the Bank of Thailand, the Secretary-General of the Office of the Securities and Exchange Commission, the President of the Federation of Accounting Professions, the President of the Federation of Thai Industries, the President of Thai Bankers Association, and the President of the Thai Chamber of Commerce.

(3) Two learned members having knowledge and expertise in accounting and one law specialist appointed by the Minister.

The Director-General of Department of Business Development shall be a member of the Committee and its secretary, and an officer of Department of Business Development can be appointed as an assistant secretary if necessary.

The Department of Business Development shall perform administrative duties and support the operation the Oversight Committee on Accounting Professions as the Committee assigns.

Learned members of the Committee in (3) shall have a tenure of three years. They may be re-appointed, but shall not serve more than two consecutive terms.

Section 60 The Oversight Committee on Accounting Professions shall have the following authorities and duties:

(1) Supervising the operations of the Federation of Accounting Professions to ensure they are in conformity with the laws and the objectives of the Federation of Accounting Professions.

(2) Proposing the enactment of the Royal Decrees under Section 9

(3) Approving the regulations of the Federation of Accounting Professions under Section 30 paragraph two, and accounting standards under Section 34 paragraph three.

(4) Considering the appeals of an applicant for a license to be a certified public accountant in accordance with Section 42 paragraph two

(5) Considering the appeals of an allegor or a person penalized by the Committee on Professional Ethics under Section 55 paragraph one.

(6) Appointing sub-committees to act within the authorities and duties of the Oversight Committee on Accounting Professions.

Section 61 To perform its tasks under Section 60 (1), the Oversight Committee on Accounting Professions shall have the following authorities:

(1) Making inquiries concerning the operations of the Federation of Accounting Professions.

(2) Issuing a written order to members, members of committees or members of sub-committees of the Federation of Accounting Professions, or to any person to present facts concerning the operations of the Federation of Accounting Professions.
(3) Issuing a written order to the Federation of Accounting Professions, committees or sub-committees under this Act to withhold, amend, or set down measures to correct an act which contravenes the laws, objectives or regulations of the Federation of Accounting Professions.

Section 62 The provisions under Section 26 shall be applied with regards to the meetings of the Oversight Committee on Accounting Professions and its sub-committees mutatis mutandis.

Section 63 When it is known that the President of the Federation of Accounting Professions or members of the Committees or sub-committees under this Act do not comply with the orders of the Oversight Committee on Accounting Professions, or have acted in such a way which seriously damage the reputation of the Federation of Accounting Professions, the Oversight Committee on Accounting Professions shall investigate the matter forthwith, and submits its findings to the Minister in order to dismiss the President of the Federation of Accounting Professions or sub-committees.

The order of the Minister shall be final.

In the case an ex officio member of the Committee under Section 22 (2) is dismissed in accordance with paragraph one, he shall vacate his office thereunder.

Section 64 When the Minister issues an order under Section 63 which results in the decrease in the number of the Committee on Accounting Professions to less than half of the designated number, the Minister shall appoint up to the designated number under Section 22 ordinary members as temporary members of the Committee to replace those discharged on the same day as the date of the discharge order thereto.

There shall be an election or appointment of new members of the Committee under Section 22 within ninety days as from the date the Minister issues the order to appoint the temporary members of the Committee. If the remainder of the term thereof is less than one hundred and eighty days, the Minister may or may not order an election to be held and allows the substitute elected or appointed members of the Committee to hold their offices for the remainder of the term.

Chapter 9
Penalties

Section 65 Any person who violates Section 10 shall be punished with an imprisonment term not exceeding three years, or with a fine not exceeding sixty thousand Baht, or both.

Section 66 Any juristic person who violates or does not comply with Section 11 shall be subject to punishment with a fine not exceeding three hundred thousand Baht, and a fine not exceeding ten thousand Baht per day until the violation is corrected.

Section 67 Any person who violates Section 37 shall be punished with an imprisonment term not exceeding three years, or a fine not exceeding sixty thousand Baht, or both.
Section 68 Any certified public accountant whose license is suspended under Section 43 but still engages in auditing during such period shall be punished with an imprisonment term not exceeding three years or a fine not exceeding sixty thousand Baht, or both.

Section 69 Any person who violates Section 44 shall be punished with an imprisonment term not exceeding two years, or a fine not exceeding forty thousand Baht, or both.

Section 70 Any professional accountant or any person registered with the Federation of Accounting Professions who has been penalized for misconduct under Section 49(3) or (4), but still engage in the profession shall be punished with an imprisonment term not exceeding three years, or fine not exceeding sixty thousand Baht, or both.

Section 71 Any person who does not comply with an order of the Committee on Professional Ethics under Section 53 paragraph five, or an order of the Oversight Committee on Accounting Professions under Section 61 (2) or (3), shall be punished with an imprisonment term not exceeding one month, or a fine not exceeding one thousand Baht, or both.

Section 72 If the offender who shall be punished under this Act is a juristic person, an authorized director, a managing partner, a representative of the juristic person or any person who is responsible for the operations of such juristic person shall also be subject to the same punishment unless he can prove that he has no knowledge of or has not given the consent to such offence thereof.

Transitory Provisions

Section 73 A certified public accountant who has been licensed under the Auditor Act B.E. 2505 (1962) prior to the date of the enforcement of this Act shall remain certified until his license expires or is revoked thereunder.

Section 74 In the initial period, the Committee of the Institute of Certified Accountants and Auditors of Thailand shall act as the Committee of the Federation of Accounting Professions until the Committee of the Federation of Accounting Professions under this Act takes office. The President of the Institute of Certified Accountants and Auditors of Thailand shall be regarded as the President of the Federation of Accounting Professions until an election of the President thereof under this Act is held, but within a period of not exceeding one hundred and eighty days as from the effective date thereof.

Section 75 During the period when the number of members of the Federation of Accounting Professions has not reached five hundred, the Oversight Committee on Accounting Professions shall serve as the Federation of Accounting Professions to approve or give consent to the regulations of the Federation of Accounting Professions.

Section 76 All ministerial regulations, regulations or notifications issued under the Auditor Act B.E. 2505 (1962) shall remain in force until new ministerial regulations, regulations or notifications on the same matters are issued and enter into force under this Act.

In the case of inability to implement the provisions of the ministerial regulations, regulations or notifications issued under the Auditor Act B.E. 2505 (1962) in regard to any matter,
the Oversight Committee on Accounting Professions shall be able to set forth specific or general implementation procedures or exemptions in such matter.

Section 77 In the initial period when no accounting standards are set under this Act, the Oversight Committee on Accounting Professions may temporarily enforce the accounting standards set by the Institute of Certified Accountants and Auditors of Thailand and which have been widely used before this Act entered into force.

Section 78 Any juristic person who has provided auditing service prior to the effective date of this Act shall register with the Federation of Accounting Professions within one year as from its effective date under the following conditions.

(1) Such juristic person shall provide collateral under Section 11 (1) within the period not exceeding three years as prescribed by the ministerial regulations.

(2) The requirement under Section 11 (2) shall be fulfilled within three years as from the effective date of this Act.

Countersigned:
Police Lieutenant Colonel Thaksin Shinawatra
Prime Minister

Remarks:
The reason for the promulgation of this Act is that at present the accounting professions have expanded to cover many areas, notably bookkeeping, auditing, managerial accounting, accounting system, tax accounting, accounting education and technology, or other services. These have extensively involved other business activities. As a result, the accounting professionals should be encouraged to be under the same supervision of the Federation of Accounting Professions which will serve as a center to promote the solidarity as well as to provide the knowledge and develop the professional standards, so that the accounting professionals shall have a higher quality and standards and professional advancement, as well as the control of their professional ethics, which make it necessary to enact this Act.