

MINISTERIAL REGULATION
PRESCRIBING RATES AND CONDITIONS ON COLLECTION OF INTEREST AND FEES
FOR REPAYMENT BY THE MINISTRY OF FINANCE,
B.E. 2554 (2011)*

By virtue of section 5 and section 26 of the Public Debt Management Act, B.E. 2548 (2005), the Minister of Finance hereby issues the Ministerial Regulation as follows:

Clause 1. When the Ministry of Finance has raised loan to repay debts on behalf of a State enterprise or a State financial institution, the Ministry of Finance shall collect interest from the State enterprise or State financial institution at the same rate and under the same conditions as those imposed on the Ministry of Finance by the source of loan.

Clause 2. The Ministry of Finance shall collect a fee for repayment of debts from a State enterprise or State financial institution at the rate of 0.5 per cent of the repayment amount.

The Minister may approve the Ministry of Finance to collect a repayment fee at the rate lower than that specified in paragraph one or not to collect any fee in the following cases:

(1) a project or work plan of a State enterprise in accordance with a Government policy, which the Council of Ministers has passed a resolution that the State enterprise shall be responsible for and execute such project or work plan;

(2) a project or work plan of a State enterprise for basic public utilities which is beneficial to the public at large but has no commercial worthiness for investment;

* Published in the Government Gazette, Vol. 128, Part 38a, dated 20th May B.E. 2554 (2011).

(3) a project or work plan for credit facilitation of a State financial institution in accordance with a Government policy, in respect of which the Council of Ministers has passed resolution assigning such State financial institution to be responsible for and execute such project or work plan.

The State enterprise or State financial institution, which is approved to pay a fee at the rate lower than the specified rate or does not have to pay a fee under paragraph two, shall record the difference between the repayment fee actually paid and the repayment fee which should have been paid in accordance with paragraph one as a part of the amount of governmental subsidy for its operation.

Clause 3. The repayment fee under clause 2 shall be charged in the currency of the repayment.

Clause 4. In collecting the interest and repayment fee from a State enterprise or a State financial institution, the Ministry of Finance shall conclude an agreement in the form prescribed by the Minister, which shall at least contain the following items:

- (1) names of the contracting parties;
- (2) amount and currency of repayment, and any other expenses under section 15;
- (3) interest rate;
- (4) method of payment;
- (5) interest in case of default;
- (6) expenses from public debt management that may incur after the debt repayment for which the State enterprise or State financial institution shall be responsible;
- (7) causes for rescission of the contract.

Given on the 6th day of May B.E. 2554 (2011)

Korn Chatikavanij
Minister of Finance

Remarks: The reasons for the promulgation of this Ministerial Regulation are as follows. Whereas section 26 of the Public Debt Management Act, B.E. 2548 (2005) provides that the Ministry of Finance shall have the power to collect interest and fees for repayment on behalf of a State enterprise or a State financial institution at the rates and under the conditions prescribed by the Ministerial Regulation, it is therefore necessary to issue this Ministerial Regulation.