# THAILAND PRIVATE CLIENT VIRTUAL ROUND TABLE

1 JULY 2020 (WEDNESDAY)

4:30PM (SG) | 3:30PM (TH) | 5:30PM (JP)



Mori Hamada & Matsumoto

MºCARTHY DENNING



**AMICORP** 





## TRUSTEE LIABILITY PRIVATE CLIENT VIRTUAL ROUND TABLE

8 JULY 2020

4:00PM (SINGAPORE / MALAYSIA) 3:00PM (THAILAND / INDONESIA)

RAJAH & TANN

ShookLin&Bok

MºCARTHY DENNING

Sabara Law LLC

Rhône





Joe Teng Managing Director Amicorp



**Zac Lucas**Partner
McCarthy Denning



Andrew Raming
Senior Manager
Henley & Partners



Chinapat Visuttipat
Founding Partner
One Law Office



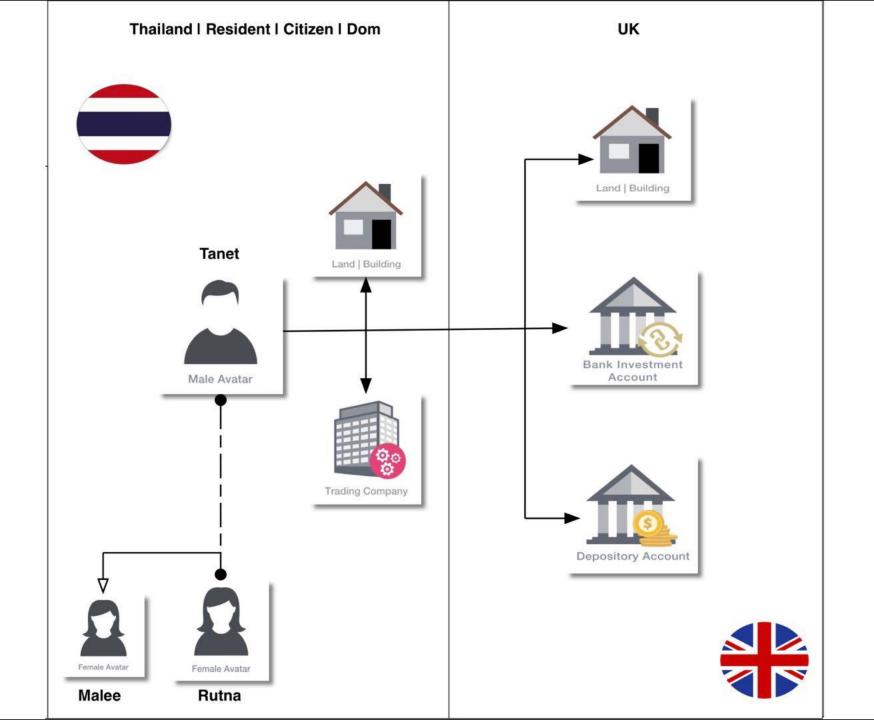
**Atsushi Oishi**Partner
Mori Hamada & Matsumoto

## Agenda:

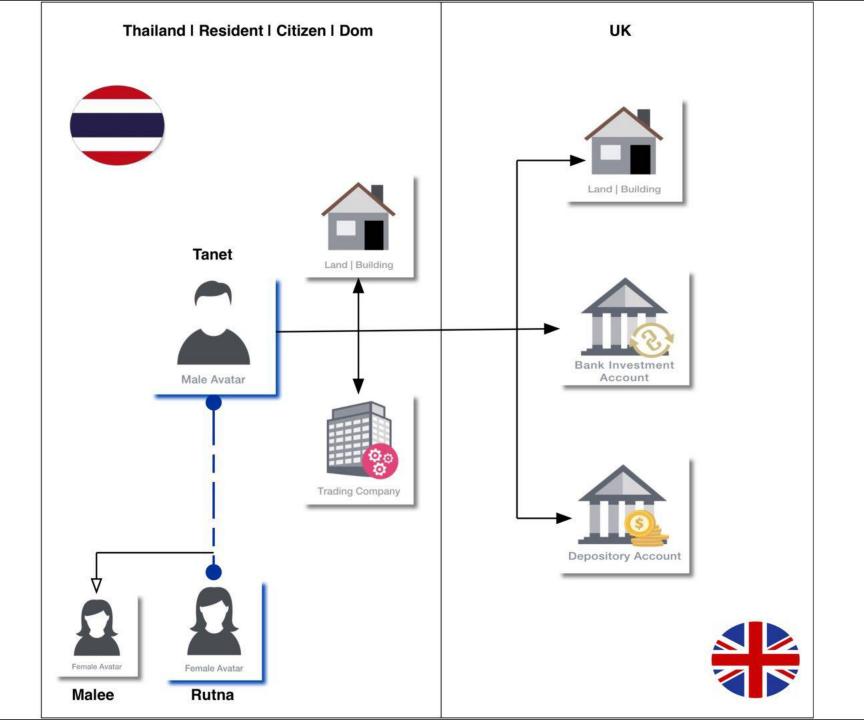
- Domestic Case Study
- Community Property | Divorce | Succession | Foreign Investment

- Foreign Case Study
- Emigration | Community Property | Divorce | Succession

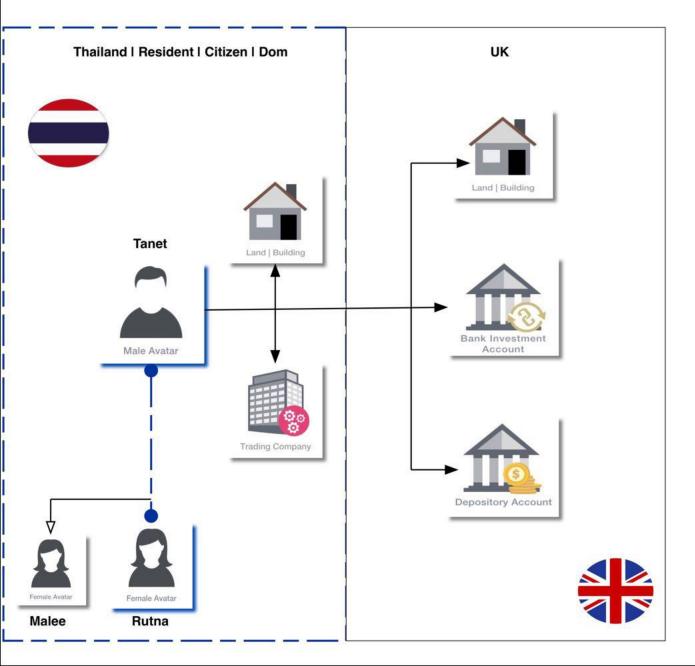
## Domestic Case Study:



## **Domestic Community Property:**

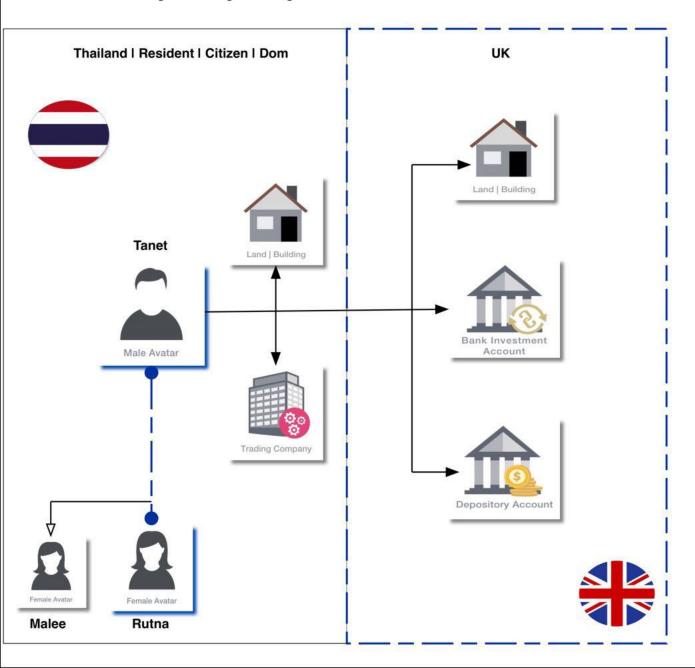


#### **Community Property: Tanet and Rutna**



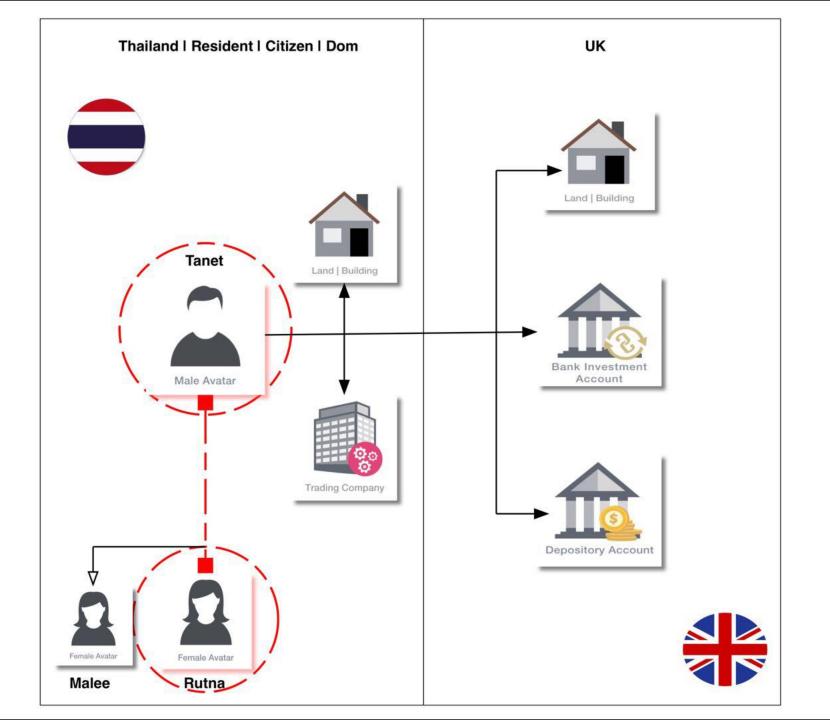
- Basis of Thai Community Property Rules?
- Does Community Property apply to Inherited Property or Property acquired before Marriage?
- Is a Pre | Post Nuptial Agreement Legally Effective?

#### **Community Property: Tanet and Rutna**

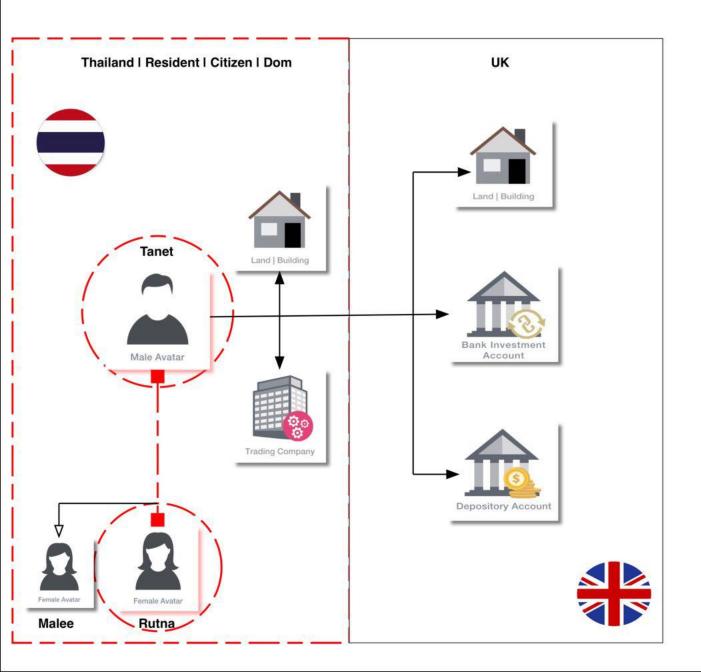


 Would the UK recognize foreign Community Property ownership?

## **Domestic Divorce:**

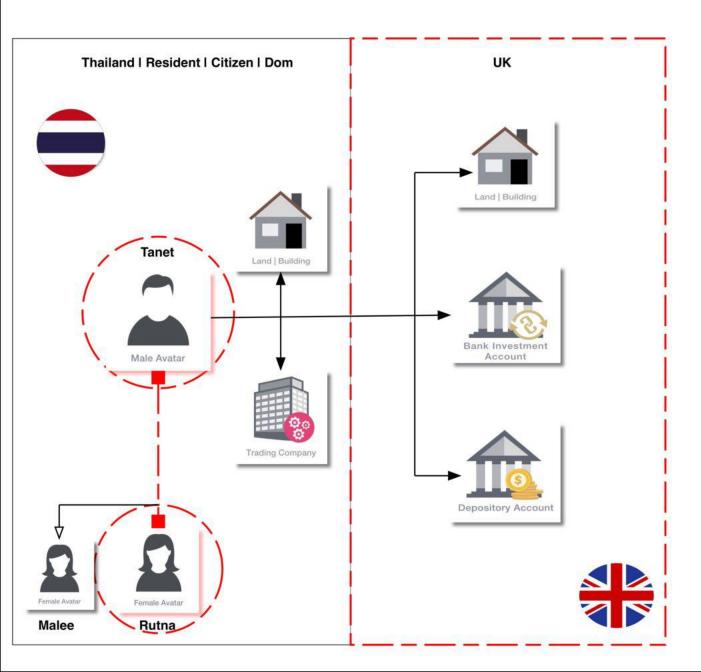


#### **Divorce: Tanet and Rutna**



- Basis on which Thai Divorce Court will Exercise Jurisdiction to Grant Divorce: Registration | Citizenships or Residence?
- Would a Thai Court seek to (re)distribute or alter Community Property Rights?
- Would a Thai Divorce Court amend or vary the terms of a Nuptial Agreement?

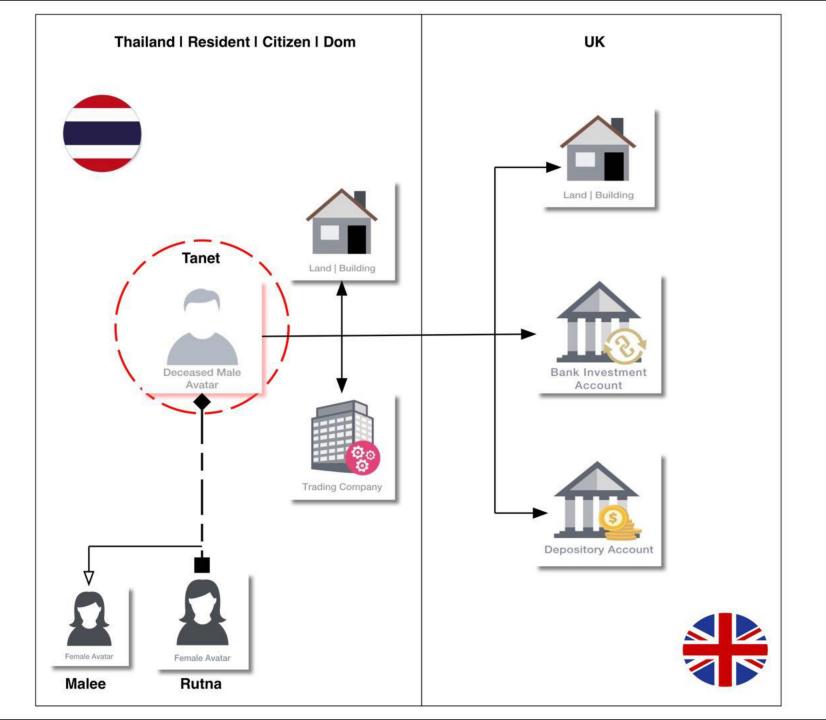
#### **Divorce: Tanet and Rutna**



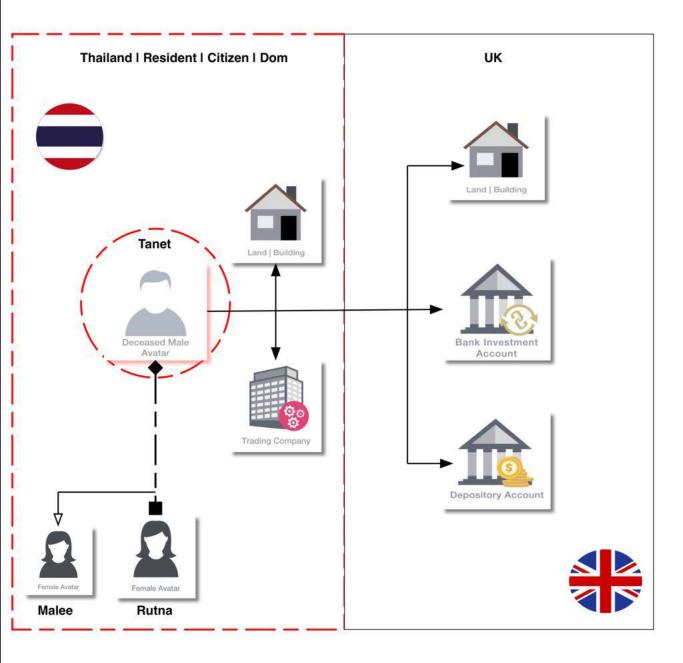
 Would a Thai Divorce Court seek to make an order in relation to UK property?

 Would a UK Court enforce a Thai Court Order affecting UK property?

### **Domestic Succession:**



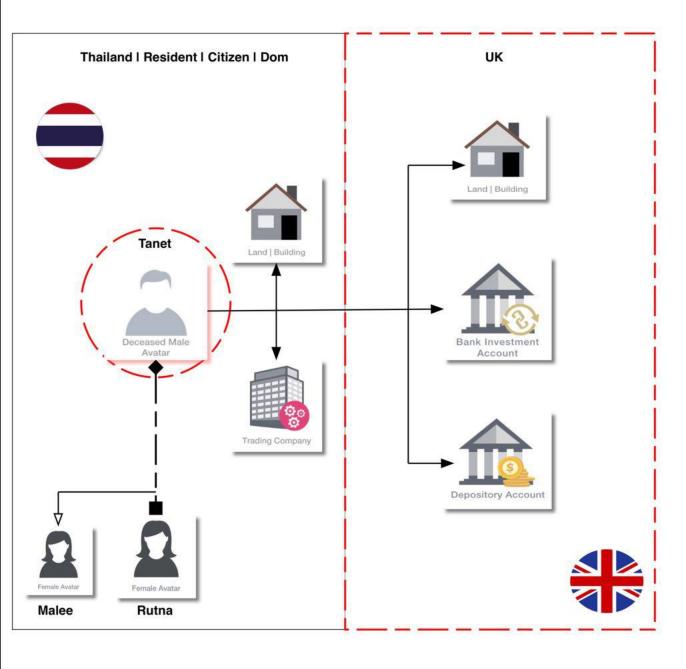
#### **Deceased: Tanet**



- Basis and application of Thai Succession Laws: Immovable Property vs. Moveable Property ("Domicile")
- Does Thai Succession Law include Forced Heir rights?
- Can a dependent make a claim against the Estate?
- Is there Thai Inheritance Tax?

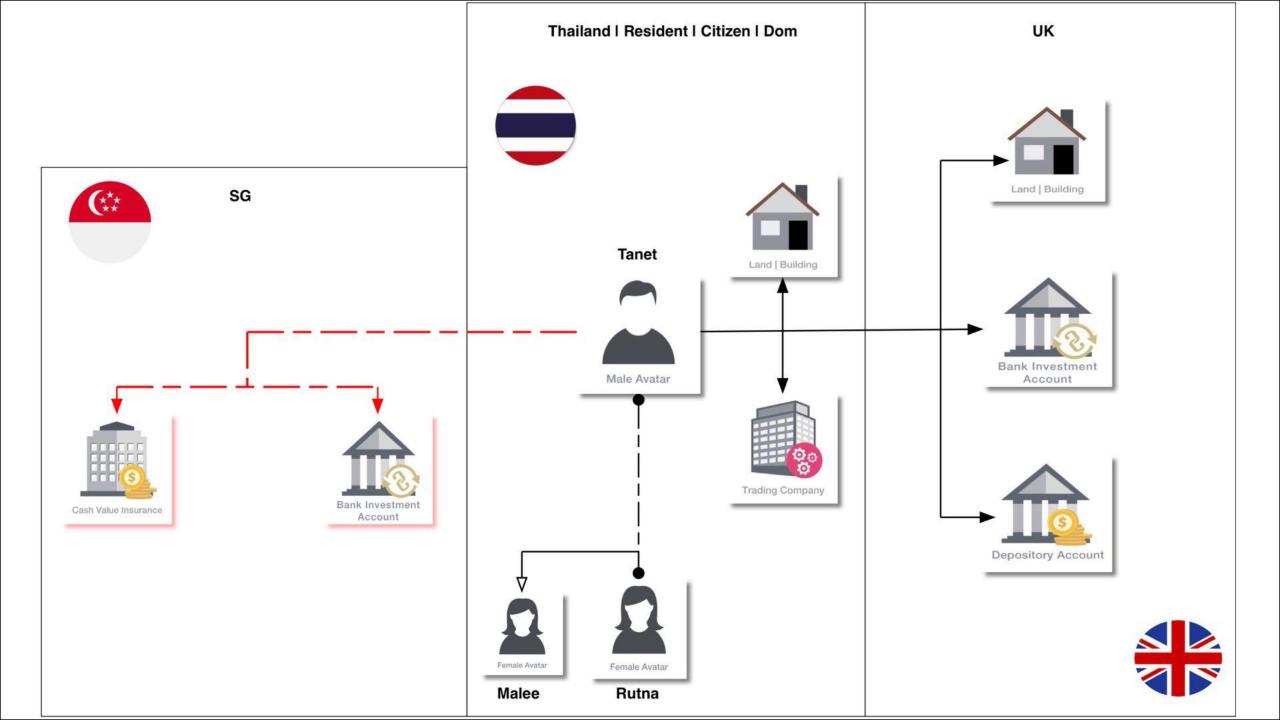


#### **Deceased: Tanet**

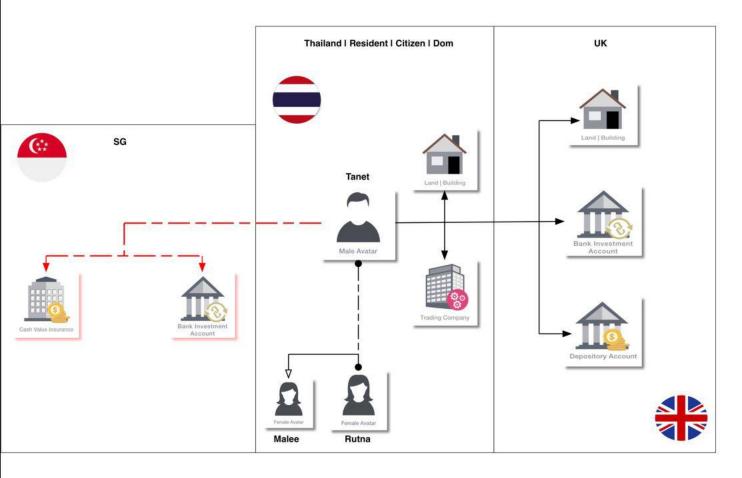


- Which Succession Law will apply to UK stocks and investments: Thai or UK?
- Which Succession Law will apply to UK Land: Thai or UK?
- Will a UK grant of probate | administration be required?
- Is there any UK Inheritance tax implications?
- Is there an Inheritance Tax Treaty between UK and Thailand?

## Foreign Investment:

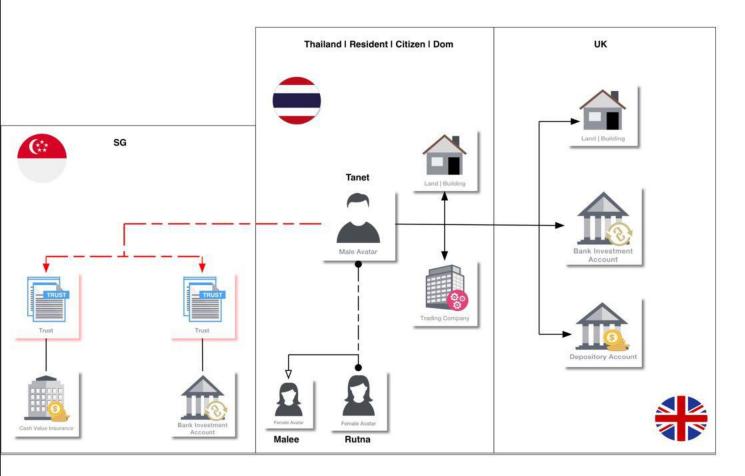


#### **Singapore Investment**



- Basis on which foreign investment may be made?
- Whether foreign investments may be held directly?
- Tax consequences of directly held foreign investments?
- Will there be any CRS reporting from Singapore to Thailand?

#### **Singapore Trusts**

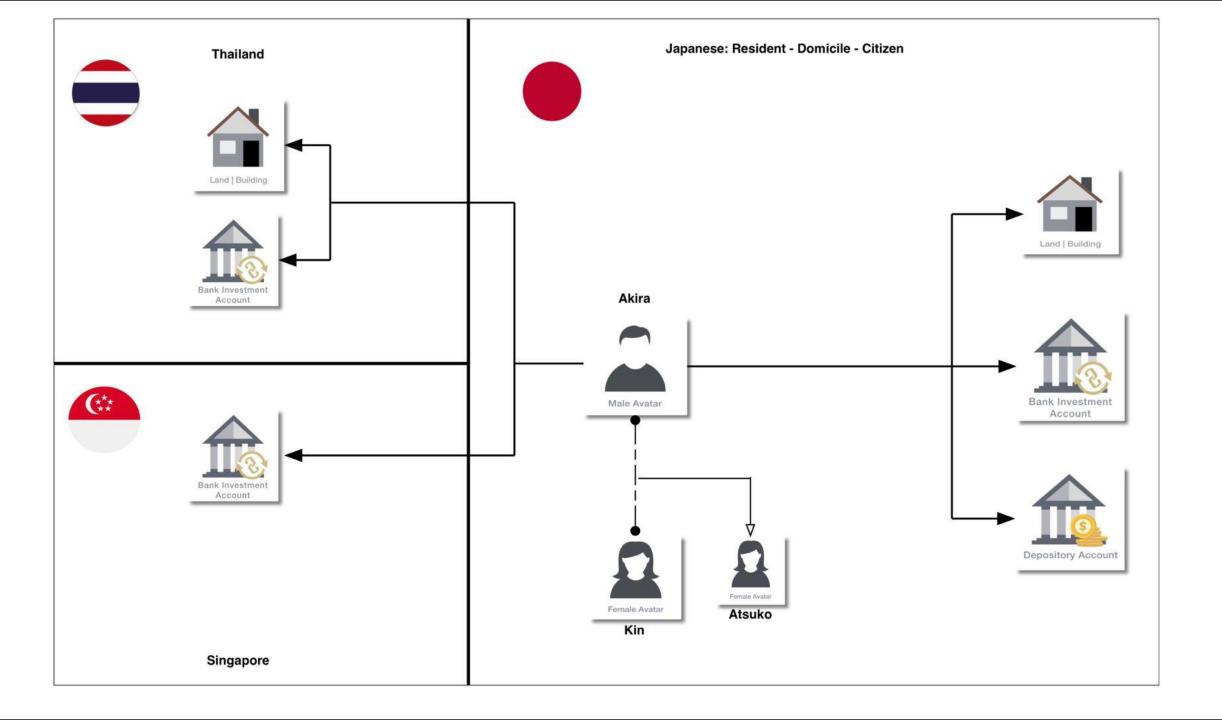


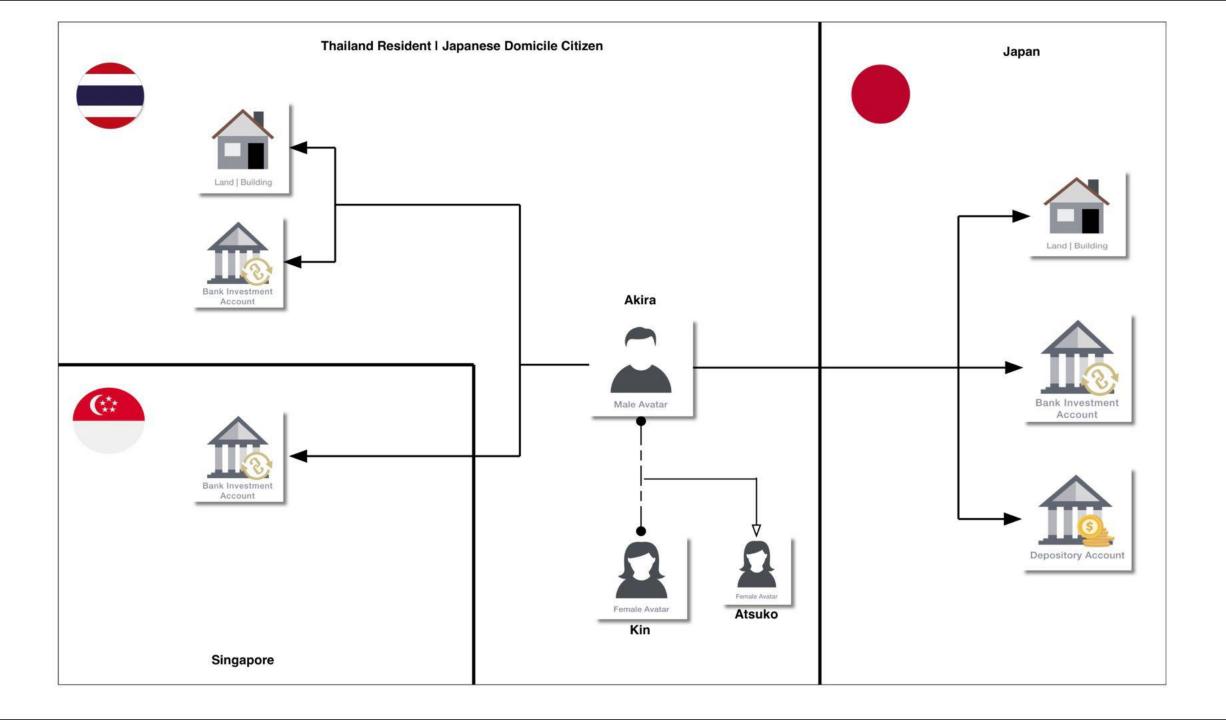
 What if the Singapore investments are held in Trust?

 Thai Succession and Inheritance Tax implications?

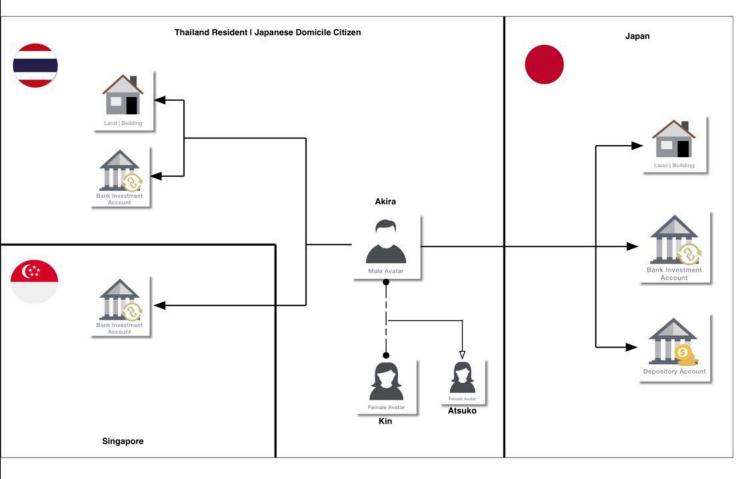
## Foreign Case Study:

## Emigration:





#### **Emigration**



 Thai Elite Program, eligibility and requirements?

 Application process and due diligence requirements?

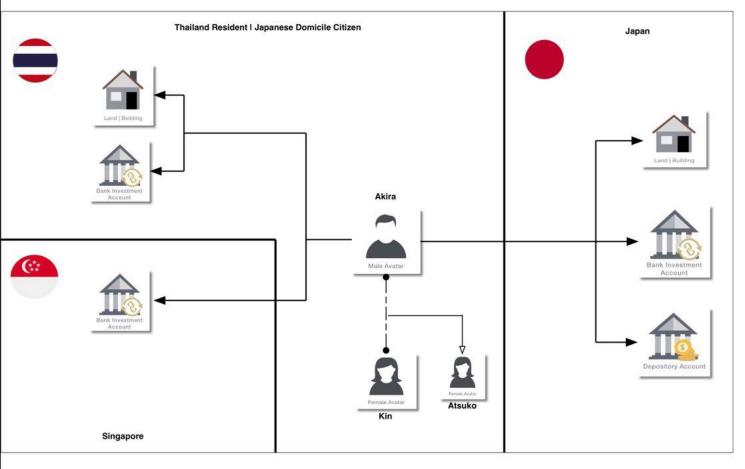
Thai PR | Citizenships?



#### Leading Residence and Citizenship Programs



#### **Emigration**



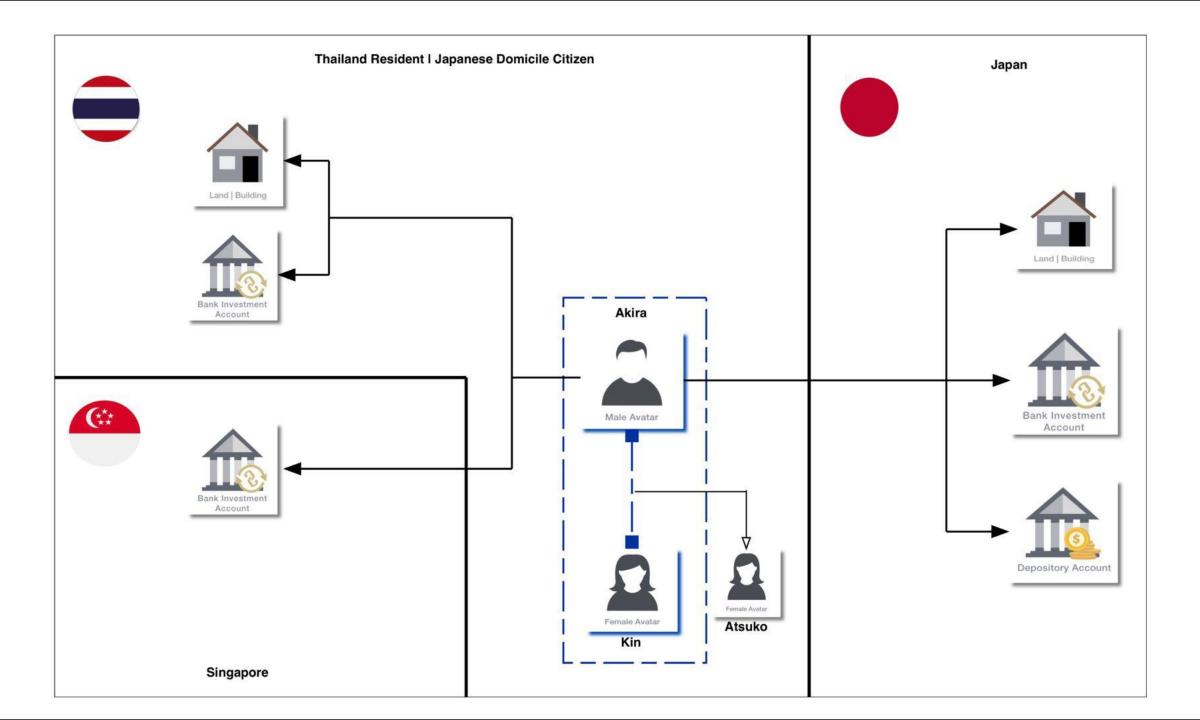
 Japanese tax consequences on emigrating to Thailand?

• Thai "Tax Residence" criteria?

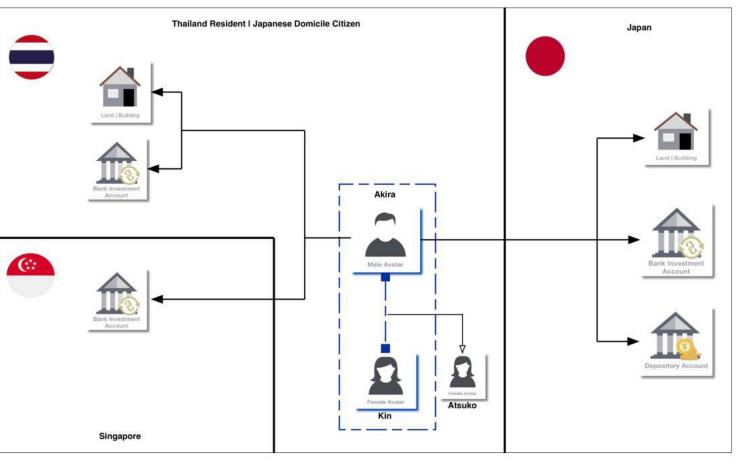
Japanese "Domicile" criteria?

 Applicable Double Tax Treaty Provisions?

## **Community Property Implications:**

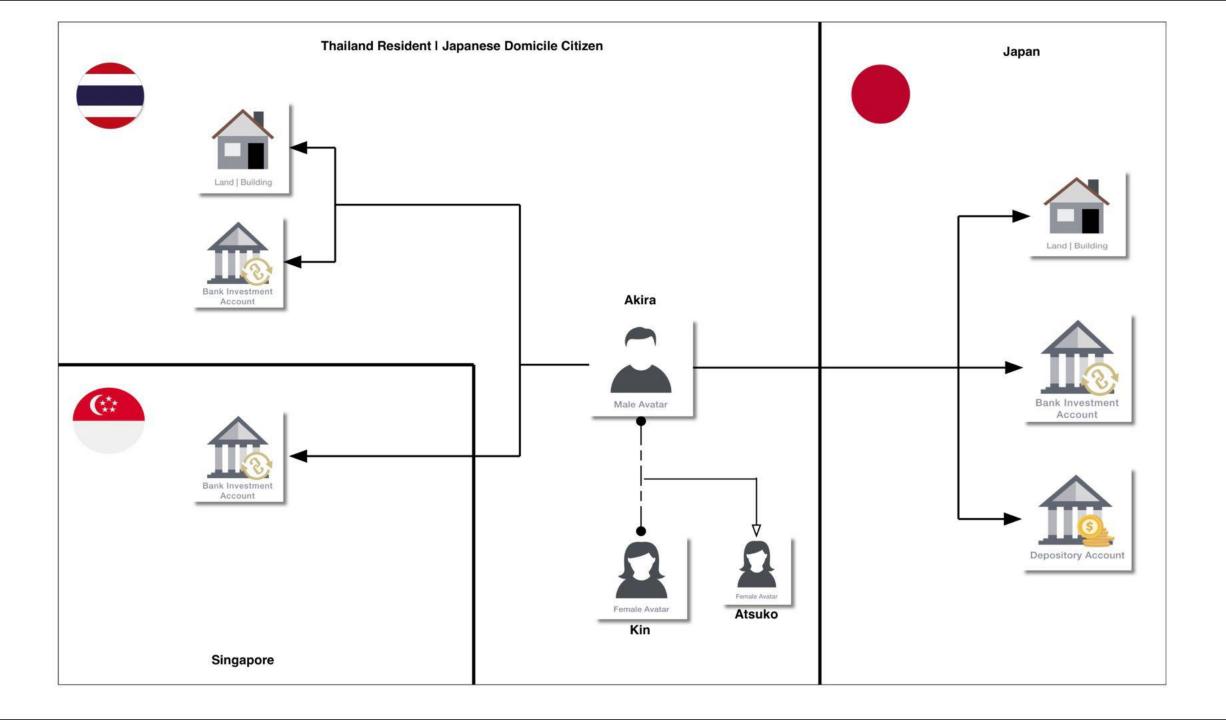


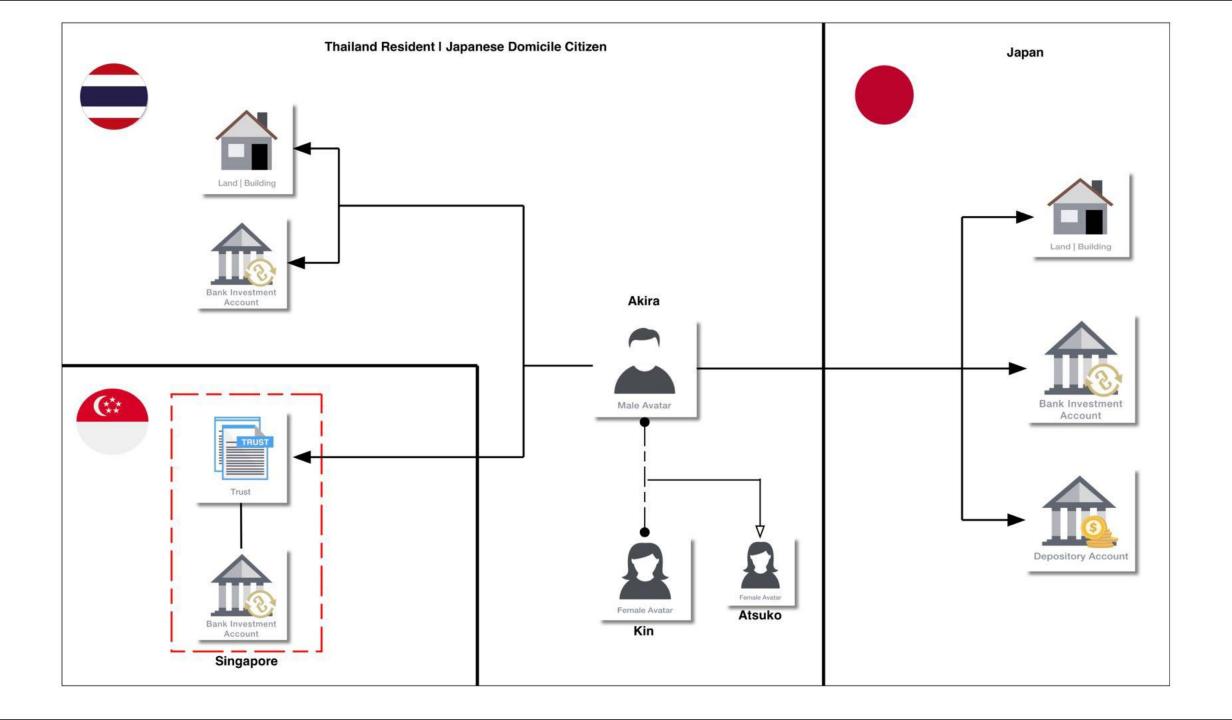
#### **Community Property: Akira and Kin**



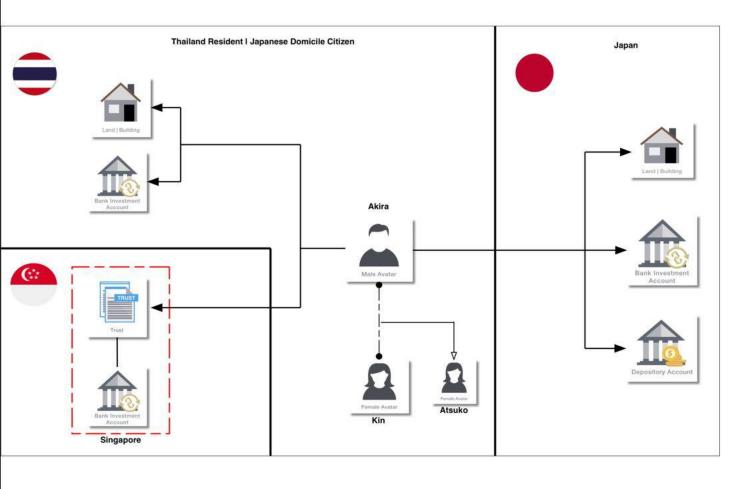
- Will Japanese Community
   Property Rights Continue to apply to Thai and Singapore Property?
- Will Thai Community Property
   Rights apply to Thai, Japanese and
   Singapore Property?
- Will Singapore recognize change in Community Property Law?

## Succession Planning:





#### **Succession Planning**

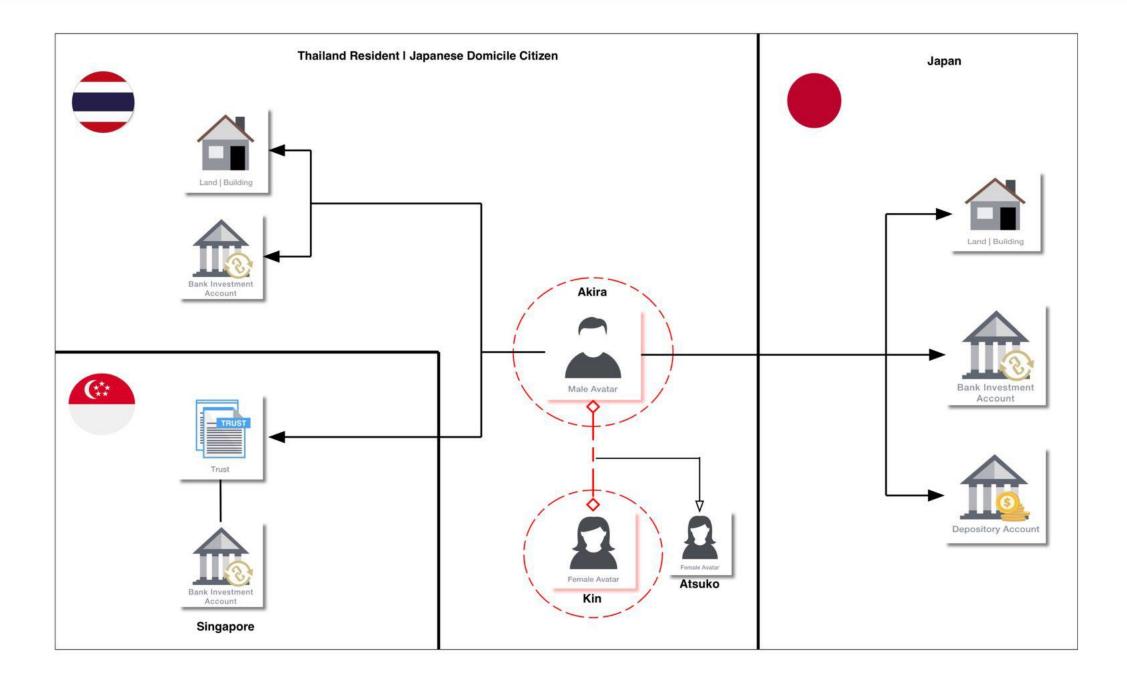


Japanese Tax Consequences?

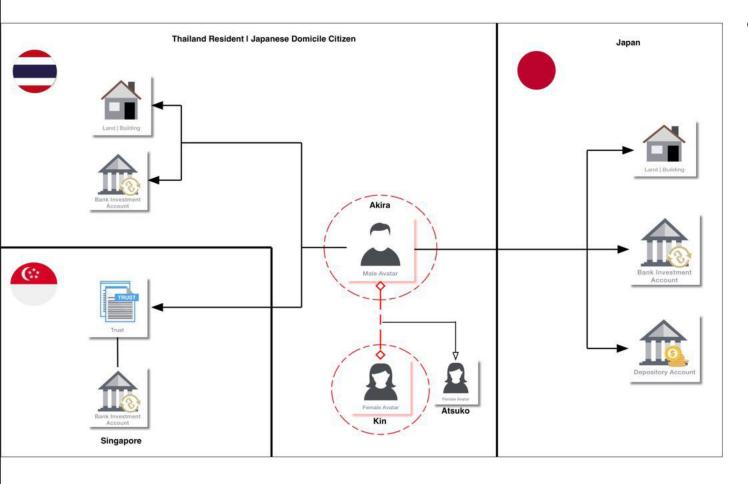
Thai Tax Consequences?



## **Divorce Law Implications:**

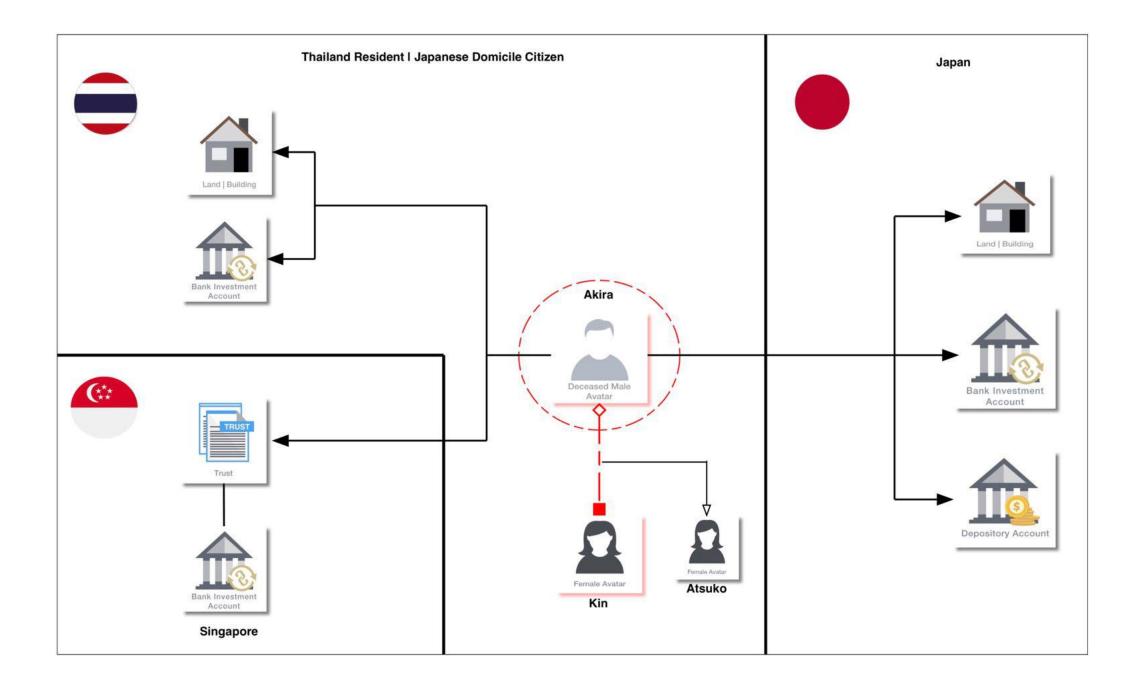


#### **Divorce: Akira and Kin**

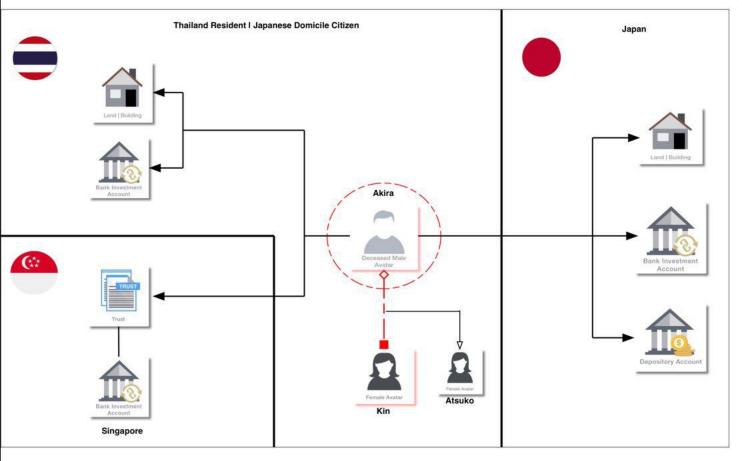


 Basis on which Thai Court will exercise Jurisdiction in Divorce Proceedings: Registration, Citizenships or Residence?

## Succession Law Implications:



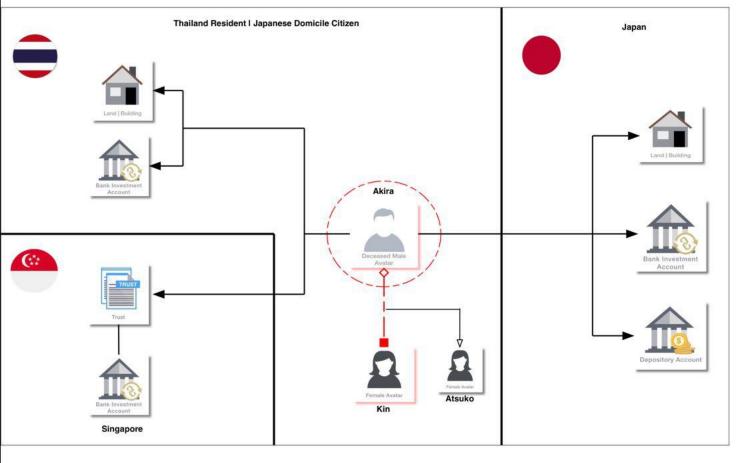
#### **Deceased: Akira**



#### **Thai Property:**

- Applicable Succession Law: Thai Immovable Property?
- Applicable Succession Law: Thai Moveable Property?
- Application of Japanese Forced Heir Rights Against Thai Property?

#### **Deceased: Akira**

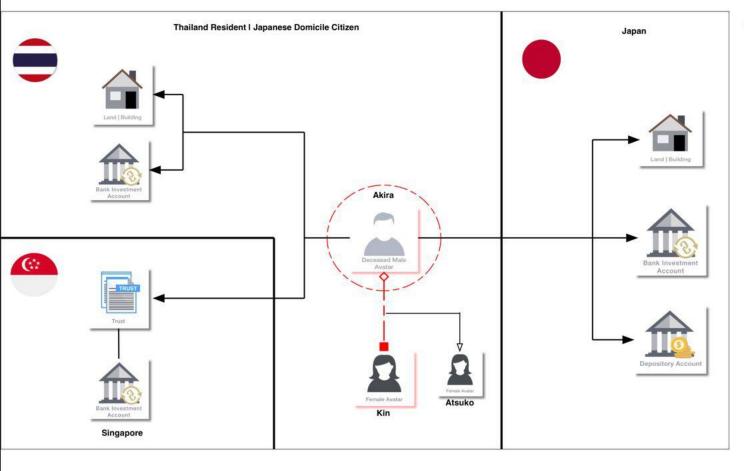


#### **Japanese Property:**

- Applicable Succession Law: Japanese Immovable Property?
- Applicable Succession Law: Japanese Moveable Property?
- Application of Japanese Forced Heir Rights?
- Japanese | Thai Tax implications?



#### **Deceased: Akira**



#### **Singapore Trust:**

 Whether Japanese Forced Heir Claim may be made against the Trust?

 Singapore Trust Law Protections?

## Q&As

