



SMALL AND MEDIUM ENTERPRISES PROMOTION

ACT (NO. 2) B.E. 2561 (2018)

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given this 16th Day of April B.E. 2561 (2018);

Being the 3rd Year of the Present Reign

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that,

Whereas, it is expedient to amend the law on small and medium enterprises promotion

BE IT, THEREFORE, ENACTED BY THE KING, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called “Small and Medium Enterprises Promotion Act (No.2) B.E. 2561 (2018).”

Section 2. This Act shall come into force as from the day following the date of its publication in the Royal Government Gazette.

Section 3. The Small and Medium Enterprises Amendment Act (No.2), B.E. 2561 (2018) repeals the provisions in Section 4 of Small and Medium Enterprises Promotion Act B.E. 2543 (2000) and the aforesaid provisions shall be replaced by the following provisions:

“Section 4. Small or medium enterprise means any enterprise with number of employees, incomes, value of fixed assets or fully paid registered capital as prescribed by the Ministerial Regulations.”

Section 4. The Small and Medium Enterprises Amendment Act (No.2), B.E. 2561 (2018) repeals the provisions in Section 6 of Small and Medium Enterprises Promotion Act B.E. 2543 (2000) and the aforesaid provisions shall be replaced by the following provisions:

“Section 6. There shall be a National Board of Small and Medium Enterprises, consisting of :

- (1) Prime Minister as Chairperson;
- (2) Deputy Prime Minister, designated by the Prime Minister as the Vice Chairperson;

(3) *Ex officio* members consist of the Minister of Finance, the Minister of Agriculture and Cooperative, the Minister of Commerce, the Minister of Industry, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Labor, the Permanent Secretary of the Ministry of Science and Technology, the Permanent Secretary of the Ministry of Industry, Director of the Bureau of the Budget, the Secretary-General of the National Social and Economic Development Board, the Secretary-General of Promotion Investment Board, and the Governor of Bank of Thailand;

(4) Representatives of private sector as members are the President of National Farmers Council, the President of Trade of Thailand, the President of Tourism Council of Thailand, the President of the Federation of Thai Industries, and the President of the Thai Bankers Association;

(5) Qualified members, ten persons with knowledge, expertise and experience in relation to small and medium enterprises, are appointed and selected by the Cabinet. Seven members of the ten members are selected from the private sector; in which at least four members shall be small and medium enterprise operators in locality and one in centrality.

The Director shall be a member and secretary to the Board.

In case the member position according to (4) or (5) becomes vacant or insufficient regardless of any reason, the remaining members shall be able to continue their duties, except there are no more than seven members under (4) and (5) remain together.

Section 5. The following provision shall be added to be (9/1) Section 11 of the Small and Medium Enterprises Promotion Act, B.E. 2543 (2000):

“(9/1) To advise the Cabinet to assign public service agencies, governmental agencies or state-owned enterprises which concern small and medium enterprises promotion to integrate budgets in relation to promotion of small and medium enterprises consistently.”

Section 6. The Small and Medium Enterprises Promotion Amendment Act (No. 2) B.E. 2561 (2018) repeals provisions of Section 13 of the Small and Medium Enterprises Promotion Act B.E. 2543 (2000) and the aforesaid provision shall be replaced by the following provisions:

“Section 13. The Board shall appoint a sub-committee to follow and assess budget spending.

The Board may appoint other sub-committees as they think fit to consider or operate any activities according to the Board’s assignment.

Section 10 and section 12 shall be applied *mutandis mutatis* to functions of the aforesaid sub-committee.”

Section 7. The provisions stated below shall be added to be (3/1) of Section 16 of the Small and Medium Enterprises Promotion Act, B.E. 2543 (2000):

“(3/1) To coordinate with educational institutions in locality and centrality to establish SME incubators to transfer knowledge and technologies required for enhancing and stringing SMEs.”

Section 8. The Small and Medium Enterprises Promotion Amendment Act (No. 2) B.E. 2561 (2018) repeals the provisions of Section 18 of the Small and Medium Enterprises Promotion Act, B.E. 2543 (2000) and the aforesaid provisions shall be repealed by the following provisions:

“Section 18. Executive Board of Directors consist of the followings:

(1) Chairperson who holds knowledge, expertise and experience in Small and medium enterprises;

(2) *Ex officio* members consist of Director-General of Community Development Department, Director-General of Business Development Department, Director-General of Agricultural Promotion Department, Director-General of Industrial Promotion Department, a representative of the Ministry of Finance, a representative of the Ministry of Science and Technology, a representative of Beau of the Budget and a representative of the Board of Promotion Investment.

(3) Qualified members, seven persons with knowledge, expertise and experience in relation to small and medium enterprises, and each of four members are from the National Farmers Council, the Board of Trade of Thailand, the Tourism Council of Thailand, and the Federation of Thai Industries.

The Director shall be a member and secretary.

In case chairperson of the Board or a member of the qualified committee has become vacant or members of qualified committee have become insufficient, regardless of any reason, the remaining members of the Executive Board shall be able to continue their duties, except there are no more than four members remain together.

If there is no chairperson under paragraph three, the members who attend the meeting shall select one member to be a chairperson.”

Section 9. The Small and Medium Enterprises Promotion Amendment Act (No. 2) B.E. 2561 (2018) repeals the provisions of Section 19 of the Small and Medium Enterprises Promotion Act B.E. 2543 (2000) the aforesaid provisions shall be replaced by the following provisions:

“Section 19. Section 7, 8 and 9 shall be applied *mutatis mutandis* to the office of a chairperson and qualified committee as members of the Executive Board, except rotation in office under section 9 (3) shall be power of the Board of Directors.”

Section 10. Until Ministerial Regulations issued under the Small and Medium Enterprises Act B.E. 2543 (2000) amended by this Act become effective, any Ministerial Regulations issued under the Small and Medium Enterprises Promotion Act B.E. 2543 (2000) which are effective before the enforcement of this Act shall be continually effective that they are not inconsistent with the Small and Medium Enterprises Promotion Act B.E. 2543 (2000) amended by this Act.

Section 11. The Prime Minister shall have charge and control over the execution of this Act.

Countersigned by
General Prayuth Chan-o-cha
Prime Minister

NOTE:- *Reasons for promulgating this Act is that some provisions of the Small and Medium Enterprises Promotion Act B.E. 2543 (2000) do not encourage support and promotion for small and medium enterprise operators in the current situation. It is expedient to designate characteristics of small and medium enterprises based on yearly incomes for the purpose of the promotion of small and medium enterprises widely. The structure and power of the Board of Director and the Executive Board are also improved. In addition, the Amendment Act allows the Office of Small and Medium Enterprise Promotion to collaborate with educational institutions in relation to transfer of technology that requires for enhancing small and medium enterprises. On basis of the mentioned reasons, this Act shall be amended by the Amendment Act of 2018.*