

Guide to

Personal Income Tax Return 2012

(Form ภ.ง.ด.90)

For taxpayers who received income not only from employment

Bureau of Legal Affairs, Revenue Department, Bangkok

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Guide to Personal Income Tax Return 2012 (Form ภ.ง.ด.90)

This tax return is a general return for taxpayers who received income in the tax year 2012. However, if you had income from employment only, you must use Form ภ.ง.ด.91.

The ภ.ง.ด.90 is available for download at www.rd.go.th. You may file ภ.ง.ด.90 by postal mail or in person at your Area Revenue Branch Office. Alternatively, you can file ภ.ง.ด.90 electronically at www.rd.go.th and receive an eight-day automatic deadline extension.

WHAT'S NEW FOR TAX YEAR 2012?

There are a few changes being made to the tax laws in 2012, notably the rule for married couples. The details of the major changes are as follows:

Personal Income Tax for Married Couple

Previously, Sections 57 Ter and 57 Quinque of the Revenue Code stipulated that if your marriage existed throughout the tax year, you and your spouse must file a joint tax return with the option that a wife may select to file her employment income, Section 40(1) income, separately.

However, on 4 July 2012, the Constitutional Court ruled that Sections 57 Ter and 57 Quinque of the Revenue Code are in breach of the constitution. Consequently, those two sections are no longer applicable. Hence, the government passed an Emergency Act to change the rules for married couples as follows:

- a) You and your spouse can file a tax return jointly as before, for all types of income,
or
- b) You and your spouse can file a tax return jointly, however either you or your spouse may select to file income from employment (Section 40 (1)) separately from the joint income by using ภ.ง.ด.91, or
- c) You and your spouse can file separate tax returns for all types of income received, and pay personal income tax separately. In the case where certain income cannot be clearly identified as yours or your spouse's, the following rules shall apply:

- Sections 40(2) – 40(7) income must be proportioned equally between you and your spouse.
- Section 40(8) income can be proportioned equally or as agreed between you and your spouse. When you and your spouse agree on a proportion, you must notify the tax officer and pay income tax on that amount accordingly.

Note: If you and your spouse choose to file tax return jointly as in a) or b), you and your spouse are responsible for any tax payable incurred together. On the other hand, if you and your spouse choose to file tax return separately, each of you is responsible for any tax incurred separately as well.

WHO HAS TO FILE ภ.ง.ด.90?

The following entities are subject to personal income tax in Thailand:

1. Individual
2. Non-registered ordinary partnership
3. A group of persons
4. A deceased
5. An undivided estate

Additionally, taxpayers can be categorized as “residents of Thailand” and “non-residents of Thailand” for tax purposes as follows:

A. Residents of Thailand

If you stay in Thailand for the total of at least 180 days in 2012, you are considered a “resident of Thailand” for tax purposes. You have to file a return on the income that you received if you meet one of the following conditions:

1. Your total income exceeded 30,000 baht in 2012.
2. You were **married** and the marriage existed throughout 2012 and your income combined with that of your spouse exceeded 60,000 baht.

3. **You are a Small and Medium Enterprise (SME)**, which is non-registered ordinary partnership or a non-juristic body of persons registered and received a Certificate of Registration from the Department of Agricultural Extension, with the total income exceeding 1,800,000 baht in 2012.

B. Non-residents of Thailand

If you stayed in Thailand for less than 180 days in 2012, you were a non-resident of Thailand for tax purposes. If you derived any income from a Thai source, you are subject to Thai personal income tax. You have to file this form if you meet the conditions stated in A.

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Notes:

- Taxpayer 65 years of age or older is entitled up to 190,000 baht of income exemption from his total income.
- Taxpayer with disability who obtains a Disabled Person ID Card is entitled up to 190,000 baht of income exemption from his total income, regardless of age. The taxpayer can select to apply the exemption to **any category** of income from 40(1) – (8), but the aggregate exempted amount cannot exceed 190,000 baht. After the exemption is applied, fill in the information in ภ.ง.ด.90.
- A disabled person 65 years of age or older is entitled to the income exemption of 190,000 baht only.
- If you are qualified for the exemption mentioned above, please fill out the “Income Exemption Entitlement Form” and use the income less the exemption calculated in that form as your assessable income on ภ.ง.ด.90.
- If your spouse has income and is filing jointly, he/she is entitled up to 190,000 baht of income exemption under the following conditions:
 - a. Your spouse is a disabled/incompetent person who obtains a Disabled Person ID Card, or
 - b. Your spouse is 65 years of age or older

No. 1 Employment income / income from hire of service

This section requires that you and your spouse (if filing jointly) provide information regarding employment income (Section 40(1)) and applicable expenses. If your spouse decides to file tax return separately only for income under Section 40(1), he/she has to file another tax return using ภ.ง.ด.91.

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 1 item 1.

Enter the total amount of **Section 40(1) income** as shown on all of your Withholding Tax Certificate that you received from your employer(s).

Section 40(1) income includes your salary, wage, per diem, bonus, bounty, gratuity, pension, rent allowance, employer-provided rent-free lodging, debt liability paid by your employer, and any money, property or benefit you received in connection to your employment.

Note: If you received severance pay (a lump sum paid by the employer due to the termination of an employment contract) and your employment lasted for at least 5 years, you may:

- a) choose to include this amount in your Section 40(1) income and take a deduction by entering this amount in No. 1 item 2. (4), or
- b) choose NOT to include this amount as part of your Section 40(1) income and calculate tax separately for this amount in the Attachment of ภ.ง.ด.90/ภ.ง.ด.91 form as provided.

No. 1 item 2.

You may deduct the followings from your Section 40(1) income:

- (1) Contributions to **provident fund** only the part that exceeds 10,000 baht but not over 490,000 baht. Leave blank if the total amount contributed is less than 10,000 baht. Enter the contributed amount not exceeding 10,000 baht in No. 9 item 8..
- (2) Total contribution to **government pension fund**, up to 500,000 baht.
- (3) Total contribution to **private teacher aid fund**, up to 500,000 baht.
- (4) **Severance pay** (only if you have included this amount in Section 40(1) income), up to 300,000 baht.

No. 1 item 3.

Enter the total amount of **income from hire of service (Section 40(2) income)** as shown on all of your Withholding Tax Certificate that you received. Section 40(2)

income is income from hire of service, which includes commission, meeting allowance, fee, discount, subsidy, gratuity, bonus, rent allowance, employer-provided rent-free lodging, debt liability paid by your employer, and any money, property or benefit you received in connection to your contract.

No. 1 item 4.

Enter the balance of item 1. minus item 2., plus item 3..

No. 1 item 5.

Enter allowable expense equal to the lower of **40% of the amount stated in item 4.** or **60,000 baht.** If you and your spouse both have income and your marriage existed throughout this tax year and you are filing jointly, you and your spouse can each deduct expense as stated above. Thus, the maximum allowable expense is 120,000 baht in this case.

No. 1 item 6.

Enter the balance of item 4. minus item 5. to include this number in No. 10 item 1..

No. 2 Goodwill, royalties, annuities, and other income of similar nature

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 2 item 1.

If you have income from goodwill, copyright or any other rights, annuity, or income derived from a will, juristic act, or court decision, specify the type of income and enter the corresponding amount in this section.

No. 2 item 2.

Line 1: Enter the sum of all royalties you received.

Line 2: Enter allowable expense equal to the lower of **40% of the amount on Line 1** or **60,000 baht.** If you and your spouse both have income and your marriage existed throughout this tax year and you are filing jointly, you and your spouse can each deduct expense as stated above. Thus, the maximum allowable expense is 120,000 baht in this case.

Line 3: Enter the balance (Line 1 minus Line 2).

Total: Enter the sum of item 1. and 2. and include this amount in No. 10 item 1..

No. 3 Interest, share of profits, and dividends

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 3 item 1.

Enter income that you received in the form of **interest** which includes interest from deposits, loans, bonds, debenture, bills (with or without security), part of interest on a loan after withholding taxes prescribed under the law governing petroleum income tax, or the discount from a bill or debt instrument issued by a company or juristic partnership or by another juristic person and sold for the first time at a price below its face value. This type of income also includes income in the same kind as interest, benefit, or other consideration derived from a loan or from a debt claim with or without security.

Note: Do not enter the amount if you select to pay tax on this amount at the rate of 15%. If you select to include this amount, you must include the entire amount. Partial inclusion is not allowed.

No. 3 item 2.

Enter the total amount you received as **share of profits or other benefits from mutual funds**.

This type of share of profits or other benefits may be paid out by a mutual fund or a financial institution that provides loans in support of agriculture, commerce or industry.

Note: Do not enter the amount if you select to pay tax on this amount at the rate of 10%. If you select to include this amount, you must include the entire amount. Partial inclusion is not allowed.

No. 3 item 3.

Enter the total amount of dividends or share of profits you received from a company or juristic partnership incorporated under foreign law.

No. 3 item 4.

Enter the total amount of dividends, share of profits, or other benefits you received from a company or juristic partnership incorporated under Thai law.

Note: Do not enter the amount if you select to pay tax on this amount at the rate of 10%. The selection to include or exclude this amount in ภ.ง.ด.90 must be done on the entire amount. Partial inclusion is not allowed.

No. 3 item 5.

If you are a Thai resident in 2012 for tax purposes and receive income as stated in item 4., you are entitled to **dividend tax credit**. The credit is available **when** you include any dividend or the equivalent in item 1. – 4. above.

How to calculate dividend tax credit:

Dividend tax credit is equal to the total dividends or share of profits received multiplied by the corporate income tax rate applicable to the payer of dividends (e.g. **R%**), and divided by 100 minus the rate.

$$\text{Dividend tax credit} = \text{Dividend} \times [\mathbf{R} / (100-\mathbf{R})]$$

Example: Mr. A received dividend in the amount of 70,000 baht from a Thai company or juristic partnership which is subjected to corporate income tax rate at 30% of its net profits.

$$\begin{aligned} \text{Dividend tax credit} &= 70,000 \times [30 / (100-30)] \\ &= 30,000 \text{ baht} \end{aligned}$$

No. 3 item 6.

If you receive one or more of the following income, specify the type of income you received and enter the sum on line “Others”.

- bonus you received as a shareholder or partner of a company or juristic partnership
- a decrease of capital holdings in a company or juristic partnership for the amount not exceeding profits and reserves
- an increase of capital holdings in a company or juristic partnership for the amount determined from profits and reserves
- a benefit for the amount which exceeds capital received from amalgamation, acquisition or dissolution of a company or juristic partnership

- gains received from transfer of partnership holdings or shares, debentures, bonds, or bills or debt instruments issued by a company or juristic partnership or by any other juristic person
- Share of profits or dividends, after withholding tax, paid out under the law governing petroleum income tax

Total: Enter the sum of the balance under item 1. to item 6., and include this amount in No. 10 item 1..

No. 4 Rent and benefits received from a breach of hire-purchase or installment sale contract

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 4 item 1.

Enter income and expenses from rental of property as follows:

(1) Line 1: Enter the total rent(s) of your houses, buildings, construction fixed to land, and floating house.

Line 2: You may choose to deduct allowable expenses from your rental income stated on Line 1 equal to:

- a) 30% of your rental income stated on Line 1 by checking the “30 percent” box and enter the deduction amount which is equal to 30% of the total of rental income, **or**
- b) the actual expenses by checking the “Actual” box and enter the total amount of expenses associated with the rental of property, as well as provide supporting documents

Note: If you sublet property, you can only deduct the rent that you pay to your landlord or actual expenses. You must also provide supporting documents in case you deduct actual expenses.

Line 3: Enter the balance (Line 1 minus Line 2)

(2) and (3)

Line 1: Enter rental income from property other than those stated in (1).

Line 2: If you received this type of income, you may take a deduction at a rate prescribed under the Revenue Code as follows:

▪ land used for agriculture	20%
▪ land not used for agriculture	15%
▪ vehicle	30%
▪ other property	10%

You may also choose to deduct your actual expenses from the rental income. If you do so, you must provide supporting documents to prove such expenses.

Example: If you received rent from rental of land used for agriculture, you must include it in your assessable income. You may take a deduction up to 20% of the rental income. (On Line 2, check the first box, specify the deductible percentage (20%), and enter the amount (the rental income multiply by 20%)). However, if you sublet the land, you can only deduct the entire rent paid to your landlord. (Check the second box and specify the rent paid to the landlord)

Line 3: Enter the balance (Line 1 minus Line 2).

No. 4 item 2.

Line 1: Enter the total amount you received from a breach of a hire-purchase contract or a breach of an installment sale contract.

Note: Income from a breach of hire-purchase contract must include income and other benefits received since the day the contract was signed until the day the contract was breached.

Line 2: Enter allowable expense equal to 20% of the income stated on Line 1.

Line 3: Enter the balance (Line 1 minus Line 2).

Total: Enter the sum of the balances from No. 4 item 1. to item 2. and include this total amount in No. 10 item 1..

No. 5 Income from liberal professions

If you received Section 40(6) income which is income from “liberal professions”, you have to include such income in your assessable income. Liberal professions include legal services, arts of healing, engineering, architecture, accounting services, and fine arts.

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 5 item 1.

Line 1: Enter income you received from practicing “arts of healing” such as physicians.

Line 2: If you select to deduct 60 percent of income stated on Line 1, check the “60 percent” box and enter the amount. If you select to deduct actual expense incurred, check the “Actual” box and enter the amount.

Line 3: Enter the balance (Line 1 minus Line 2)

No. 5 item 2. and item 3.

Line 1: Enter income from liberal profession(s) other than arts of healing.

Line 2: If you select to deduct 30 percent of the income stated on Line 1, check the “30 percent” box and enter the amount. If you select to deduct actual expense incurred, check the “actual” box and enter the amount.

Line 3: Enter the balance (Line 1 minus Line 2)

Total: Enter the sum of balances from item 1. to item 3. (where applicable), and include this total amount in No. 10 item 1..

No. 6 Independent contracts

Income from an independent contract (Section 40(7) income) must be included in the assessable income. You are considered to receive this income if:

- You supply your own equipment *and* other materials which are essential for the work. Your employer does not provide them.
- You control the hours of work.
- The work can be either temporary or permanent.

To fill in this section, first, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

Line 1: Enter your income from all independent contracts that you received in the tax year.

Line 2: You may choose to deduct a fixed-rate expense by checking the “70 percent” box and enter 70% of the income stated in Line 1, or an actual expense by checking the “Actual” box and enter the actual expense necessarily incurred.

Balance: Enter the balance (Line 1 minus Line 2), and enter this amount in No. 10 item 1..

No. 7 Income from business, commerce, agriculture, sale(s) of property acquired in a commercial or profitable manner, share of profits, or gains from mutual funds under Securities and Exchange Act B.E. 2535

First, enter the 13-digit Taxpayer Identification Number of the payer of this type of income in the provided box.

No. 7 item 1. (1) – (4)

Line 1: Specify the type of income you received from the following activities:

- Business
- Agriculture
- Industry
- Transports
- Sale(s) of immovable property for commercial or profitable purposes.

Line 2: If you and your spouse both received income under Section 40(8) and are filing jointly, please specify the proportion of such income that belongs to you and your spouse in percentage. The default proportion is 50% per each person.

Line 3: Enter the deductible expenses by applying the following calculation:

- You may deduct a fixed-rate expense or an actual expense necessarily incurred from the sale. If you choose a fixed-rate deduction, check the “Percent” box and enter the rate as shown in Table A (See Appendix). If you choose to deduct an actual expense, check the “Actual” box and enter the actual expense.

Balance: Enter the balance (Line 1 minus Line 2)

No. 7 item 2.

Enter dividends/share of profits from mutual funds setting up under the Securities and Exchange Act B.E. 2535.

Note: Enter the amount if you have not allowed the payer to withhold 10% from the income or if you have allowed the payer to withhold 10% from the income but you want to include this income for the computation.

No. 7 item 3.

Enter income from sale(s) of inherited immovable property or sale(s) of immovable property acquired NOT for commercial or profitable purposes in this section. Leave this section blank if you choose NOT to include this income with other assessable income in tax calculation. (See No. 8).

- (1) If you received income from sale(s) of inherited property or property gratuitously transferred to you and you choose to include such income in the tax computation in this tax return, please follow the following steps:

Line 1: Enter income from the sale(s).

Line 2: Enter allowable expense equal to 50% of the income stated in Line 1.

Balance: Enter the balance (Line 1 minus Line 2)

- (2) If you received income from sale(s) of immovable property NOT for commerce or profits, and only in the case where you opt to include the income in the tax computation in this tax return.

Line 1: Enter income from the sale(s).

Line 2: You may choose to deduct a fixed-rate deduction by entering X% of the income stated in Line 1, where X is based on number of years of holding as shown in the table below, or an actual expense deduction by entering the actual expenses necessarily incurred. If you decided to claim actual expenses, you are required to provide proofs of such expenses.

Years of holding*	1	2	3	4	5	6	7	≥8
Deduction (%)	92	84	77	71	65	60	55	50

*The term "number of years of holding the property" means the number of years starting from the year of the acquisition of ownership or possessory right in an immovable property to the year of the transfer of such ownership or possessory right. A period exceeding 10 years shall be treated as 10 years only, and a fraction of a year shall be counted as 1 year.

No. 7 item 4.

Line 1: Enter income from sale(s) of units in Retirement Mutual Fund (RMF).

Line 2: Enter the total purchase price

Line 3: Enter the amount of gain (Line 1 minus Line 2) if you meet one of following conditions:

- You are at least 55 years old and must have purchased units in the RMF every year for at least 5 consecutive years from the date of the initial purchase, or
- You obtain an official doctor's opinion that you are incompetent to the extent that you are unlikely to be capable of engaging in an occupation for wages or profits sufficient to purchase a unit in RMF, or
- In case of death of the holder.

If you meet one of the conditions above, check the "Exempted" box and enter the amount gained (Line 1 minus Line 2). Otherwise, check the "Not Exempted" box and enter the amount gained on Line 4.

In addition, if you did not meet any condition above in 2012 and you have used the total purchase price as deduction in a previous tax year, you must make an adjustment by filing an additional tax return for that tax year and reporting the correct amount of income and pay an additional tax. If you file the additional tax return within 31 March, there is no surcharge or penalty.

No. 7 item 5.

Line 1: Enter income from sale(s) of units in Long Term Equity Fund (LTF).

Line 2: Enter the purchasing price.

Line 3: Enter the amount of gain (Line 1 minus Line 2) if you meet the conditions

- You have held the units in the LTF for at least 5 consecutive years from the date of the initial purchase, or

- You obtain an official doctor's opinion that you are incompetent to the extent that you are unlikely to be capable of engaging in an occupation for wages or profits sufficient to purchase a unit in LTF, or
- In case of death of the holder.

If you meet one of the conditions above, check the "Exempted" box and enter the amount gained (Line 1 minus Line 2). Otherwise, check the "Not Exempted" box and enter the amount gained on Line 4.

In addition, if you did not meet any condition above in 2012 and you have used the total purchase price as deduction in a previous tax year, you must make an adjustment by filing an additional tax return for that tax year and reporting the correct amount of income and pay an additional tax. If you file the additional tax return within 31 March 2013, there is no surcharge or penalty.

Total: Enter the sum of balances from No. 7 item 1. – No. 7 item 5. and include this amount in No. 10 item 1..

Total income under Section 40(1) – (8) before deduction of exempted income of taxpayer:
Enter the total amount of taxpayer's income under Section 40(1) – (8) before deduction of exempted income (e.g. 190,000 baht).

Total income under Section 40(1) – (8) before deduction of exempted income of spouse:
Enter the total amount of spouse's income under Section 40(1) – (8) before deduction of exempted income (e.g. 190,000 baht).

Necessary and Reasonable Actual Expense Incurred for Section 40(5), (6), (7) or (8) Income

Please list actual expenses in connection to Section 40(5), (6), (7), and (8) income in the appropriate boxes.

No. 8 Income from sale(s) of immovable property which was not acquired for trading purposes that was opted for separate tax calculation

At the time you transferred your immovable property at the Land Department, the officer would withhold personal income tax using a fixed-rate deduction. You may choose to include or NOT

to include income from the transfer with other income in the tax computation in this return. If you choose to include such income, refer to No. 7 item 3..

However, if you choose NOT to include the income in the tax computation with other income in this return, but you wish to claim necessary and reasonable expenses instead of a fixed-rate deduction, fill in information in this part. In this case, you are required to provide supporting documents to prove such expenses. If you do not wish to claim necessary and reasonable expenses, you may skip this part.

How to fill in the information in No. 8

1. Enter income from the sale(s) in **1** (The amount to be entered is the official appraised value determined by the Land Department, NOT the amount you actually received from the sale(s).).
2. Enter actual expenses necessarily incurred in the sale(s) of the property in **2**.
3. Enter number of years of holding the property: Please note that “number of years of holding the property” may not be the actual period of time that the property is in your possession. Refer to No. 7 item 3. (2) Line 2 for more information.
4. Enter the amount of tax payable in **3**. Please refer to the following formula for tax payable calculation:

	Income from the sale(s)	1
Minus	<u>necessary and reasonable expenses</u>	2
=	XXXXXXXXXX	
Divided by	<u>number of years of holding the property</u>	
=	XXXXXXXXXX	(Result A)

Apply the following progressive tax rate to **Result A** to get **Result B**

Net Income (baht)	Rate (%)	Amount of Tax
0 – 100,000	5	5% of the amount not exceeding 100,000
100,001 – 500,000	10	50,000 + 10% of the amount over 100,000
500,001 – 1,000,000	20	45,000 + 20% of the amount over 500,000
1,000,001 – 4,000,000	30	145,000 + 30% of the amount over 1,000,000
Exceeding 4,000,000	37	1,045,000 + 37% of the amount over 4,000,000

Result B X number of years of holding the property = tax payable to be filled

in **3**

Note: Tax payable in the amount exceeding 20% of **1** is disregarded. In other words, if the result of tax payable is higher than 20% of **1**, enter 20% of **1** in **3**.

- Enter income tax withheld when you sold the immovable property in **4**
- In the last column, the number to be filled in is the result of **3** minus **4**, say Result C. If Result C is above 0, there is “tax payable” (an additional tax to be paid). On the contrary, if Result C is below 0, you have overpaid tax (refund to be filled in **No. 10** item 17.).

In the last line, check the box that applies to you (Tax payable or Overpaid). Then, enter Result C in the box. The same amount should also be filled in No. 10 item 17..

No. 9 Allowance(s) and exemption(s) (after deducting expenses)

In addition to allowable expenses explained in No. 1 – No. 8, you may be entitled to additional deductions in this part.

No. 9 item 1. Personal allowance

Each individual taxpayer is entitled to a personal allowance of 30,000 baht. Enter 30,000 on this line.

If, however, you are **a non-registered ordinary partnership or a non-juristic body of persons**, the allowance is as follows:

- a. Where only one of the partners/members is a Thai resident: enter 30,000 on this line.
- b. Where 2 or more partners/members are Thai residents, enter 60,000 on this line.

No. 9 item 2. Spouse allowance

You are entitled to an allowance of 30,000 baht for your spouse if he/she has no income in 2012, or you file a joint tax return with your spouse Enter 30,000 on this line.

No. 9 item 3. Child allowance

If you have children, you may be entitled to child allowance if the following conditions are met:

- a. Status of the child: The child must be
 - your or your spouse's legitimate child, or
 - your adopted child
- b. Age of the child: At the end of the year, the child was:
 - an adjudged incompetent/quasi-incompetent person, or
 - age under 20 years old and was not married, or
 - age under 25 years old and was studying in a university level (or any equivalent educational institution), or
- c. Other conditions:
 - The child must be under your care and financial support, and
 - The child had assessable income under 15,000 baht in 2012.
- d. You are entitled to the maximum allowance of 3 children

of your spouse's qualified parent if your spouse has no income (30,000 baht for your spouse's qualified father and 30,000 baht for your spouse's qualified mother).

However, if you got married after 1 January 2012, you and your spouse can each claim parental care allowance, regardless of whether you and your spouse are filing separately or not.

If the qualified parents have more than one child, only one child could claim for a parental care allowance. The child must provide Parental Care Certificate (ฎ.ย. 03) to claim the parental care allowance. The parents' Personal Identification Numbers must be filled in the form ฎ.ย.03.

If you are a non-resident, you may still claim a parental care allowance if the qualified parent is a resident.

No. 9 item 5. Disabled person or incompetent person support

If you and your spouse who has income and is filing jointly take care of a disabled or an incompetent person, you and your spouse may be entitled to an allowance of 60,000 baht per each qualified disabled/incompetent person.

An allowance for a qualified disabled/incompetent person is under the following conditions:

- a. A qualified disabled/incompetent person must be:
 - your spouse, or
 - your parent, or
 - your spouse's parent, or
 - your legitimate child, or
 - your spouse's legitimate child, or
 - your adopted child, and/or
 - any additional dependent disabled/incompetent person (limited to 1 person)
- b. A qualified disabled person must have a disabled person ID card issued under the law governing disabled persons' life quality promotion and development. You are entitled to the allowance only if your name is specified as a guardian in the disabled person ID card. If there is more than one guardian on the ID card in 2012, all the guardians have to make a written agreement on who will be entitled to the allowance.

- c. If there is a change of the guardian on the disabled person ID card during 2012, the last guardian is entitled to the allowance.
- d. If your spouse who has no income is the only guardian on your child's disabled person ID card, you are entitled to the allowance.
- e. If the person you support is a qualified disabled person and also a qualified incompetent person, you are entitled to an allowance of only 60,000 baht for dependent disabled person care.
- f. A qualified disabled/incompetent person must not have assessable income exceeding 30,000 baht in 2012. This amount of assessable income does not include exempted income.
- g. If you are a non-resident in 2012, the qualified disabled/incompetent person must be a resident of Thailand.

If you have determined that you are eligible for a dependent disabled/incompetent care allowance, you must attach a Disabled or Incompetent Person Care Allowance Certificate (form ณ.ย.04) with ภ.ง.ด.90.

In addition to the form ณ.ย.04, if you are claiming for a **disabled** person care allowance, you must provide a photocopy of a disabled person ID card of the qualified disabled person issued under the law governing disabled persons' life quality promotion and development to the Revenue Department.

On the other hand, if you have determined that you are eligible for a dependent **incompetent** person care allowance, you must also provide the following documents in addition to the form ณ.ย.04:

- a. A medical certificate (issued in 2012) issued by a licensed medical doctor stating that the person has limited capacity or inability to engage in normal daily activities due to health problems or illness. Additionally, the medical certificate must also state that the person had either health problems/illness or incompetency for at least 180 days.

If, in addition to you, there is any other person having such medical certificate, you must present a letter of consent which was signed by all of the persons who have such medical certificates to the Revenue Department.

- b. An Incompetent Person Care Certificate (Form ณ.ย.04-1) certifies that the qualified incompetent person is under your care and financial support. It must be signed in 2012. The person who signs the form must be at least 20 years old and must be:
- A spouse, a legitimate child, an adopted child, a grandchild, a parent, a sibling, a grandparent, an uncle, or an aunt of the qualified incompetent person's; or
 - A sub-district head, a village head, or a member of a local administration where the qualified incompetent person lives.

Please note that the person signing the form must not sign the form for more than one guardian of the same qualified incompetent person.

No. 9 item 6. Health Insurance Premium for Parent(s)

If you paid health insurance premium for your parents or your spouse's parents, you may be eligible for a health insurance premium allowance. The eligible amount is the amount you actually paid but not exceeding 15,000 baht in total.

An allowance for health insurance premium for parents is subject to the following conditions:

- a. The insured must be:
- Your father/mother, or
 - Your spouse's father/mother; and
- b. The parent must not have assessable income exceeding 30,000 baht in 2012.
- c. You or your spouse is a legitimate child (not an adopted child) of the parent in order to be entitled to the allowance.
- d. The qualified parent must have a Personal Identification Number. Please fill in the number of the qualified parent in the boxes as applicable.
- e. If you are a non-resident, a qualified parent must be a resident of Thailand.

The eligible amount of insurance premium deduction is:

- a. The amount you actually paid but not exceeding 15,000 baht in total.

- b. If more than one child of a qualified parent paid for a health insurance policy together, all of the children are entitled to the deduction pro rata to the total amount paid (but the total amount of deduction must not exceed 15,000 baht per a qualified parent).

If you are single or you are married with spouse who has no income in 2012, you can deduct as an allowance the qualified amount of insurance premium paid for your qualified parents and your spouse's qualified parents.

If you are married with a person who has earned income in 2012, you and your spouse can each claim an allowance equal to the insurance premium paid, but not exceeding 15,000 baht, regardless of whether you and your spouse are filing separately or not. Enter such qualified amount in the provided box.

If you are claiming the allowance, you are required to present to the Revenue Department a receipt or a letter of certification issued by the insurance company carrying on business in Thailand.

No. 9 item 7. Life Insurance Premium Paid & Pension Insurance Premium Paid

Line 1: Life Insurance Premium Paid

If you have a life insurance policy, the premium that you paid may be deducted from your assessable income. A qualified life insurance policy starting 1 January 2009 is subject to the following conditions:

- a. The insurance policy is issued by an insurer who carries on insurance business in Thailand.
- b. Life and Family Secure Insurance Policies of the Government Savings Bank are also a qualified life insurance policy.
- c. The term of duration of the insurance policy is at least 10 years.
- d. If the coverage of your insurance policy includes coverage in addition to life, the amount paid for such additional coverage is not a qualified amount.

In the case of life insurance policies that return money or other benefits to insured person during the duration of the insurance policy, additional requirements are as follows:

- If you received the money/benefit annually, the amount you received must not exceed 20 percent of the annual premium paid for the life insurance.
- If you received money/benefit in accordance to terms of the policy (but not annually) e.g. every 2 years, every 3 years, or every 5 years, the amount you receive must not exceed 20 percent of the accumulated amount of premium paid for the life insurance during the period.
- If you received money/benefit otherwise stated, the accumulated amount of money/benefit received from the first year to the year it is received again must not exceed 20 percent of the premium paid for the life insurance during the period.

Note: The term “money/benefit” above does not include a dividend according to your life insurance policy, money or benefit that you received in the tax year which you do not have to pay an insurance premium, even if the coverage period continues, and money/benefit received at the end of the life insurance policy.

The qualified premium amount is the amount you paid but not exceeding 100,000 baht. Additional amount may be deducted if the insurance policy is a qualified pension insurance policy.

If your spouse has income and is filing tax return jointly with you, he/she can also claim the qualified life insurance premium paid, under the same conditions above.

If you are claiming a life insurance premium allowance, you must present the following documents to the Revenue Department:

- Evidence issued by your insurer proving that the life insurance premium is paid.
- If the coverage of your insurance policy includes coverage in addition to life, the premium for such additional coverage must be stated explicitly and separately from the premium for life insurance.
- If you received money/benefits from your life insurance policy during the coverage of the policy, the evidence must provide adequate information to prove that the life insurance policy is qualified.

Note: If you claim the allowance, and later the life insurance policy is not qualified, the allowance is void. You will have to recalculate your income tax for the years that you claimed the allowance and file an additional tax return. You have to pay tax retroactively plus a surcharge of 1.5%.

Line 2: Pension Insurance Premium Paid

If you paid an insurance premium and the policy is a “pension insurance”, you are entitled to an additional deduction. The eligible deduction for pension insurance premium paid is the following amount:

- a. The actual amount you paid.
- b. This amount must not exceed 15% of your assessable income.
- c. The maximum amount is 200,000 baht.
- d. When you add up this deduction with the following items, the amount must not exceed 500,000 baht:
 - Provident fund contribution, government pension fund contribution, or private teacher aid fund contribution; and
 - The amount paid for investment units in Retirement Mutual Fund (RMF); and
 - The amount of premium paid for pension insurance policy.

If your spouse has income and is filing tax return jointly with you, he/she can also claim the qualified pension insurance premium paid, under the same conditions above.

No. 9 item 8. Provident Fund Contribution

If you made a provident fund contribution during the tax year, you can deduct from your assessable income the first 10,000 baht that you paid. The part exceeding 10,000 baht must be filled on No. 1 item 2. (1).

If your spouse has income and are filing jointly and your marriage existed throughout this tax year, he/she can also claim the amount of provident fund contribution.

No. 9 item 9. Retirement Mutual Fund (RMF)

If you purchased investment units in RMF, you may be entitled to a deduction.

However, you must meet the following requirements:

- a. You must purchase an investment unit (in each RMF) every calendar year (with a period of no more than 1 year between your previous purchase and the current purchase), and

- b. The total combined amount paid for the unit (in each RMF) in a calendar year must be at least 3% of your assessable income or 5,000 baht.
- c. Counting from your first purchase of the investment unit (in each RMF) to the redemption, the holding period must be at least 5 years.
- d. You must not redeem the investment unit (in each RMF) when your age is under 55 years old (except redemption due to incompetence or death). The definition of incompetence can be found in No. 9 item 5.. This rule is only applicable to RMF investment units purchased on 1 March 2008 or later.
- e. You must not receive any dividend or money of any kind from the RMF during your holding period. You can only receive benefits or return from the RMF upon redemption of the investment units.
- f. You must not take out a loan or withdraw money of any kind from the RMF.

Note: If you make purchase of more than one RMF(s), you must comply with all of the above requirements for each RMF.

If you are an incompetent person (definition of incompetence can be found in No. 9 item 5.) **OR** you are 55 years old and the holding period is at least 5 years, you are exempted from some of the requirements above. You may:

- a. Stop purchasing RMF investment units temporarily or permanently.
- b. Continue to purchase RMF investment units without subjecting to the minimum purchase value (3% of assessable income or 5,000 baht).

Investment units in an RMF can be transferred to another RMF. If you transfer all/some of your investment units to other RMF(s), the transfer must be done within 5 business days counting from the day following the date the underlying RMF received your transfer order.

It is required that the RMF that received your transfer order prepares documentary evidence of the transfer. The new RMF(s) must retain the evidence for an inspection by the assessment officer.

If you have made a qualified purchase of RMF investment units, you are entitled to a deduction. The qualified amount of deduction is:

- a. The actual amount you paid.

- b. This amount must not exceed 15% of your assessable income.
- c. The maximum amount is 500,000 baht.

When you add up this deduction with provident fund contribution, government pension fund contribution, or private teacher aid fund contribution, the amount must not exceed 500,000 baht. You must have evidence from the RMF to prove the amount of RMF investment unit purchase.

If you have claimed for an RMF unit purchase deduction in a tax return and, within 5 years counting from that day, you fail to comply with the above requirements, you are required to file an additional tax return to recalculate your tax burden for the year(s) you claimed such deduction and pay an additional amount of tax. Along with the tax payment, you are required to pay a surcharge of 1.5%. However, if you file the additional tax return within March of the year following the year of non-compliance, you are exempted from the surcharge.

If you have filed an additional return while you hold the RMF units, and then you once again continue to purchase qualified investment RMF units, the counting of the holding period will continue from the date you first claimed for a deduction.

No. 9 item 10. Long-Term Equity Fund (LTF)

If you purchased investment units in LTF under the law governing Securities and Exchange, you may be entitled to a deduction. However, you must meet the following requirements:

- a. You must be an individual (a non-registered ordinary partnership, a non-juristic body of persons or an undivided estate of the deceased cannot claim this deduction).
- b. The holding period between your first purchase to redemption of the LTF units must be at least 5 calendar years (except redemption due to incompetency or death). The definition of incompetency can be found in **No. 9** item 5.. If you are an incompetent person, please acquire a medical certificate issued by a government-approved medical doctor. The certificate must state that you are incompetent that you can never engage in a working activity (which will enable you to purchase more LTF investment units).

Note: If you make purchase of more than one LTF(s), you must comply with all of the above requirements for each LTF.

LTF investment units can be transferred to another LTF. The counting of your holding period will continue if you transfer all/some of your investment units to other LTF(s) within 5 business days from the day following the date the underlying LTF received your transfer order.

It is required that the LTF that received your transfer order prepares documentary evidence of the transfer and deliver to the new LTF(s). The new LTF(s) must retain the evidence for an inspection by the assessment officer.

If you have made a qualified purchase of LTF investment units, you are entitled to a deduction. The qualified amount of deduction is:

- a. The actual amount you paid.
- b. This amount must not exceed 15% of your assessable income.
- c. The maximum amount is 500,000 baht.

You must have evidence from the LTF to prove the amount of LTF investment unit purchase.

If you have claimed for an LTF unit purchase deduction in a tax return and, within 5 years counting from that day, you fail comply with any of the above requirements, you are required to file an additional tax return to recalculate your tax burden for the year(s) you claimed such deduction and pay an additional amount of tax. Along with the tax payment, you are required to pay a surcharge of 1.5%. However, if you file the additional tax return within March of the year following the year of non-compliance, you are exempted from the surcharge.

No. 9 item 11. Interests paid on mortgage loan for purchase, hire-purchase, or construction of residence

If you have paid residence mortgage loan interests, you may be entitled to a deduction. In order to be eligible for the deduction, the following requirements must be met:

- a. The interests on loan that is taken out from any of the following institutions:
 - Banks which carry on business in Thailand
 - Companies, under the law governing the undertaking of finance/securities business and credit foncier business, which carry on business in Thailand,
 - Insurance companies which carry on business in Thailand

- Cooperatives under Thai law
 - Employers, having regulations related to funds allocated as welfare for employees, who carry on business in Thailand
 - The Secondary Mortgage Corporations, under the law governing the Secondary Mortgage Corporation, which carry on business in Thailand
 - Property fund for resolving financial institution problems, under the law governing securities and exchange
 - Mutual fund for resolving financial Institution problems, under the law governing securities and exchange
 - Government Pension Fund, under the law governing government pension fund
- b. According to your mortgage loan agreement. The purpose of the mortgage loan is:
- To purchase or hire-purchase a building, a building with land or a condominium, or
 - To build a residential building on your own land or on a land that you have a possessory right.
 - To refinance a residential loan which was made for the purpose of purchasing, hire-purchasing or constructing a residential building/ condominium. The interest shall be deductible only on the amount of the refinancing loan which does not exceed the outstanding debt.
- c. The mortgage loan must be a secured debt. You must put your building/building with land/condominium up as collateral for the whole term of your mortgage loan.
- d. The residence mortgage loan interests must be paid for a qualified residence. A qualified residence is a building/a condominium that you use as a residence in the calendar year in which you claim the deduction. You may have more than one qualified residence. Your building/condominium is still a qualified residence even if you do not use it as a residence if the following cases apply:
- You are an employee and you are commanded to perform your employer's work in another locality on a regular basis, or

- The building/condominium cannot be used as a residence because it has suffered from fire, natural disaster or peril arising from any other cause. You must not be the person who has caused such incident.

If you have paid for qualified residence mortgage loan interests, you are entitled to a deduction. The eligible amount of deduction is:

- a. The total combined amount you paid for qualified residence mortgage loan interests.
- b. The maximum amount is 100,000 baht.
- c. If you, along with other persons, jointly take out a loan, each person is entitled to a deduction equally. Please divide the amount paid as qualified residence mortgage loan interests by number of persons. The total combined amount allowed as a deduction is 100,000 baht. If the loan is transferred to a new creditor according to a loan novation agreement, you are still entitled to a deduction.

You must provide evidence from the creditor to prove that interest has been paid for such loan.

If you are married, the following rules apply:

- If you have taken out the loan but your spouse does not have assessable income in the tax year, you are only entitled for the interests you paid up to 100,000 baht.
- If, before your marriage, you and your spouse are already entitled to deduction, after you get married, each of you and your spouse is still entitled for the same amount of deduction up to 100,000 baht per person.
- If, during your marriage, you and your spouse separately took out the loan and both of you have assessable income, each of you and your spouse is entitled for the actual interests paid up to 100,000 baht per person.
- If you and your spouse have jointly taken out the loan but your spouse does not have assessable income in the tax year, the person who has assessable income shall deduct the combined amount of interests paid up to 100,000 baht.
- On the other hand, if you and your spouse have jointly taken out the loan and both of you have assessable income, you and your spouse shall divide the qualified amount equally. However, the combined amount must not exceed 100,000 baht.

No. 9 item 12. Other kinds of tax deductions

The followings are also deductible:

- (1) The amount that you paid to repair or to purchase equipment or other materials necessary for repairing your building(s) /condominium unit(s) or any properties permanently attached to the building(s) /condominium unit(s) that was damaged by floods during 25 July 2011 and 31 December 2012. You can deduct the actual amount that you paid, up to 100,000 baht. You must also provide proof of your ownership over the building(s) /condominium unit(s) or your rental of the building(s) /condominium unit(s).
- (2) The amount that you paid to repair or to purchase equipment or other materials necessary for repairing your automotive vehicle(s) or any equipment attached to the automotive vehicle(s) that was damaged by floods during 25 July 2011 and 31 December 2012. You can deduct the actual amount that you paid, up to 30,000 baht. You must also provide proof of your ownership over the vehicle(s) or your hire-purchase of the vehicle(s).

No. 9 item 13. Social security fund contribution

If you have made a contribution to a social security fund under the law governing social security, you are entitled to a deduction. The qualified amount is the actual amount of the contribution and the maximum amount of deduction is 9,000 baht.

No. 10 Tax Computation

To arrive at your tax payable or tax refund, ภ.ร.ด.90 No. 10 will help you through the calculation in numerical order.

There are two methods that can be used to calculate Personal Income Tax based on “net income” and “gross income”. Whichever method results in the higher amount of tax due, that method is applied.

(1) Computation of Net-Income Tax

In computing tax liability by using the Net-Income Tax method, a taxpayer has to bring into account all assessable income arising in a tax year. The next step is to deduct from assessable income deductible expenses. Allowances are then to be deducted in

accordance with the taxpayer's circumstances. The last step is to subtract any qualified charitable contribution within the limit specified by law. Then, the tax rates, which are progressive, will be applied to any income left from all deductions.

(2) Computation of Gross-Income Tax

If you have assessable income other than employment income (Section 40(1)) more than 60,000 baht in 2012, you are not only required to compute your personal income tax liability using the Net-Income Tax method in (1), but also, using the Gross-Income Tax method as follows:

$$\text{Assessable gross income} \times 0.005 = \text{tax liability}$$

No. 10 item 1. Income after deduction of expenses

The first step is to deduct all tax deductible expenses from your assessable income. If you have completed No. 1 to No. 7, you have already done so. Please add up the numbers from the following boxes:

- No. 1 item 6.
- No. 2 item 2. Line 4
- No. 3 item 6. Line 2
- No. 4 item 2. Line 4
- No. 5 item 3. Line 4
- No. 6 Line 3
- No. 7 item 5. Line 5

Enter the result in No. 10 item 1..

No. 10 item 2. Less allowance

The amount from No. 9 item 14. shall be deducted from the amount filled in No. 10 item 1.. Enter the amount in No. 9 item 14. in No. 10 item 2..

No. 10 item 3. Balance (of No. 10 item 1. minus No. 10 item 2.)

Please fill in the result of No. 10 item 1. minus No. 10 item 2. in No. 10 item 3..

No. 10 item 4. Less contribution to education

If you have donated to support qualified educational projects, you may be entitled to a deduction. The qualified amount shall be filled in this line. A qualified donation to support educational projects is subject to the following conditions:

- a. The donation must be used:
- To obtain or construct a building, a land, or a building with land for an educational institution for educational purposes, or
 - To obtain educational equipment, textbooks, media, educational technology, and any other equipment as prescribed by the Minister of Finance, or
 - To recruit professors, teachers, academic experts, or
 - To provide an education scholarship, an invention scholarship, a development scholarship, or a research scholarship for school students, undergraduate students, or graduate students.
- b. The donation must be made to:
- Institutions under the royal projects, or
 - Institutions founded under the policy to enhance the quality of educational institutions, or
 - Institutions for underprivileged or disabled children, or
 - Educational institutions listed under the Notification of the Ministry of Education. Please contact your local revenue office or revenue branch office for more information.

A qualified amount of deduction is:

- a. Twice the actual amount you donated.
- b. The maximum amount is 10% of **No. 10** item 3..

If you are claiming for this deduction, evidence from the educational institution(s) must be retained in order to prove your donation

No. 10 item 5. Balance (of No. 10 item 3. minus No. 10 item 4.)

Please fill in the result of **No. 10** item 3. minus **No. 10** item 4. in **No. 10** item 5..

No. 10 item 6. Less other donation (Charitable Donations)

If you have made a charitable donation, which is not to support education, you may be entitled to a deduction.

A qualified charitable donation must be made to one of the following institutions:

- a. Temples,
- b. Thai Red Cross Society,
- c. Public hospitals,
- d. Educational institutions (public or private),
- e. Government agencies (for the donation to the nation's natural disaster victims),
- f. Charitable institutions, government employee welfare, or funds, etc. as prescribed by the Ministry of Finance.

The qualified amount is:

- a. The actual amount you donated.
- b. The maximum amount is 10 % of No. 10 item 5..

No. 10 item 7. Net income

Please fill in the result of No. 10 item 5. minus No. 10 item 6. in No. 10 item 7.. This is your "net income". The progressive tax rate will be applied to the net income to determine your income tax.

No. 10 item 8. Tax computed after income from No. 10 item 7.

Please refer to the section "(1) Computation of Net-Income Tax" above on how to compute tax based on net income from No. 10 item 7. using the following personal income tax rate:

PERSONAL INCOME TAX RATES FOR 2012

Net Income (baht)	Rate (%)	Amount of tax
0 – 150,000	Exempt	-
150,001 – 500,000	10	10%of the amount over 150,000
500,001 – 1,000,000	20	35,000 + 20% of the amount over 500,000
1,000,001 – 4,000,000	30	135,000 + 30% of the amount over 1,000,000
Exceeding 4,000,000	37	1,035,000 + 37% of the amount over 4,000,000

Please fill in the result in No. 10 item 8..

No. 10 item 9. Tax computed from gross assessable income exceeding 60,000 baht

If your gross assessable income, excluding employment income, is 60,000 baht or above in the tax year, your tax payable is the greater of No. 10 item 8. or No. 10 item 9.. The tax on gross income is a flat-rate tax on your assessable income before deducting any expenses or allowances.

Add up your assessable income (before taking any deductions) from the following boxes:

- No. 1 item 3. (Do not include No. 1 item 1.)
- No. 2 item 1. – item 3.
- No. 3 item 1. – item 6.
- No. 4 item 1. and item 2.
- No. 5 item 1. – item 3.
- No. 6
- No. 7 item 1. – item 5.

Multiply the combined amount of assessable income by 0.005. The result should then be filled in No. 10 item 9.. If the result is less than 5,000 baht, your tax payable is the amount in No. 10 item 8..

Note: For income received in the Temporary Development Area (please refer to No. 10 item 11. in this instruction), you may choose to pay flat-rate tax of 0.01%. If so, please do not include such income in the tax calculation methods described above.

No. 10 item 10. Tax payable

As stated above, your tax payable may be tax on gross income if the following conditions apply:

- a. Your total combined assessable income is at least 60,000 baht, and
- b. The amount you filled in No. 10 item 9. is at least 5,000 baht, and
- c. The amount you filled in No. 10 item 9. is higher than the result in No. 10 item 8.

If tax on gross income applies to you, please fill in the amount of No. 10 item 9. in No. 10 item 10.. Otherwise, please fill in the amount in No. 10 item 8..

No. 10 item 11. Tax payable from income document in Temporary Development Area

If you have income paid in Temporary Development Area, you may choose to pay flat-rate tax of 0.01%. If so, such income shall not be filled in No. 1 to No. 8 but it should be filled in in the “Income Declaration in Temporary Development Area” for income derived in Temporary Development Area, instead. The final tax calculated in that form must be brought to fill in No. 10 item 11. in the ภ.ง.ด.90 form.

Temporary Development Area is the following provinces:

- Naratiwat
- Pattanee
- Sa-Tul
- Yala
- Songkhla (only in the following districts: Jana, Natawee, Sabahyoi, and Tepa)

No. 10 item 12. Total tax payable

Add up the amount in No. 10 item 10. and No. 10 item 11. and enter the result.

No. 10 item 13. Tax Exemption for first-time home buyer

If you have never owned a residence and you bought either a house with land or a condominium for the first time in 2012, you are entitled to a tax exemption subject to following conditions:

- a. The price of the first residence you bought is not more than 5,000,000 baht.
- b. You paid for the residence and the residence is transferred during 2012.
- c. Your maximum amount of tax exemption is equal to 10% of the purchase price.
- d. You have to claim this tax exemption within 5 taxable years from the date of transfer. Additionally, the tax exemption must be divided by 5 and you have to claim the exemption for 5 years.
- e. You have never owned a residence before.
- f. You must own the residence for at least 5 years counting from the date of transfer.
- g. The residence has never been transferred (wholly or partly) to anyone.
- h. You have never claimed for:
 - A deduction for residence mortgage interest in No. 9 item 11..

- An exemption for income from sale of a residence for the purpose of buying a new residence according to Ministerial Regulation No. 241 (B.E.2546).
- An exemption for income paid for a residence according to Ministerial Regulation No. 271 (B.E.2552).

Example: You bought a new condominium worth 3,000,000 baht as your first residence on 1 December 2012. Your entitlement is 300,000 baht (10% of 3,000,000 baht). You can claim a tax exemption of 60,000 baht for 5 years. You can choose to start claiming for your tax exemption in your tax return for the year 2012 – 2016. If you choose to start claiming for your tax exemption in 2012, the tax exemption of 60,000 baht must be applied in 2012, 2013, 2014, 2015 and 2016. If in any year, the amount of your tax payable is less than 60,000 baht, you do not get a refund.

No. 10 item 14. Tax payable

Deduct the amount entered in No. 10 item 12. by No. 10 item 13.. Enter the result only if the amount in No. 10 item 12. is higher than No. 10 item 13..

No. 10 item 15. Withholding tax credit and tax credit for tax paid in accordance with ๓.๓.๑. 93 and ๓.๓.๑. 94

When you received income during a tax year, the law requires the payer to withhold income tax for some types of income. In some countries, this is called “pay as you go” or “pay as you earn”. In Thailand, it is called “withholding tax”. The payer is also required to issue you a withholding tax certificate similar to this picture. If the payer refused to issue a withholding tax certificate, the payer is subject to a criminal penalty. You may have received many withholding tax certificates if you have received income from different payers.

The form should tell you how much of income tax was withheld. The withholding tax can be used as a tax credit.

หน้า ๑ สำหรับผู้จ่ายภาษี ณ ที่จ่าย มีผลบังคับใช้ตั้งแต่วันที่ ๑ ตุลาคม ๒๕๕๓
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หนังสือรับรองการหักภาษี ณ ที่จ่าย เลขที่.....
ตามมาตรา ๕๐ แห่งประมวลรัษฎากร

ผู้มีหน้าที่หักภาษี ณ ที่จ่าย : .. เลขประจำตัวประชาชน

ชื่อ..... เลขประจำตัวผู้เสียภาษี

ที่อยู่..... เลขประจำตัวผู้เสียภาษี

ผู้มีหน้าที่จ่ายภาษี ณ ที่จ่าย : .. เลขประจำตัวประชาชน

ชื่อ..... เลขประจำตัวผู้เสียภาษี

ที่อยู่..... เลขประจำตัวผู้เสียภาษี

วันที่รับเงิน

จำนวนเงิน

หักภาษี ณ ที่จ่าย

ประเภทเงินได้ที่หักภาษี ณ ที่จ่าย	วัน เดือน ปีที่หัก	จำนวนเงินที่หัก	ภาษีที่หักและนำส่งรัฐ
1. เงินเดือน ค่าจ้าง เบี้ยเลี้ยง โบนัส ฯลฯ ตามมาตรา ๕๐ (๑)			
2. ค่าธรรมเนียม ค่าเช่า ฯลฯ ตามมาตรา ๕๐ (๒)			
3. ค่าผลประโยชน์ ฯลฯ ตามมาตรา ๕๐ (๓)			
4. ดอกเบี้ย ฯลฯ ตามมาตรา ๕๐ (๔) (๕)			
๖) เงินปันผล เงินส่วนแบ่งกำไร ฯลฯ ตามมาตรา ๕๐ (๔) (๖)			
(๑) กรณีผู้รับเงินได้เป็นสมาชิกของนิติบุคคล			
(๒) กรณีผู้รับเงินได้เป็นสมาชิกของนิติบุคคล			
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(๘) กรณีผู้รับเงินได้เป็นสมาชิกของนิติบุคคล			
(๙) กรณีผู้รับเงินได้เป็นสมาชิกของนิติบุคคล			
(๑๐) กรณีผู้รับเงินได้เป็นสมาชิกของนิติบุคคล			
5. การจ่ายเงินได้ให้ผู้อื่นตาม มาตรา ๕๐ (๖) (๗) (๘) (๙) (๑๐) (๑๑) (๑๒) (๑๓) (๑๔) (๑๕) (๑๖) (๑๗) (๑๘) (๑๙) (๒๐) (๒๑) (๒๒) (๒๓) (๒๔) (๒๕) (๒๖) (๒๗) (๒๘) (๒๙) (๓๐) (๓๑) (๓๒) (๓๓) (๓๔) (๓๕) (๓๖) (๓๗) (๓๘) (๓๙) (๔๐) (๔๑) (๔๒) (๔๓) (๔๔) (๔๕) (๔๖) (๔๗) (๔๘) (๔๙) (๕๐) (๕๑) (๕๒) (๕๓) (๕๔) (๕๕) (๕๖) (๕๗) (๕๘) (๕๙) (๖๐) (๖๑) (๖๒) (๖๓) (๖๔) (๖๕) (๖๖) (๖๗) (๖๘) (๖๙) (๗๐) (๗๑) (๗๒) (๗๓) (๗๔) (๗๕) (๗๖) (๗๗) (๗๘) (๗๙) (๘๐) (๘๑) (๘๒) (๘๓) (๘๔) (๘๕) (๘๖) (๘๗) (๘๘) (๘๙) (๙๐) (๙๑) (๙๒) (๙๓) (๙๔) (๙๕) (๙๖) (๙๗) (๙๘) (๙๙) (๑๐๐)			
รวมเงินที่หักและนำส่งรัฐ			

รวมเงินที่หักและนำส่งรัฐ (บาทถ้วน)

ผู้มีหน้าที่หักภาษี ณ ที่จ่าย

ชื่อ..... เลขประจำตัวผู้เสียภาษี

ที่อยู่..... เลขประจำตัวผู้เสียภาษี

วันที่รับเงิน

จำนวนเงิน

หักภาษี ณ ที่จ่าย

ผู้มีหน้าที่จ่ายภาษี ณ ที่จ่าย

ชื่อ..... เลขประจำตัวผู้เสียภาษี

ที่อยู่..... เลขประจำตัวผู้เสียภาษี

วันที่รับเงิน

จำนวนเงิน

หักภาษี ณ ที่จ่าย

Other items may also be used as a tax credit, such as:

- a. Income tax withheld by the payer of income. The amount is shown in your withholding tax certificate.
- b. Income tax that you have paid using form 94 (half year filing).
- c. Income tax that you have paid using form 93 (advanced filing).
- d. Dividend tax credit (only in the case that you have filled in No. 3 item 4. and item 5.). The amount is the same amount in No. 3 item 5..

Please add up all the creditable tax in No. 10 item 15.. This amount will then be deducted from your tax payable in No. 10 item 14.. You will have to provide documents to the Revenue Department to prove the amount of withholding tax.

No. 10 item 16. Tax payable or tax overpaid

Enter the result of No. 10 item 14. minus No. 10 item 15.. Then check the box that applies to you. Check the box "Payable" if the result is higher than zero. Check the box "Overpaid" if the result is below zero.

No. 10 item 17. Tax payable or tax overpaid from No. 8 (if any)

If applicable, enter the amount from No. 8 and check the box that applies to you.

No. 10 item 18. Total tax

- a. If in both No. 10 item 16. and item 17., you have checked the box "Payable", check the box "Payable" in No. 10 item 18. as well. Then, enter the result of No. 10 item 16 added by No. 10 item 17..
- b. If in both No. 10 item 16. and 17., you have checked the box "Overpaid", check the box "Overpaid" in No. 10 item 18. as well. Then, enter the result of No. 10 item 16. added by No. 10 item 17..
- c. If the status in No. 10 item 16. and No. 10 item 17. are different (one "Payable" and one "Overpaid"), subtract from the amount of the payable one by the amount of the overpaid one and fill in the result in No. 10 item 18.. If the result is above zero, check the box "Payable" in No. 10 item 18.. If, however, the result is below zero, check the box "Overpaid".

No. 10 item 19. Plus additional tax payable from the Attachment Form (if any)

If you received severance pay (a lump sum paid by the employer due to the termination of an employment contract) and your employment lasted for at least 5 years, you may choose NOT to include this amount as part of your Section 40(1) income and calculate tax separately for this amount in the Attachment of ๓.๖.๑.๙๐/๓.๖.๑.๙๑ form. If you have done so, please fill in the amount of tax payable from **C** 6. in the Attachment Form (if any) in No. 10 item 19..

No. 10 item 20. Less tax overpaid from the Attachment Form (if any)

On the other hand, if you received severance pay and chose NOT to include this amount as part of your Section 40(1) income and calculate tax separately for this amount in the Attachment of ๓.๖.๑.๙๐/๓.๖.๑.๙๑ form and there was **tax overpaid**, please fill in the amount of tax overpaid from **C** 7. in the Attachment Form in No. 10 item 20..

No. 10 item 21. Less tax paid from previous filing (in case of additional filing)

In the case of additional filing, please specify the type of tax return you previously filed by checking the box “๓.๖.๑.๙๐” or “๓.๖.๑.๙๑”. Then, fill in the amount of tax previously paid from that filing in No. 10 item 21..

No. 10 item 22. Tax payable/overpaid

If the result in No. 10 item 18. is tax payable, please do the following:

Amount in No. 10 item 18. + Amount in No. 10 item 19. (if any) – Amount in No. 10 item 20. (if any) – Amount in No. 10 item 21. (if any)

= Result A

However, if the result in No. 10 item 18. is tax overpaid, please do the following:

Amount in No. 10 item 19. (if any) - Amount in No. 10 item 18. - Amount in No. 10 item 20. (if any) - Amount in No. 10 item 21. (if any)

= Result A

If **Result A** is greater than or equal to zero, check the box “Payable” and fill in the amount of **Result A** in No. 10 item 22.. Otherwise, check the box “Overpaid” and fill in the absolute amount of **Result A** in No. 10 item 22., instead.

IV. WHEN, WHERE & HOW TO FILE & PAY TAX DUE?

(A) WHEN TO FILE?

For income received in 2012, you must file ภ.พ.ร.90 and pay tax (if any) during 1 January – 31 March 2013.

(B) WHERE TO FILE?

You may file ภ.พ.ร.90 to the following places:

1. Area Revenue Branch Office
2. Thai commercial banks (other than Krung Thai Bank) only in the case that you have tax payable

(1) In Bangkok: any branch within Bangkok

(2) In other provinces: you must file a return and pay tax at the branch located in the district or sub-district in which you reside.

The tax return filed at these commercial banks must meet the following conditions:

- The tax return must be pre-printed by the Revenue Department and sent to you.
- It must be filed between 1 January – 31 March 2013.
- There must be tax payable.

4. Krung Thai Bank

The tax return filed at a Krung Thai bank branch must meet the following conditions:

- There is tax payable and you are paying it in full.
- There is no tax payable.
- It must be filed between 1 January – 31 March 2013.

5. Registered mail

If you are a resident of Bangkok, you can file a tax return by registered mail attaching a bank check (type b, c or d which will be described below) or money order for the amount of total tax payable. The registered mail should be addressed to

**“Bureau of Finance and Revenue Management, the Revenue Department
Revenue Department Building, 90, Soi. Phaholyothin 7
Phaholyothin Road, Phyathai, Bangkok 10400”**

Tax returns shall be mailed during 1 January – 31 March 2013 only. The filing date is the date stamped by postal office. The Revenue Department will mail back a receipt to taxpayers via registered mail.

(C) HOW TO PAY TAX DUE?

1. Cash

2. Electronic card: only at Area Revenue Branch Office in Bangkok

2.1 Credit Card: Siam Commercial Bank (SCB), Krung Thai Bank (KTC), Kasikorn Bank (KCredit), and Bangkok Bank

2.2 Tax Smart Card: Bangkok Bank, Kasikorn Bank, or Krung Thai Bank

3. Check or draft

3.1 Check paid must be one of the following type:

(1) Check issued by Bank of Thailand (type a.)

(2) Check secured by banks (type b.)

(3) Check signed by banks (type c.)

(4) Check signed by taxpayers (type d.). Type d. check must be issued by the following banks:

(a) For tax payment in Bangkok, Nonthaburi, Patumthani, Samutprakarn, Samutsakorn (Mueng and Kratumban district only), Nakhonpatom (Sampran district only) and Pranakorn Sri Ayudhya (Bangpa-in district only), the check must be issued by a bank or a branch of a bank situated in such province/district.

(b) For the tax payment besides (a), a check is only allowed if you have a deposit account with the bank or the branch of the bank situated in the area of your residence.

3.2 The check / draft must be crossed and paid to

(1) In Bangkok: If you are filing a return at an Area Revenue Branch Office or banks, the check/draft must be paid to “the Revenue Department” crossing out “or bearer”.

(2) Other than Bangkok:

If you are filing a return at an Area Revenue Branch Office or Krung Thai Bank , the check/draft type d. must be paid to “the Revenue Department”. For other types of check/draft, please contactan Area Revenue Branch Office.

If you are filing a return at banks other than Krung Thai Bank, the check/draft must be paid to “District (please specify the office) Revenue Office” crossing out “or bearer”.

Notes about check / draft usage:

- (1) Checks for filing at Area Revenue Branch Offices shall be dated the filing date or no more than 15 days (for check type a. b. or c.) or 7 days (for check type d.) prior to the filing date.
- (2) Checks for filing via banks or postal offices shall be dated the filing date or no more than 7 days prior to the filing date.
- (3) An post-dated check is NOT acceptable.
- (4) Negotiated check / draft is NOT acceptable.
- (5) Check / draft in the amount exceeding tax payable is NOT acceptable.
- (6) Tax payment is completed when the Revenue Department receives the total amount due from check / draft.

4. Money order

If you are a resident of Bangkok and you are filing by registered mail. Please attach with the return a money order for the amount equal to the amount of tax

payable. You cannot deduct any fees from the amount of tax payable. The money order shall be sent to:

**“Bureau of Finance and Revenue Management, the Revenue Department
P.O. Box Ministry of Finance”**

Paying tax in installments

If the amount of tax payable is at least 3,000 baht, you may request to pay tax in 3 equal installments:

Installments	Due date	Requirements
1 st	31 March (or the next business day)	1/3 amount of tax + ภ.พ.ด 90 tax return
2 nd	30 April	1/3 amount of tax
3 rd	31 May	1/3 amount of tax

If you fail to pay any installment in time, you are deprived of the right to pay tax in installments. Then you are required to pay the total amount due along with surcharge.

If you are paying tax in installments at an Area Revenue Branch Office, the officer will provide you with form ภ.พ.ด.35.

If you are paying tax in installments at banks (taxpayers with residency in Bangkok only), please ask for the form ภ.พ.ด.35 to be issued.

CAUTION:

If tax payable is not paid within 31 March 2013, a surcharge of 1.5% per month (fraction of a month is equals a month) of the total tax due will be charged. A criminal fine up to 2,000 baht may also be charged.

Appendix

Table A: Deductible Rate of Necessary and Reasonable Actual Expenses Incurred for Income under Section 40(8)

	Assessable income	Deductible Rate (%)
1.	Performance of drama, movie film, radio or television performers, singers, musicians, professional sportsmen or performers for any kind of entertainment (a) for the portion not exceeding 300,000 baht (b) for the portion exceeding 300,000 baht	60 40
2.	Sale of land on installment or sale of land by way of hire-purchase	61
3.	Collection of commissions or charges from gambling, contest or games	65
4.	Taking, development, printing or enlargement of photographs, movie films, including sale of accessories	70
5.	Business of dockyard, shipyard or ship repair other than repair of machinery, mechanical devices	70
6.	Shoe making and making of genuine leather or synthetic leather products, including sale of accessories	70
7.	Tailoring, sewing, knitting, embroidering of clothing or other things, including sale of accessories	70
8.	Making, decoration or repair of household furniture, including sale of accessories	70
9.	Hotel or restaurant business or preparation of food or beverage for sale	70
10.	Hair perming, cutting and styling or body styling	70
11.	Making of soap, shampoo or cosmetics	70

	Assessable income	Deductible Rate (%)
12.	Literature production	75
13.	Trading in silverware, gold, precious metal alloys, diamonds, precious gems or other	75
14.	Business of clinic under the law governing clinics, but only a clinic with patient beds for overnight stay, including medical treatment and sale of medicines	75
15.	Stone milling or rock crushing	75
16.	Forestry, rubber or perennial plantation	80
17.	Transportation or provision of hired service by vehicle	80
18.	Block and seal making, printing or binding of books, documents, including sale of accessories	80
19.	Mining	80
20.	Making of beverages under the law governing beverage tax	80
21.	Making of ceramics, glazed wares, cement products or potteries	80
22.	Generation or distribution of electricity	80
23.	Ice making	80
24.	Making of glue, starch glue or other similar articles and making of powder of various kinds other than cosmetics	80
25.	Making of balloons, glass wares, plastic goods or finished rubber products	80
26.	Laundry or dyeing	80
27.	Sale of goods other than those listed in other items where the seller is not a manufacturer	80

	Assessable income	Deductible Rate (%)
28.	Prizes received by horse owners from racing their horses	80
29.	Acceptance of price of redemption for redeeming property sold with right of redemption or acquisition of absolute ownership in property sold with right of redemption	85
30.	Rubber smoking, making of rubber sheets or other kinds of rubber which are not finished rubber products	85
31.	Leather tanning	85
32.	Making of sugar or sugar molasses	85
33.	Fishery	85
34.	Sawmill business	85
35.	Oil refinery or extraction	85
36.	Sale by way of hire-purchase of movable properties not falling under Section 40 (5) of the Revenue Code	85
37.	Rice mill business	85
38.	Agriculture in the category of seasonal plant and grain farming	85
39.	Tobacco steaming or curing	85
40.	Raising of all kinds of animals, including sale of by-products	85
41.	Animal slaughter for sale, including sale of by products	85
42.	Salt farming	85
43.	Sale of ships or vessels of six tons or over, steamers or motor boats of five tons or over or floating rafts	85
44.	For other types of income, please deduct actual expense.	

Table B: List of Thai Political Party No.

	Political Party	Political Party No.		Political Party	Political Party No.
1	Democrat Party	001	28	Thai Rumpalung	077
2	Thais citizen Party	002	29	Sport Party	082
3	Social Action Party	003	30	Liberal Party	088
4	Mahachon Party	004	31	Rak Thailand Party	089
5	Khonkhopoodnee Party (prev. Thai Pen Thai Party)	005	32	Thai Por Piang Party	090
6	Kasikornthai Party	006	33	Harmony People Party	091
7	Better Life Party	008	34	Thai Maharat Pattana Party	096
8	For heaven and earth Party	010	35	Pheu Tham Party	098
9	New Aspiration Party	013	36	Bamrungmueang Party	101
10	Pracharaj Party	017	37	New Democracy Party	109
11	Dumrongthai Party	018	38	Rak Santi Party	110
12	The Farmer Network of Thailand Party	022	39	The Party for Thai People	111
13	Palang Pandin Thai Party (prev. Asa Matuphoom Party)	024	40	Phalang Chon Party	112
14	Chart Samuccee Party	027	41	Sang Thai Party	115
15	Pheu Thai Party	034	42	Thai Rubber Party	116
16	Puea Pandin Party	041	43	Thai Teacher For People Party	118
17	Chart Pattana Party	045	44	Unity Thai Labour Party	120
18	Thaen Khun Phaendin Party	053	45	Sajjanupharp Party	121
19	Chartthaipattana Party	055	46	Cooperative Power Party	122
20	Thailand 's Future Party	056	47	Ruam Palung Mai Party	123

	Political Party	Political Party No.		Political Party	Political Party No.
21	The Good Governance Society Party	059	48	Thong Thin Thai Party	124
22	Matubhum Party	062	49	Anurak Siam Party	125
23	Bhumjaithai Party	063	50	Thai Kaow Klai Party	126
24	Civil Peace Party	068	51	People Power Network Party	127
25	Plung Pattana Party	072	52	Thai Rak Chart Party	128
26	Prachatham Party	073	53	Thinkakhao Party	129
27	New Politics Party	076	54	Chart Thai Kao Na Party	130