

Tax Sanctions CD

An offence against the customs law is a criminal offence, in practice, legal procedures are usually concerned with the recovery of ~~penalty~~ fines and fine.
 Offences include non-compliance with custom procedures, false declaration and most serious offence of smuggling and evasion of custom duty.

Statutory penalties are as prescribed by the relevant provisions of the Customs Act. ~~x exam~~
 → statute of limitation for exercising the right to make a claim 2 years

Where Customs and the offender agree to settle the case at the Customs level, the penalties would be in accordance with the settlement criteria as prescribed by the Director-General of the Customs Department. Currently, a duty evasion offence would typically be settled with a fine of from 50% to 200% of the duty shortfall based on the import entry.

The VAT penalty would also be applied proportionally based on the duty fine. Duty and VAT surcharges would also apply in this respect.

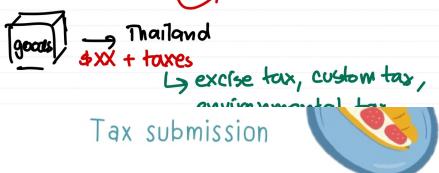
For the import licensing error, the settlement criteria would be the surrendering of the goods or a fine in lieu thereof based on the value of the goods. For offence related to smuggling, the penalties are based on a multiple of the value of the goods.

Calculation

$$\begin{aligned} \text{Tax base (imported goods)} &= \text{CIF amount} = 1,000,000 \\ \text{Custom duty} &= \text{CIF amount} \times \text{custom rate \%} = 50,000 \\ \text{Excise tax} &= (\text{CIF amount} + \text{Custom duty}) \times \text{excise rate \%} = 20,485 \\ \text{Value added tax} &= (\text{CIF} + \text{Custom duty} + \text{Excise}) \times 15\% = 157,500 \\ \text{Final price} &= \text{CIF} + \text{Custom duty} + \text{Excise} + \text{VAT} = 1,000,000 + 50,000 + 20,485 + 157,500 \\ &\rightarrow \text{sum of these = final price} \\ \text{i.e. buying cosmetics from abroad in totalling } 150\% &\rightarrow \text{tax base } \rightarrow 1,000,000 \text{ baht, including transportation and insurance.} \end{aligned}$$

$$\begin{aligned} \text{final price} &= 1,000,000 + 50,000 + 20,485 + 157,500 \\ &= 1,045,509 \text{ baht} \end{aligned}$$

Calculation



Tax submission

PND.50 (annual submission) จะใช้หักภาษี ณ ที่ได้รับมาได้ 75% ของภาษีที่ได้หักแล้ว
 และต้องชำระภายใน 30 วัน ภายหลังจากได้รับเงินเดือน จึงต้องหักภาษี 75% ของเงินเดือนที่ได้รับมาแล้ว

PND.51 (half-year submission) ภายใน 2 เดือน

PND.52 (annual submission) ต้องนำรายได้ทั้งหมดมาหักภาษี ณ ที่ได้รับมาได้ 75% ของภาษีที่ได้รับมาแล้ว 150 วัน

PND.53 (annual submission) หักภาษี ณ ที่ได้รับมา ภายใน 150 วัน

หมายเหตุ : บริษัทต้องหักภาษี ณ ที่ได้รับมา ภายใน 150 วัน แต่หักเพียง 75%
 How many times is a limited company liable to pay corporate income tax in one accounting period?

- 1 time
- 2 times
- 3 times
- 4 times

Student's ID *

6421303111

Which is not a joint venture? *

- company + company
- company + person
- non-registered partnership + company
- non-registered partnership + non-registered partnership

Who is not liable to corporate income tax? *

- Limited company
- Limited partnership
- Non-registered ordinary partnership
- Company registered under foreign law and carrying on the business in Thailand

Which is not a form for corporate income tax submission? *

- P.N.D.50
- P.N.D.51
- P.N.D.54

What is a depreciation rate for furniture in a company's office? *

- 5 percent
- 10 percent
- 20 percent
- 100 percent

SBT Computation

SBT	=	Tax base	×	Tax rate
Local tax	=	SBT + Penalty + Surcharge	×	10%
Tax payable	=	SBT + Penalty + Surcharge	+	Local tax

4. Which is tax sanction amount for submitting without the period? *

- 1.5% of the tax amount
- twice of the tax amount
- Twice of the missing tax amount
- Not exceeding 4,000 baht

5. Who is not the taxpayers on Excise tax? *

- Producers
- Industrial operators
- Importers
- There is no correct answer

6. Which one is not correct? *

- Custom duties are imposed under the Customs Act
- Duties are levied on a specific or an ad valorem basis
- Thailand has FTAs with Cambodia
- Custom duties are collected from goods and services that imported into Thailand

Tax Base & Tax Rate

SBT

Business	Tax Base	Tax Rate (%)
1. Banking, Finance and similar business	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
2. Business of finance, securities and credit	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
3. Life Insurance	Interest, service fees and other fees	2.5

Tax Base & Tax Rate

Business	Tax Base	Tax Rate (%)
4. Pawn Brokerage	Interest, fees, remuneration from selling overdue property	2.5
5. Business with regular transactions similar to commercial banks	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
6. Real estate	Gross receipts	3.0

Penalty

The penalty of VAT is applied mutatis mutandis for penalty of SBT

(1) carrying on business without specific business tax registration shall be liable to penalty twice the tax due in tax month for the duration of failure to comply with such provision, or 1,000 Baht, which ever is greater

(2) failing to file tax return within the prescribed time shall be liable to penalty twice the amount of tax due

(3) filing incorrect tax return affecting the amount of tax due shall be liable to penalty for the affected amount of tax

(4) filing incorrect tax return affecting the output tax or input tax shall be liable to penalty for the amount of the deficient output tax or excess input tax

Surcharge & Fine

Surcharge

Any person fails to pay or remit tax within the time shall be liable to a surcharge on 1.5 percent of payable tax excluding penalty per month or fraction

Fine

A person who carries on a business subject to specific business tax without registering for specific business tax in accordance with section 91/12 shall be punished with imprisonment not exceeding 1 month or a fine not exceeding 5,000 Baht or both.

In the case of late submission, the fine is:

- 300 baht within the first 7 days
- 500 baht after 7 days



File a Tax Return & Payment

SBT taxable period is a calendar month. SBT return (Form PT 40) must be filed on a monthly basis regardless whether or not the business has income. SBT return and payment must be submitted to the District Revenue Office within 15 days of the following month. If taxpayer has more than one place of business, each place of business must file its return and make the payment separately unless there is an approval from the Director-General.

Remark : If in any tax month, the tax is less than 100 Baht, payment of such tax shall be waived for the tax month.

