

New Regulation on Electronic Court Proceedings

On 18th September 2020, the President of the Supreme Court issued the President of the Supreme Court Regulation on Electronic Trial Procedure B.E. 2563 (“**Regulation**”) to govern electronic Court trial proceedings. This regulation became effective from 1st October 2020.

Some major principles of the Regulation are summarized as follows:-

1. Any party wishing to proceed with an electronic Court trial proceeding must submit a request to the Court, or if the Court is of opinion that the trial should proceed with an electronic procedure, the Court will issue an order to conduct an electronic procedure.
2. The parties or their agents can submit, send, or receive documents in electronic form through an e-mail or other electronic means.
3. Printed copies of documents that are filed, submitted or received by electronic means shall be deemed certified copies of documents under the Civil Procedure Code and can be used as original.
4. If any document required to be signed has been signed as an electronic data file or by an electronic signature or any other means that can identify the owner of the signature, it shall be deemed to have been duly signed.
5. For an emergency reason, a party can submit a document in the paper form but that party must later submit that document in an electronic form as soon as possible. If the Court is not satisfied with the emergency reason raised by the party, the Court may reject the filing of the paper form of the document.
6. The Court can decide to conduct an electronic witness hearing and record the witness testimonies through electronic means.
7. The Court shall not deny electronic data as evidence merely because it is an electronic data. The Court has full power to decide whether electronic evidence is relevant to the dispute and is sufficient to be admitted as evidence taking into account the reliability of such evidence based on its creation method, retention or transmission.
8. Documentary evidence and material evidence must be submitted in an electronic form and it shall be deemed original. The parties are not required to send copies of documentary evidence to other parties.
9. The Court can issue an order or a judgment and sign it with an electronic signature after completion of the hearings of witnesses. The Court order or judgment bearing the electronic signature shall be deemed to have been made in writing.



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