The Revenue Departmental Order

No. Por 86/2542

Regarding Instruction on the Issuance of Full-Versioned Tax Invoice

under Section 86/4 and 86/5of the Revenue Code

As guidelines for the Revenue Department officials to examine and advise VAT Registrants regarding their issuance of full-versioned tax invoices under Section 86/4 and Section 86/5 of the Revenue Code, the Revenue Department, therefore, ordered as follows:

Clause 1 A value added tax (VAT) registrant who has a duty to issue a tax invoice in accordance with Section 86/4 and/or Section 86/5 of the Revenue Code, only for the full-versioned tax invoices, shall immediately issue a tax invoice at every point in time that VAT liability takes place. Except in the case where the VAT registrant sells goods or provides services with the receipt of paid consideration as well as such VAT registrant sell goods of the same kind and type for multiple times to the same purchaser within the same day, a one-time combined tax invoice may be issued for the purchaser within that day.

Clause 2 The following undertaking shall be considered sale of goods under Section 77/1 (8) or provision of services under Section 77/1 (10) of the Revenue Code. A VAT registrant pursuing the enlisted undertaking shall have a duty to pay VAT since VAT liability in connection with the undertaking takes place, but is not required to issue a tax invoice:

(1)   A VAT Registrant's use of goods in any matter, except in its manufacturing process, provision of services, administration of its business, or for the benefit of an asset acquired for its own business which is subject to VAT, is deemed sale of goods under Section 77/1(8)(d) of the Revenue Code. VAT liability takes place when the goods are used as such, or are brought to the use of other person in accordance with Section 78/3 of the Revenue Code and Clause 7 of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

Example: A Co., Ltd. carries on a business of manufacturing paint, and sale of land and house. The company uses paint that it manufactures to paint the houses that it sells. The company has a duty to pay VAT on the value of paint used as such.

(2)   A VAT registrant's use of goods in its manufacturing process, provision of services, administration of its business, or for the benefit of an asset acquired for its own business which is subject to VAT, but such goods are passenger cars or transport vehicles with passenger seats up to 10 seats in accordance with the law governing excise tax, or any goods or services in connection with such cars, is considered a deemed sale of goods under Section 77/1 (8) (d) of the Revenue Code. VAT liability takes place when the goods are used as such, or are brought to the use of other person in accordance with Section 78/3 of the Revenue Code and Clause 7 of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

Examples:

(a)   A Co., Ltd., carrying on a business of selling cars, transfers one of its cars (that has actually been bought for sale) for the use in the company's administration, e.g. as a company-provided car for certain employees. The company has a duty to pay VAT on the value of the car used as such.

(b)   B Co., Ltd., carrying on a business of selling fuel, has filled up some fuel in a car used for the company's administration. The company has a duty to pay VAT on the value of the fuel used as such.

(3)   A VAT registrant's stock card with a missing item in accordance with Section 87(3) of the Revenue Code is considered a deemed sale of goods under Section 77/1 (8) (e) of the Revenue Code. VAT liability takes place when the missing item are detected in accordance with Section 78/3 of the Revenue Code and Clause 8 of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

(4)   A VAT registrant, on the date that it terminates its business subject to VAT, having inventories and/or assets acquired for its business subject to VAT, or partly subject to VAT, is considered a deemed sale of goods under Section 77/1 (8) (f) of the Revenue Code. VAT liability takes place on the date of termination or submission of notice of termination under Section

78/3 of the Revenue Code and Clause 9 of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

(5)   A VAT registrant, on the date that it receives an order to cancel its VAT registration, having inventories and/or assets acquired for its business subject to VAT, or partly subject to VAT, is deemed sale of goods under Section 77/1 (8) (g) of the Revenue Code. VAT liability takes place upon the receipt of the cancellation order in accordance with Section 78/3 of the Revenue Code and Clause 10(1) of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

(6)   A Vat Registrant, on the date that it receives an order to revoke its VAT registration, having inventories and/or assets acquired for its business subject to VAT, or partly subject to VAT, is considered a deemed sale of goods under Section 77/1 (8) (g) of the Revenue Code. VAT liability takes place upon the receipt of the revocation order in accordance with Section 78/3 of the Revenue Code and Clause 10(2) of the Ministerial Regulation No. 189 (B.E. 2534), dated 27 December 1981.

(7)   A VAT Registrant's use of its own service in any matter, except in its manufacturing process, provision of service, administration of its business, or for the benefit of an asset acquired for its own business which is subject to VAT, is considered a deemed provision of services under Section 77/1 (10) of the Revenue Code. VAT liability takes place when the service is used by the VAT Registrant or any other person in accordance with Section 78/1 (1) (b) and Section 78/1 (2) (b) of the Revenue Code.

Example: A Co., Ltd. carrying on a construction business, using its own equipment, tools, and other construction materials to construct buildings which are subsequently for sale. The company has a duty to pay VAT on the value of its construction services and the value of equipment, tools and materials used in the services as such.

(8)   A VAT Registrant's use of services and/or goods in its manufacturing process, provision of service, administration of its business, or for the benefit of an asset acquired for its own business which is subject to VAT, but such service is provided for the purpose of receiving guests or any matter in similar nature, is considered a deemed provision of services under Section 77/1 (10) of the Revenue Code. VAT liability takes place when the service is used by the

VAT Registrant or any other person in accordance with Section 78/1 (1) (b) and Section 78/1 (2) (b) of the Revenue Code.

Example: A Co., Ltd., carrying on a business of selling food products, uses certain food products at a reception held for its customers during their visit. The company has a duty to pay VAT on the value of the food products used as such.

(9) A VAT Registrant's use of services and/or goods in its manufacturing process, provision of service, administration of its business, or for the benefit of an asset acquired for its own business which is subject to VAT, but the service is provided through the use of passenger cars or transport vehicles with passenger seats up to 10 seats in accordance with the law governing excise tax, is considered a deemed provision of services under Section 77/1 (10) of the Revenue Code. VAT liability takes place when the service is used by the VAT Registrant or any other person in accordance with Section 78/1 (1) (b) and Section 78/1 (2) (b) of the Revenue Code.

Example: A Co., Ltd., carrying on a business of selling and repairing cars, has bought passenger cars for the use of company's administration. If the company repairs such cars, it has a duty to pay VAT on the repair service fee.

(10) A Vat Registrant's disposal, distribution, or transfer of goods without consideration and without VAT collection from its purchaser in accordance with Section 82/4 of the Revenue Code, is considered a deemed sale of goods under Section 77/1 (8) of the Revenue Code. VAT liability takes place when the goods are delivered in accordance with Section 78(1) of the Revenue Code.

Examples:

(a) A Co., Ltd. has distributed canned food that it has manufactured or bought for sale to its employees for their own consumption outside work hours. The company has a duty to pay VAT on the value of canned food distributed as such.

(b) B Co., Ltd., carrying on a business of manufacturing parts and components of vehicles, issues a company rule and announces that it will award employees who work continuously without taking leave; for example, 5-year of work without leave will be awarded 2

baht of gold, 4-year of work without leave will be awarded 1 baht of gold. The company has a duty to pay VAT on the value of gold awarded as such.

(c) C Co., Ltd., carrying on a business of manufacturing and selling car tires, creates a campaign that if a customer purchases products up to the quantity set out by the company, the company will give the customer a reward, such as electric appliances. The company has a duty to pay VAT on the value of the reward distributed as such.

(11) A VAT Registrant's provision of services without consideration and without VAT collection from its purchaser in accordance with Section 82/4 of the Revenue Code, is deemed provision of services under Section 77/1 (10) of the Revenue Code. VAT liability takes place when the service is used by the VAT Registrant or any other person in accordance with Section 78/1 (1) (b) and Section 78/1 (2) (b) of the Revenue Code.

Example: A.M. Hotel provides accommodation to the hotel's directors and invited guests who are staffs of the government and private corporations without charging an accommodation and service fee. The company has a duty to pay VAT on the value of the accommodation and service provided as such.

(12) Subject to the type and conditions prescribed by the Director-General upon an approval of the Minister in accordance with Notification of the Revenue Department issued by virtue of Section79 of the Revenue Department, a VAT registrant, who does not have to include consideration as VAT base in accordance with Section 79 of the Revenue Department, has no duty to issue a tax invoice since VAT is not collected from its purchasers of goods and services.

Clause 3 The following VAT registrants have a duty to issue a tax invoice when VAT liability takes place. However, they are exempted by law from issuing a tax invoice under Section 86/4 of the Revenue Code in the following circumstances:

(1)   In case that the VAT registrant residing outside of the territory and authorizing its agent to issue tax invoices on its behalf in accordance with Section 86/2 of the Revenue Code, the VAT registrant is not required to re-issue tax invoices for the same transactions.

(2)   In case that the VAT registrant is the owner of property sold in a government auction in accordance with Section 83/5 of the Revenue Code and the government authority

that holds the auction has issued a receipt to the purchaser in auction and provided the VAT registrant with a copy of the receipt as evidence for its output tax record, the VAT registrant is not required to re-issue a tax invoice.

(3)   In case that the VAT registrant is the owner of property sold in an auction held by other person which is not a government authority under Section 83/5 of the Revenue Code, when the auctioneer issues a tax invoice to the purchaser in the name of the VAT registrant which is the owner of the property in accordance with Section 86/3 of the Revenue Code, the VAT registrant is not required to re-issuing a tax invoice.

Clause 4 A VAT registrant which has a duty to issue tax invoices under Section 86/4 of the Revenue Code shall issue both tax invoices and their copies. The original shall be delivered to the purchaser of goods or services. The copies shall be kept by the VAT registrant for its output tax record in accordance with Section 87(1) of the Revenue Code.

The tax invoice in Paragraph 1 shall contain the following particulars, the list of which is not exhaustive:

(1) The term "Tax Invoice" in a prominent place;

(2) Name, address and taxpayer identification number of the VAT registrant issuing tax invoice;

Name in Paragraph 1 means name of the VAT registrant as specified under its VAT registration, name of its place of business, or trade name of its place of business specified under its VAT registration;

Address in Paragraph 1 means the location of the place of business as specified under its VAT registration. In case that certain address information is incomplete with reference to the address information specified under its VAT registration, but the stated address information is accurate and capable of clearly indicating the location of its place of business, the stated information is deemed complete;

(3) Name and address of the purchaser of goods or services;

Name in Paragraph 1 means name of the VAT registrant as specified under its VAT registration, name of its place of business, or trade name of its place of business specified under its VAT registration; in case of an individual, name shall include last name of the person;

In case that the name of the purchaser of goods or services in Paragraph 1 is not completely indicated due to the use of the mark (ๆ) in writing to shorten word, but such name in an abbreviated form is clearly noticeable and does not lead to a misunderstanding or confusion regarding the identity of the VAT registrant; for example, "The Telephone Organization of Thailand" indicated as "The Telephone Organization (with an abbreviation sign)" or "Paisajee Krungthepmahanakorn Company Limited" indicated as "Paisajee Krungthep Company Limited (with an abbreviation sign), the abbreviated name is deemed completely indicated.

In case that the name of the purchaser of goods or service in Paragraph 1 is misspelled, either at the consonant, vowel, tonal signs, or karan sign, but the misspelling is not clearly noticeable and does not lead to a misunderstanding or confusion regarding the identity of the VAT registrant, the stated name is deemed complete;

Address in Paragraph 1 means the location of the place of business as specified under its VAT registration. In case that certain address information is incomplete with reference to the address information specified under its VAT registration, but the stated address information is accurate and capable of clearly indicating the location of its place of business, the stated information is deemed complete;

(4) Serial number of tax invoice and, if any, of book;

(5) Description, type, category, quantity and value of goods or services

The description, type, category of goods or services in Paragraph 1 shall only specify the description, type, category of goods or services which are subject to VAT in the tax invoice, except in the case that it is necessary to specify the description, type, and category of goods or services which is not subject to VAT in the tax invoice. For the latter case, there shall have marks or separate records that clearly indicate goods and services which are not subject to VAT.

(6) Value of goods or services exclusive of VAT, and the amount of VAT calculated based on the value of goods or services, both of which are clearly and separately stated;

In case that the VAT amount on the value of goods or services in Paragraph 1contains decimal places, the VAT registrant shall comply with the following rules:

(a) If the third decimal place is less than 5, it shall be rounded down to two decimal places by disregarding the third decimal place: for example, the value of goods inclusive of VAT is 100 baht. The VAT amount is equal to 7/107 x 100 = 6.543 baht. The total VAT amount of 6.54 baht is specified in the tax invoice.

(b) If the third decimal place is 5 or above, it shall be rounded up to two decimal places: for example, the value of goods inclusive of VAT is 180 baht. The VAT amount is equal to 7/107 x 180 = 11.775 baht. The total VAT amount of 11.78 baht is specified in the tax invoice.

In case that the VAT amount specified the tax invoice is greater or less than VAT amount calculated on the value of goods and services multiplied by a VAT rate and divided by 100 as a result of a calculation which gives rise to decimal places, the VAT registrant shall pay the amount calculated on the value of goods and services multiplied by a VAT rate and divided by 100.

(7) For the day, month and year of issuance of tax invoice

The day, month and year stated in Paragraph 1, number may be used in lieu of a month name as well as year numbering system may be in the format of the Buddhist Era (B.E.) or Anno Domini (A.D.).

Clause 5 An agent who is authorized to issue tax invoices under the name of a VAT registrant in accordance with Paragraph 4 of Section 86 and Section 86/2 of the Revenue Code, or a non-governmental seller in an auction who sells property of a VAT registrant in an auction in accordance with Section 83/5 of the Revenue Code, shall issue tax invoices under the name of the VAT registrant who is the owner of the property under Section 86/3 of the Revenue Code. The agent and seller in an auction shall use their own tax invoice template which contains particulars prescribed in Section 86/4 of the Revenue Code as well as specify the name, address, taxpayer identification number of the principal or the VAT registrant which is the owner of the property.

Clause 6   VAT registrants in Clause 4 may issue tax invoices within a set of other accompanying commercial documents such as receipts, delivery notes, bills or invoices for collection of an outstanding amount.

For the issuance of tax invoices according to Paragraph 1, if the tax invoice is not the first document in the set, there shall be the term "documents issued in set" stated on the tax invoice.

Clause 7   A VAT registrant that issues a tax invoice which is inaccurate or incomplete as a result of the lacks of a material particular prescribed in Clause 4, Clause 5 and Clause 6 shall be subject to punishment under Section 90(12) of the Revenue Code.

Clause 8   Particulars in a tax invoice specified in Clause 4, Clause 5 and Clause 6 may be made in Thai or English language. However, the currency shall be in Thai baht, presented in either Thai numbers or Arabic numbers. In case that it is necessary to use a language other than English and/or a foreign currency, the issuer shall obtain a prior approval from the Director-General of the Revenue Department in order to do as such.

Name particulars according to Clause 4(2) and Clause 4(3) which are limited company, public company limited, limited liability partnership, or registered ordinary partnership may be abbreviated as follows:

(1) Limited company may be abbreviated as Co., Ltd.

(2) Public company limited may be abbreviated as (Public) Co., Ltd.

(3) Limited liability partnership may be abbreviated as LL.P.

(4) Registered ordinary partnership may be abbreviated as non-LL.P. (Non-limited liability partnership)

If the following particulars according to Clause 4, Clause 5 and Clause 6 are created by way of printing, other required particulars under Section 86/4 of the Revenue Code may be printed, stamped, written in ink, type-written, generated by computer or made appear in any other mean with similar nature. A VAT registrant which receives the tax invoice may use it for the input tax purpose in VAT liability calculation.

(1) The term "Tax Invoice";

(2) Name, address and taxpayer identification number of the VAT registrant issuing tax invoice;

(3) The term "documents issued in set".

If one or more of particulars in (1), (2) and (3) of Paragraph 3 are created through computer system, other required particulars under Section 86/4 of the Revenue Code as stated in Clause 4 of this Order shall be printed or computer-generated only. A VAT registrant that receives the tax invoice is able to use it for the input tax purpose in VAT liability calculation.

Clause 9   In case that a VAT registrant sells several items of goods or services to a customer at a time, and cannot specify all description, types, category, quantity, and value of the goods and services in a tax invoice, the VAT registrant may do the following:

(1) Issue one set of tax invoice which consists of one sheet of tax invoice and attachment(s). The VAT registrant shall make a remark that the details of goods or services are stated in the attachment(s), and the total value of goods and services and the VAT amount stated in the tax invoice is identical to those specified in the attachment.

The attachment to the tax invoice in Paragraph 1 shall contain the following particulars, a list of which is not exhaustive:

(a) the term "Attachment to Tax Invoice" printed in a prominent place;

(b) serial number of tax invoice and, if any, of book;

(c) day, month, year of the tax invoice;

(d) description, type, category, quantity and value of goods or services;

(e) VAT amount calculated based on the value of goods or services, shown clearly and separately from the value of goods or services;

(f) In case that there are more than one sheets of tax invoice, the term "sheet no. ..." shall be stated. The total value of goods and services and the total VAT amount calculated on the value of goods and services under Section 86/4 (6) of the Revenue Department shall appear in the last sheet of the attachment only.

The issuance of tax invoices according to Paragraph 2 may be done by way of printing, stamping, writing in ink, type-writing, computer-generating, or being made in any mean with similar nature.

In case that the VAT registrant intends to use a delivery note or a bill or invoice for collection of an outstanding amount as an attachment, it may do such thing by indicating all the required particulars stated in Paragraph 2 in the attachment.

(2) Issue one set of multiple tax invoices. Each sheet contains required particulars under Section 86/4 (1) – (5) and (7) of the Revenue Code. Any sheet before the last shall contain a statement, either in Thai or English language, indicating that there is another sheet of tax invoices continuing in sequence. The total value of goods and services and the total VAT amount calculated based on the value of goods or services according to Section 86/4 (6) of the Revenue Code shall appear at the last sheet only.

The issuance of a tax invoice according to Paragraph 1, if the serial number has already been printed on each tax invoice, the invoice will be arranged in the numerical order. If the serial number is not printed on each tax invoice, the invoice may be arranged or may display only one number. In case that each tax invoice is numbered by a single number, the VAT registrant shall also indicate the word "Sheet No." on each Tax invoice.

Clause 10   A VAT registrant that receives a tax invoice indicating a VAT amount greater or less than the VAT amount calculated by multiplying the value of goods and services with the VAT rate and divided by 100 due to a decimal place from the VAT calculation, shall comply with the rules as follows:

(a) If VAT amount stated in the tax invoice is greater than the VAT amount calculated by multiplying the value of goods and services with the VAT rate and divided by 100, the VAT registrant may apply the VAT amount calculated by multiplying the value of goods and services with the VAT rate and divided by 100 as its input tax.

(b) If VAT amount stated in the tax invoice is less than the VAT amount calculated by multiplying the value of goods and services with the VAT rate and divided by 100, the VAT registrant may apply the VAT amount stated in the tax invoice as its input tax.

In case that a VAT registrant which receives a tax invoice which indicates a VAT amount greater or less than the VAT amount calculated by multiplying the value of goods and services with the VAT rate and divided by 100 and such calculation does not give rise to a decimal place, the VAT registrant shall not apply the VAT amount stated in the tax invoice as its input tax, unless the issuer cancels such tax invoice and issues a new tax invoice with correct information.

Clause 11   In case that a VAT registrant has informed the relevant authority and the VAT registration office regarding the change of its name or address in accordance with Section 85/6 of the Revenue Code, it shall issue new tax invoices with the new name and address.

In case that the VAT registrant in Paragraph 1 is given a tax invoice under its previous name or address, it shall not apply the VAT amount stated in that tax invoice as its input tax, unless the issuer cancels such tax invoice and issues a new tax invoices with correct information.

Clause 12   In case that the competent government authority changes the street number, name of road, village, sub-district or Kwang, district or Khet, province; or rezones the street, village, sub-district or Kwang, district or Khet, province; the VAT registrant may correct the address information on its tax invoice printing template in order to be consistent with the changing or rezoning done by the government. The change to the printing shall be done within 1 year from the date of the change done by the government, as the case may apply.

For the correction to the address according to Paragraph 1, the VAT registrant may cross out the previous address, specify the new address, and sign at the place where correction is done or stamp the correct address. A VAT registrant receiving the corrected tax invoice may use such invoice for the input tax purpose.

In case that the government changes the address stated in the Paragraph 1, the VAT registrant has a duty to notify the change pursuant to section 85/6 of the Revenue Code.

Clause 13   In case a VAT registrant sells goods or services and gives item(s) free of charge accompanying with its sale of goods or services for promotional purpose, it shall state

the type, category, and quantity of the such item(s) in the tax invoice issued for the sale of goods or services. However, it shall not include the value of such item(s) to the VAT base.

A free of charge item might not be delivered to the purchaser of goods or services at the same time that the goods or services are delivered. If such item is delivered later, the VAT registrant shall not issue another tax invoice to the purchaser of goods or services.

Clause 14   In case that a VAT registrant sells goods or services at a discount or with a rebate, it shall issue tax invoices as follows:

(1)   In case that a discount or rebate is given during the sale of goods or services, the VAT registrant shall issue tax invoices which clearly indicate the amount of discount or rebate. The VAT amount shall be calculated based on the value of goods or services after the discount or rebate.

Examples:

(a)   A Co., Ltd. sells a pick-up truck for a value of 350,000 baht. It offers a 5,000 baht discount to purchasers who purchase a pick-up truck during 1 - 25August 1999.As such, it shall issue a tax invoice that shows the value of the truck at 350,000 baht, a deduction of a discount of 5,000 baht, and the balance of the value of the truck at 345,000 baht.

(b)   Mr. Amnaj bought merchandises from a department store for a value of 5,000 baht. The department store has to issue a tax invoice that shows the value of the merchandises 5,000 baht. The department store, therefore, offer a coupon for a value of 250 baht as a discount for his next-time shopping, without limitation on the type of merchandises. If the new merchandise has a value of 1,000 baht, the department store has to issue a tax invoice that shows that value at 1,000 baht, a deduction of a discount of 250 baht, and the balance of the value of the merchandise at 750 baht.

(c)   A department store sells goods under a condition that if a customer purchases goods with a value of 100 baht, purchaser will receive 1 stamp. Stamps collected within a specified period can be used as a discount in a purchase of certain goods, for example, 50 stamps can be used to purchase a 1,000-baht electric fan at a price of 700 baht. In such a case, the department store must issue a tax invoice that includes the value of goods sold at 1,000

baht, a deduction of 50 stamp discounts for a value of 300 baht, and the balance of the value of goods sold at 700 baht.

(d)   A.M. Hotel, carrying on a business of hotel and restaurant, has provided accommodation and meals for the total value of 15,000 baht. The hotel must issue a tax invoice that shows the value of services at 15,000 baht. The hotel offers a 1,000-baht gift voucher to the customer. Later, he uses the restaurant service for a value of 3,000 baht. When he pays for the service with 2,000-baht cash and a 1,000-baht gift voucher, the hotel must issue a tax invoice that shows the value of service at 3,000 baht, a deduction of the value of the applicable gift voucher of 1,000 baht, and the balance of the value of services at 2,000 baht.

(2)   In case that a discount or rebate is given after a sale of goods, and such discount is cash discount or volume discount, a VAT registrant must issue a tax invoice that shows a VAT amount calculated based on the total value of goods sold without regarding the deduction of any discount or rebate.

Examples:

(a)   A. Co., Ltd. sells computer devices and provides an installation service for a value of 350,000 baht under a condition that if a purchaser makes a payment within 2 months, purchaser will receive a discount of 2,000 baht. The VAT amount shown in the tax invoice must be calculated from the value of 350,000 baht.

(b)   A department store sells goods with a condition that if a customer purchases goods with a value of 100 baht, purchaser will receive 1 stamp. Stamps collected within a specified time can be exchanged for a specified award, for example, 20 stamps can be exchanged for a glass bowl with a value of 400 baht.

If a reward of a volume discount is subject to a condition that a purchaser will be given an award after the purchase of goods up to a value set out by the VAT registrant daily, the VAT registrant is not required to pay VAT on the value of goods given as awards, pursuant to Section 79(4) of the Revenue Code. For example, if goods are purchased at 2,000 baht daily, a purchaser is entitled to claim 1 basket as an award. The seller is not required to pay VAT on the value of the basket.

Clause 15   In case that a VAT registrant has several places of business, it shall issue tax invoices for each place of business.

If the VAT registrant in Paragraph 1 also undertakes a business operation in a place which is not its place of business as defined under Section 77/1 (20) of the Revenue Code, the VAT registrant shall issue tax invoices which include the address of its head office or other place of business where it operates its business, not the address of the place that does not satisfy the requirements of being a place of business.

If the VAT registrant in Paragraph 2 receives a tax invoice that specifies the name of the VAT registrant correctly, but specifies the address of a place which does not satisfy the requirements of being a place of business, the VAT registrant is entitled to use such a tax invoice for the input tax of its head office or of other place of business which the price of goods or services is paid.

Examples:

(1)   A Co., Ltd., having a head office located in Khet Payathai, carries on a business of renting office building located in Khet Bangplad. The company does not employ the rental premises as its place of business but it provides facilities services in the rental premises to the lessees. The company requests the authority to have meters for electricity, water and telephone installed in the rental premises. The authority issues tax invoices under the name of the company by indicating the address of the rental premises. The company is entitled to use such tax invoices for its head office's input tax. When the company charges the lessee a service fee and VAT, it must issue a tax invoice which indicates the address of the head office as the address of the company's place of business.

(2)   B Co., Ltd., having a head office in Khet Bangsue, carries on a business of producing canned fish. The company also has an office in Rayong Province where its factory is situated. The company has a factory in Rayong, the construction of which is done by the office in Rayong at its expense. The company requests to have meters for electricity, water and telephone installed at the construction site. The authority that installs the meters issues tax invoices under the name of the company by indicating the address of the construction site. The company is entitled to use the tax invoice for the input tax of its office in Rayong.

(3) A Co., Ltd. rents a place to display its electric advertising board. The company requests the authority to have an electric meter installed at the rented place. The authority issues tax invoices under the name of the company by indicating the address of the rented place. The company is entitled to use such tax invoices for its head office's input tax.

Clause 16   In case that the VAT registrant stated in Clause 15 declared the closure of certain places of business under Section 85/7 of the Revenue Code, the tax invoice issued shall state the address where the VAT registrant's head office or the operating place of business is located, not the address of the place of business that has been closed.

If after the closure of a place of business is declared according to Paragraph 1, there is an event that a debit note under Section 82/9 or a credit note under Section 82/10 of the Revenue Code has to be issued from the closed place of business, the note shall state the address of the head office or a place of business that remain in operation.

In case that a VAT registrant receives tax invoices in Paragraph 1 or the debit notes in Paragraph 2, it is entitled to use such tax invoices or debit notes for the input tax purpose. In case of credit note in Paragraph 2, it is entitled to deduct the amount stated in the credit notes from the input tax.

Clause 17   In case that VAT registrants in Clause 16 receive tax invoices that indicate the address of place of business that has been closed, these rules shall apply as follows:

(1) In case that tax invoices for sale of goods or provision of services are issued before the declaration of closure of a place of business in accordance with Section 85/7 of the Revenue Code, the VAT registrant recipient may use such tax invoices for the input tax purpose of its head office or other operating place of business.

(2) In case that tax invoices for sale of goods or provision of services are issued after the declaration of closure of a place of business in accordance with Section 85/7 of the Revenue Code, the VAT registrant recipient shall not use such tax invoices for the input tax purpose.

Clause 18 In case that a VAT registrant issues tax invoices for each place of business and the place of business which is not the head office delivers the purchaser of goods or services

tax invoices that indicate the address of the head office every time that VAT liability takes place, the place of business which is not the head office shall include a statement "The Issuing Branch is …" on the tax invoice. Such statement may be printed, stamped, written in ink, type-written, computer-generated, or made appear in any other mean with similar nature.

In order to complete the message "The Issuing Branch is …" according to Paragraph 1, the VAT registrant may indicate the geographical location of the issuing branch such as Ladprao Branch and Lopburi Branch.

Examples:

(1) Specify as "The Issuing Branch is Ladprao Branch", "The Issuing Branch is Branch 1", or "The Issuing Branch is Rama IV Road Branch."

(2) Specify as "Ladprao Branch", "Branch 1", "Rama IV Road Branch".

Clause 19 In case that a VAT registrant, which sells goods or services, generates tax invoices with a computer which locates in head office's place of business but other place of business orders the printing as well as delivery of such tax invoices, it is deemed that the head office issues the tax invoices and is not subject to the case in accordance with Clause 18. Hence, the statement "The Issuing Branch is …" is not required.

Clause 20 In case that a VAT registrant which is an importer under Section 77/1 (11) of the Revenue Code has undergone the Customs formality in accordance with the Customs law and has paid VAT to a customs official in accordance with Section 83/8 of the Revenue Code, the receipt issued by the Customs Department is deemed to be a tax invoice under Section 77/1 (22) of the Revenue Code. If a particular in the receipt is inaccurate but the Customs Department has corrected it, the VAT registrant is able to use the receipt for the input tax purpose.

In case that a VAT amount in the receipt stated in Paragraph 1 is greater than or less than the VAT amount calculated from the value of goods or services multiplied by the VAT rate divided by 100, whether or not the calculation gives rise to decimal places, the VAT registrant may use the VAT amount in the receipt issued by the Customs Department as its input tax.

Clause 21   In case that a VAT registrant makes a payment in return for a purchase of goods or services to the seller outside of the country, whereby the VAT registrant remits VAT that the seller has a duty to pay in accordance with Section 83/6 (1) and (2) of the Revenue Code, the receipt issued by the Revenue Department is deemed to be a tax invoice under Section 77/1 (22) of the Revenue Code. If any particular in the receipt is inaccurate but the Revenue Department has corrected it, the VAT registrant is able to use the receipt for the input tax purpose.

Clause 22   A VAT registrant which has a duty to issue tax invoices under Section 86/5 of the Revenue Code, for the full-versioned tax invoice only, shall issue both the original and a copy of the tax invoice. The original shall be delivered to the purchaser of goods or services. The copy shall be kept for the purpose of output tax record in accordance with Section 87(1) of the Revenue Code.

The tax invoices in Paragraph 1 shall have the following particulars, the list of which is not exhaustive:

(1)   For tax invoices issued for the sale of goods by way of exportation under Section 86/5 (1) of the Revenue Code, the particulars shall be the same as those required to be stated in tax invoices regularly issued by exporters under international trade custom and tradition, hence, exempted from stating all required particulars under Section 86/4 of the Revenue Code.

(2)   For tax invoices issued for the provision of services performed in Thailand and used in a foreign country in accordance with Section 80/1 (2) of the Revenue Code, the particulars shall be the same as those required to be stated in a bill or invoice regularly issued by the service provider under international trade custom and tradition, hence, exempted from stating all required particulars under Section 86/4 of the Revenue Code.

(3)   For tax invoices issued for international shipping of goods by aircrafts in accordance with Section 86/5 (1) of the Revenue Code, the particulars shall be the same as those required to be stated in airway bills or house airway bills regularly issued by the shipper or its agent under international trade custom and tradition, hence, exempted from stating all required particulars under Section 86/4 of the Revenue Code.

(4)   For tax invoices for the sale of crude oil and oil products in accordance with Section 86/5 (2) of the Revenue Code, the required particulars shall comply with Section 86/4 of the Revenue Code. The name, type, and kind of crude oil and oil products may be stated in English language. A space for retail price shall be provided in the tax invoice.

(5)   For tax invoices for the sale of cigarettes and tobacco as prescribed by the Director-General with the Minister's approval under Section 86/5 (2) of the Revenue Code, the required particulars shall comply with Section 86/4 of the Revenue Code. The name, type, and kind of cigarettes and tobacco may be stated in English language. A space which indicates a retail price and a deduction of a VAT amount shall be provided in the tax invoice. The VAT amount shall be calculated based on the VAT rate included in the final retail price stated in the tax invoice.

Clause 23   A VAT registrant which fails to include accurate and complete particulars required under Clause 22 shall be subject to a punishment under Section 90(12) of the Revenue Code.

Clause 24   In case that a VAT registrant is provided with a tax invoice stating an inaccurate or incomplete in substantial particular required under Clause 4, Clause 5, Clause 6 and Clause 22, such VAT registrant shall not use the tax invoice for its input tax purpose, pursuant to Section 82/5 (3) of the Revenue Code, unless the issuer cancels such tax invoice and issues a new tax invoice with correct information.

In case that an assessment official considers that a VAT registrant uses a tax invoice stating inaccurate or incomplete information as described in Paragraph 1 for its input tax purpose but finds a reasonable ground to cancel such a tax invoice and allow for a new tax invoice with accurate and complete information to be presented within a specified period, the VAT registrant may bring a new tax invoice with accurate and complete information to an assessment official and subsequently use it for the input tax purpose.

In case that the VAT registrant in Paragraph 2 is unable to present a new tax invoice with accurate and complete information within a specified period, it shall be liable to a fine prescribed under Section 89(4) of the Revenue Code. If it obtains an accurate and complete tax invoice later on, it is entitled to submit the tax invoice with an additional VAT return form in accordance with Section 83/2 of the Revenue Code in order to claim a VAT return in cash. A

claim for the VAT return shall be made within 3 years from the date that the previous tax invoice is issued.

The time period in Paragraph 2 shall not exceed 30 days from the date that the wrongdoing is found by an assessment official.

Clause 25 A VAT registrant which issues a tax invoice stating an inaccurate or incomplete particular required under Clause 4, Clause 5, Clause 6 and Clause 22 shall proceeds as follow after it is requested to cancel the inaccurate tax invoice as well as issue a new and correct tax invoice:

(1) Call the tax invoice in, stamp "Cancelled" or cross out, and keep it with its copy;

(2) Issue a new tax invoice with a new serial number but with the same date, month and year as those stated in the cancelled tax invoice; and

(3) Make a remark in the new tax invoice that "Issued to replace the cancelled tax invoice number … book number …", and note the cancellation of the tax invoice in an output tax report for the month that the new tax invoice is issued.

The VAT registrant which requests for cancellation of the tax invoice and for an issuance of new tax invoice shall make a copy of the inaccurate and incomplete tax invoice and attach it to the request.

Clause 26 In case that a VAT registrant in Paragraph 25 generates tax invoices with computer software that automatically saves tax invoices in different accounts and the software is not capable of replicating the date, month and year of the previous tax invoice in the newly issued tax invoice, it shall issue a new tax invoice by complying with Paragraph 3 and 4 of Clause 8 as follows:

(1) Issue a new tax invoice having the following particulars printed, and as a result, other required particulars under Section 86/4 of the Revenue Code may be stamped, written in ink, type-written, computer-generated, or made appear in any other means with similar nature.

(a) The term "Tax Invoice";

(b) Name, address, and taxpayer identification number of the VAT registrant issuing the tax invoice;

(c) The term "documents issued in set";

(2) Issue a new tax invoice having all required particulars under (1)(a), (b), and (c), wholly or partly, generated by a computer and as a result, other required particulars under Section 86/4 of the Revenue Code shall be printed or generated by a computer only.

Clause 27 Any rules, regulations, orders, or rulings contrary to this Order shall be repealed.

Ordered on the 19th Day of July B.E. 2542

Jakri Rattayantrakorn

(Mr. Jakri Rattayantrakorn)

Deputy Director-General,

Acting Director-General