

## Reform regarding Enforcing Contracts

### Laws and Regulations

၁. Act Amending the Civil Procedure Code (No. ၈၀), B.E. ၂၅၆၀ (၂၀၁၈) (Title II Execution of Judgments or Orders) was published in the Government Gazette on ၆<sup>th</sup> July ၂၀၁၈ and came into force on ၄<sup>th</sup> September ၂၀၁၈.

Remarks:

- This amendment is the major reform of the Civil Procedure Code (CPC) since the last amendment in ၂၀၀၄ of the civil judgment enforcement law.
- The duration of enforcement would be minimized as the enforcement officer has no need to ask for the Court approval in holding the public auction. In addition, it is stipulated that the public auction has to be made after ၁၀ days following the date of seizure so that any challenge concerning the price can be made during this period and consequently the challenge on this ground is barred after such period. Also, the public auction announcement will now specify ၄ public auction dates per round which can possibly reduce the time spent for the overall proceedings.

### Key Principles:

- Reducing the step of enforcement proceeding.
- Reducing the impeding of procedure, resulting in efficiency in the enforcement of judgment.
- Providing ease of access to public services such as receiving the writ of executions via electronic method real time and providing electronic channel for conducting public auction.

### ၂. LED Order

၂.၁ Legal Execution Department's (LED) Order No. ၈၈၄/၂၅၆၀ on Assignment to Administer

the Attachment of Debtor's Monetary Claims on behalf of Enforcement Officer, dated on ၁၄<sup>th</sup> March B.E. ၂၅၆၀ (၂၀၁၈).

၂.၂ LED Order No. ၄၀၈/၂၅၆၀ on Performing of Seizure of Properties, Eviction, Removal, dated on ၁၈ September B.E. ၂၅၆၀ (၂၀၁၈).

၂.၃ Regulation on Performing of Seizure of Properties, Eviction, Removal, dated on ၁၈ September, B.E. ၂၅၆၀ (၂၀၁၈).

၂.၄ LED Order No. ၄၀၉/၂၅၆၀ on Attachment of Properties, dated on ၁၈ September B.E. ၂၅၆၀ (၂၀၁၈).

၂.၅ Regulation on Attachment of Properties, dated on ၁၈ September B.E. ၂၅၆၀ (၂၀၁၈).

၂.၆ LED Order No. ၄၀၈/၂၅၆၀ on Performing of Auction, dated on ၁၈ September B.E. ၂၅၆၀ (၂၀၁၈).

၂.၇ Regulation on Auction, dated on ၁၈ September B.E. ၂၅၆၀ (၂၀၁၈).

๒.๘ LED Order No. ๕๐๔/๒๕๖๐ on Performing Distribution Account, dated on ๑st September B.E. ๒๕๖๐ (๒๐๑๗).

๒.๙ Regulation on Performing Distribution Account, dated on ๑st September B.E. ๒๕๖๐(๒๐๑๗).

๒.๑๐ LED Order No. ๕๐๕/๒๕๖๐ on Performing on the Enforcement Officers' Duties on Stay and Termination of Execution, dated on ๑st September B.E. ๒๕๖๐ (๒๐๑๗).

๒.๑๑ LED Order No. ๖๘๑/๒๕๖๐ on Performing of Lost or Removed of Seized Properties, dated on ๙th November B.E. ๒๕๖๐ (๒๐๑๗).

๒.๑๒ LED Order No. ๕๗/๒๕๖๑ on the Expenses of Condominium maintenance cost and the management utilities cost of the allocation of land, dated on ๒๔th January B.E. ๒๕๖๑ (๒๐๑๘).

๓. Announcement of Director-General on Public Auction Form (No.๙), dated on ๑๕th August B.E. ๒๕๖๐ (๒๐๑๗) was published in the Government Garzette on ๕th September B.E. ๒๕๖๐(๒๐๑๗).

๔. LED Circular Letter No.๒๒ on the Duration of the First Performing Auction of Immovable Properties in Civil Cases (๑๕th December ๒๐๑๗).

## **Adoption of the Information Technology in Operation Processes:**

### **๑. E-Filing**

- The LED signed the Memorandum of Understanding (MOU) on linkage on Information Technology with Court of Justice on ๒๖th December ๒๐๑๗

- From ๑๗th March ๒๐๑๗ to ๓๐<sup>th</sup> March ๒๐๑๘, the LED received the writ of execution via electronic method real time from Thon Buri Civil Court totaling ๒,๗๔๑ cases.

- From ๑st to ๓๐<sup>th</sup> March ๒๐๑๘, the LED has received information linkage in electronic formats regarding the writ of execution in civil cases with Southern Bangkok Civil Court by web-service system totaling ๒๙๖ cases.

### **๒. E-Offering Auction**

- Providing E-Offering Auction System for all the LED offices and branch.

- Announcement of Director-General on E-Offering Auction (No.๒) B.E.๒๕๖๐ (๒๐๑๗) which allows bidders offer bidding price via electronic system, was published in the Government Gazette on ๗th March ๒๐๑๗. The LED has performed the public auction since ๒๘th November ๒๐๑๗ by scheduling Chiang Mai Legal Execution Office as "Center" and sending the purchase orders from the Bangkok Civil Case Enforcement Office ๑-๖, KhonKaen Legal Execution Office, NakhonRatchasima Legal Execution Office and Songkhla Legal Execution Office as "Node".

### 3. Mobile Application

- "LED Debt Information", provides convenience to facilitate parties in a case to track status of civil case enforcement process and check outstanding balances that is easier, faster, and cheaper, with more transparent working procedure. This application was scheduled to be launched on 1st August 2017 on Android Operating System and IOS. On 30<sup>th</sup> March 2018, the number of download was 404 downloads and got 4.83 of the satisfaction level.

- "LED Property Application", provides convenience to the public to search for properties in LED public auction nationwide, so the public will reach the government service instantly anywhere and anytime. On 30<sup>th</sup> March 2018, the number of downloads was 18,114 downloads and got 3.14 of the satisfaction level.

- "LED Property Plus" provides convenience to the public in reaching services instantly anywhere and anytime to search for seized condos along BTS, MRT, and Airport Rail Link lines in Bangkok. This Application has linked with Google that showed the location in street view. On 30<sup>th</sup> March 2018, the number of downloads was 1,510 downloads and got 3.85 of the satisfaction level.

- "LED Streaming" uses to watch LIVE public auction in 15 LED offices. There was scheduled to be launched in November 2017 on Android Operation System.

- The LED provides the information services via LINE application that can add line friend by using ID Line or scanning QR Code for public to access the LED Information faster and continuous. This application was scheduled to be launched on 1st April 2017, the total users are 1,883 users.

4. Connection the Database with the Department of Lands by link the announcement of public auction with the Land Map to illustrate the obviously and correctly location in 3D that facilitated any person who is interested in public auction. This is scheduled to be launched on 3rd January 2018.

5. Electronic Data Capture (EDC Payment) is an alternative channel for making the deposit in public auction via debit or credit card that facilitates the interested persons to place the deposit for bidding and pay the remaining price by card.

6. The parties can now make an appointment electronically.

#### Case Management:

1. Track Status of the enforcement of civil judgment on "www.led.go.th"

Present: the number of tracking is 44% of overall cases.

2. Queue Management Automation System in all Legal Execution Offices nationwide. The public can trace the progress of the enforcement officer services in every processes.

၈. Reservation queue in civil cases to contact the enforcement officer to facilitate the public. This system has been used since ၁st December ၂၀၁၈. Until ၈၀<sup>th</sup> March ၂၀၁၉, the totaling number is ၄၄၄ users.

၉. Expediting the Turnover of Seized Properties, the LED is applying ၂A policy to expedite the turnover of properties,

- Accelerating the operational process of the Property Valuation Committee meeting and

- Accelerating notification of public auction.

Moreover, the LED is now bringing electronic system supported the turnover of properties, expediting the distribution account and holding public auction on Saturdays and Sundays, in order to demonstrate the transparency in the operation of the LED.

၁၀. Accelerate the pending cases by setting KPI (Key Performance Indicator) for the efficiency of performing basic functions under KPI by completing cases ၁,၁၀၈ cases from ၁၁,၈၆၄ cases, accounted for ၉.၄၁% of overall cases. (The data at ၂<sup>nd</sup> April ၂၀၁၉.)

၁၁. The LED arranged the “fast track” channel in payment for interested person in the civil cases which the amount of dispute is not exceed than ၄၀၀,၀၀၀.၀၀ Baht. Between October ၂၀၁၈ and December ၂၀၁၈, the LED paid to the interested parties at the amount of ၈၀,၂၄၈,၁၂၁.၂၂ Baht.

## **Development and Revision of Laws and Regulations:**

### **၁. Draft of the Enforcement Officer Act B.E. ....,**

Key Principles:

- Training and educating provided to the enforcement officers.
- Appointing the enforcement officer with the specific on the civil judgment enforcement law.
- Standardizing the duties and liabilities of the enforcement officer.
- Enhancing the professional standard for the enforcement officer.

At present, the Ministry of Justice is in the process of Ministry of Finance, Office of the Civil Service Commission, Office of the Public Sector Development Commission, Office of the Council of State, and Bureau of the Budget before proposing to the Cabinet.

### **၂. Ministerial Decree to accommodate the CPC**

၂.၁ Draft of Ministerial Decree on Setting Rules, Measures and Conditions of the Public Auction

Present: The secretariat of the Cabinet and the Office of the Council of State agreed in the draft and will recently promulgate.

๒.๒ Draft of Ministerial Decree on Qualification, Setting Rules, Measures and Conditions of Authorized Person to Perform in Substitution of Enforcement Officer

Present: The secretariat of the Cabinet and the Office of the Council of State agreed in the draft and will recently promulgate.

๒.๓ Draft of Ministerial Decree on Setting Rules, Measures and Conditions of the Public Auction via Electronic Means

Present: The draft of ministerial regulation is considered by the LED's working group.

### **๓. Announcement of Director-General**

๓.๑ Draft of Announcement of Director-General on Website for Advertising Public Auction and Advertising Public Auction on Newspaper

๓.๒ Draft of Announcement of Director-General on Setting Government Offices for Advertising Public Auction

๓.๓ Draft of Announcement of Director-General on Special Security

๓.๔ Draft of Announcement of Director-General on Offering Measures

๓.๕ Draft of Announcement of Director-General on Postponement of the Remaining Price

Present: ๕ drafts are considered and expected to become effective after the effective date of Draft Ministerial Decree on Setting Rules, Measures and Conditions of the Public Auction B.E. .... which is the secondary law.

### **๔. Announcement of Committee Prescribing Rules in Setting Starting and Reserve Price in Public Auction**

๔.๑ Draft on Rules in Setting Starting and Reserve Price in Public Auction

๔.๒ Draft on Placement of the Security the Deposit to Guarantee

๔.๓ Draft on Postponement of the Remaining Price

Present: ๓ drafts are considered and expected to become effective after the effective date of Draft Ministerial Decree on Setting Rules, Measures and Conditions of the Public Auction B.E. .... which is the secondary law.

### **๕. Regulations of the Ministry of Justice**

- Draft of the Regulations of the Ministry of Justice on Execution of the Enforcement Officer B.E. ....

Present : The draft is pending for Draft of the Enforcement Officer Act B.E. .... to become effective.

### **Adoption of the Information Technology in Operation Processes:**

#### **๑. E-Filing**

- The Case Information Online Service (CIOS) is created to provide database of the LED and Court of Justice: the Memorandum of Understanding (MOU) was signed between the LED and Court of Justice on ๒๖th December ๒๐๑๗, on linkage Information Technology to integrate the information regarding the writ of execution in civil case of the court located in Bangkok and cooperated with the court across the country.

- The LED developed the LED E-Filing and E-Payment by consulting with the Governor of the Bank of Thailand (BOT) in cooperation and urging commercial banks and financial institutions that are judgment creditors to file all applications and statements to receive payment via electronic channel.

#### **๒. Adopting the Electronic System in Attachment of money**

- Notification the registrar via electronic channel.
- Guidelines for operation with Department of Industrial Works and Department of Land Transport.
- Coordination with the pilot group to develop Electronic Attachment Systems. This system will be launched in July ๒๐๑๘. The attached money will be required to be transferred to single spot: the Financial Management Division of the LED.
- Development the website for the employer to notify any interference with the attachment of money such as the judgment debtor does not work in that company, this system will be launched in March ๒๐๑๘.

#### **๓. E-Filing ๒nd Generation**

From the developed system through which the parties in civil case have been filed application and statement with the advancement of costs and expenses electronically with the LED (E-Filing)

Present: The system is under the development and will be launched in the second quarter of ๒๐๑๘.