

Declaration of the Revolutionary Council

No. 58

The Revolutionary Council has considered that where a business affects safety and peace of the public, the control of such business is subject to the law on control in business affecting safety and peace of the public. It is also subject to the law on designation of a ministry to comply with this law. The Revolutionary Council is of the opinion that these two laws ought to be amended and combined together as single law in order to enable convenience in practice. At present, the number of business in accepting or buying of bills of exchange, capital finding, and trading or exchanging financial securities is increasing. This includes agencies or brokers for such business. This business possesses characteristics of business that may affect safety and peace of the public. However, the two existing laws do not contain any provisions governing it. Therefore, these laws ought to be amended and inserted into the proposed new law. The leader of the Revolutionary Council hereby issues orders as follows:

No. 1 Repeal:

- (1) Control in Business Affecting Safety and Peace of the Public Act B.E. 2471.
- (2) Control in Business Affecting Safety and Peace of the Public Act (No. 2) Act B.E. 2485.
- (3) Control in Business Affecting Safety and Peace of the Public Act (No. 3) Act B.E. 2499.
- (4) Designation of Ministries Complying with the Control in Business Affecting Safety and Peace of the Public Act B.E. 2471 Act B.E. 2476.
- (5) Designation of Ministries Complying with the Control in Business Affecting Safety and Peace of the Public Act B.E. 2471 (No. 2) Act B.E. 2484.
- (6) Designation of Ministries Complying with the Control in Business Affecting Safety and Peace of the Public Act B.E. 2471 (No. 3) Act B.E. 2499.

Laws, regulations and rules prescribed under this Declaration are legally enforceable. Any laws, regulations and rules contrary to the orders under this Declaration shall no longer apply.

No. 2 Under this Declaration

“Law enforcement officer” means a person appointed by the Minister or the

Governor of Bank of Thailand to comply with orders under the Declaration.

“Minister” means the Minister of a ministry with powers and duties in accordance with this Declaration or as prescribed by the Royal Decree.

No. 3 The followings are public amenities business:

- (1) Railway.
- (2) Tram.
- (3) Canal development.
- (4) Air navigation.
- (5) Piped water.
- (6) Irrigation.
- (7) Electricity.
- (8) Production for sale or sale of gas through pipelines to buildings.
- (9) Any other business that affects safety and peace of the public as specified

in the Royal Decree.

In enacting the Royal Decree pursuant to (9) the ministry with powers and duties related to the business shall also be prescribed.

No. 4 No person shall conduct any public amenities business without permission or a public amenities grant from the Minister.

No. 5 Where there is a promulgation of the Minister prescribing the following businesses or any other business with similar nature as public amenities business, no person shall conduct such business without permission from the Minister:

- (1) Insurance.
- (2) Warehousing.
- (3) Banking.
- (4) Public savings.
- (5) Credit foncier.
- (6) Accepting or buying of bills of exchange.
- (7) Acquiring of capital and lending of the capital, or buying the capital or selling of bills of exchange, or negotiable instruments or credit instruments.

(8) Buying, selling or exchanging fixed income securities instruments such as bank note, share, debenture or commercial paper or serving as agent, broker, manager or adviser about investing in these instruments or creating a market or other organizations as a centre of buying, selling or exchanging these instruments.

The Minister may prescribe types or characteristics of business in paragraph one.

No. 6 Where a specific law on businesses specified in order No. 3 or order No. 5 exists, that law shall apply.

No. 7 In granting permission or public amenities under order No. 4 and order No.5, the Minister may impose any conditions necessary for safety and peace of the public.

The Minister may amend or add conditions specified in paragraph one, however, the period of time applying to any amendment, or change must be specified where the Minister considers appropriate.

No. 8 Minister of Finance may have powers and duties concerning the following businesses or any other business with similar nature:

- (1) Banking.
- (2) Public savings.
- (3) Credit foncier.
- (4) Accepting or buying of bills of exchange.
- (5) Acquiring of capital and lending of the capital or buying the capital or selling of bills of exchange or negotiable instruments or credit instruments.
- (6) Buying, selling or exchanging fixed income securities instruments such as bank note, share, debenture or commercial paper or serving as agent, broker, manager or adviser about investing in these instruments or creating a market or other organizations as a centre of buying, selling or exchanging these instruments.

No. 9 Minister of Transport may have powers and duties concerning railway and air navigation.

No. 10 Ministry of National Development may have powers and duties concerning irrigation and canal development.

No. 11 Ministry of Interior¹ may have powers and duties concerning tram, piped water, electricity and production for sale or sale of gas through pipelines to buildings.

¹ The Royal Decree amended this law to be consistent with the transfer of powers of a government agency in accordance with the Improvement of Ministries and Departments Act B.E. 2545.

The amendment is to change the term "Ministry of Interior" in order No. 11 of this Declaration to "Ministry of Natural Resources and Environment" only in provisions related to business in piped water.

No. 12 Ministry of Commerce may have powers and duties concerning insurance and warehousing or any other business with similar nature.

No. 13 The Minister may appoint a law enforcement officer to perform duties in accordance with powers and functions of any designated ministry as prescribed in this Declaration or the Royal Decree as the case may be.

No. 14 Minister of Finance may empower Bank of Thailand to manage, on behalf of the Ministry of Finance, powers and functions in accordance with this Declaration.

After the Minister of Finance has empowered Bank of Thailand to manage the powers and functions according to paragraph one, the Governor of Bank of Thailand may appoint an employee of Bank of Thailand as a law enforcement officer to perform duties delegated to Bank of Thailand.

No. 15 A law enforcement officer may enter and inspect premises of businesses specified in order No. 3 or order No. 5 during business hours to ensure that operations of such businesses are in accordance with this Declaration. Where a law enforcement officer suspects that there is a contravention to this Declaration, the law enforcement officer may seize or impound any documents or items related to the contravention for future use in legal proceedings.

Where a law enforcement officer performs duties according to paragraph one, business operators and any person whose duties are related to operations of the businesses are required to provide appropriate facilitation to the law enforcement officer.

No. 16 A penalty of up to 1 year imprisonment or a fine up to 20,000 Baht or both apply to a person who contravenes order No. 4 or order No. 5.

No. 17 A penalty of up to 1 month imprisonment or a fine up to 20,000 Baht applies to a person with permission or a public amenities grant under order No. 4, or a person with permission under order 5 who fails to comply with conditions specified under order 7. Where a contravention is continual, a fine up to 1,000 Baht per day applies until the end of the contravention.

No. 18 A penalty of up to 1 month imprisonment or a fine up to 1,000 Baht or both apply to a person who obstructs or fails to facilitate a law enforcement officer performing duties according to order No. 15.

No. 19 Any conditions imposed by the Government in accordance with the law on control in business affecting safety or peace of the public that apply before the date of this Declaration shall continue to apply.

No. 20 A license or public amenities grant for conducting public amenities business in accordance with the law on control in business affecting safety or peace of the public that has been issued before the date of this Declaration shall remain valid until its expiration.

No. 21 Insurance, public warehouse, public savings, and credit foncier shall be considered as business declared by the Minister under order No. 5.

Business license according to paragraph one issued before the date of this Declaration shall remain valid until the end of its expiration.

No. 22 As soon as the Minister declares that businesses under order No. 5 are subject to requirements under this Declaration, existing business operators are required to apply for permission within 60 days in accordance with this Declaration where the business operators intend to continue conducting their businesses. After the business operators have applied for permission, the business operators may continue their businesses until advised that their applications have been rejected.

No. 23 Minister of Finance, Minister of Transport, Minister of National Development, Minister of Interior and Minister of Agriculture are required to act in accordance with this Declaration.

No. 24² This Declaration shall come into force on the following day after it has been published in the Government Gazette.

Declared on the 26th day of January B.E. 2515

Field Marshal T. Kittikajorn

Leader of the Revolutionary Council

Translated on 6 October 2009 by Watthana Suksiripakonchai, Legal Bureau, Department of Civil Aviation.

² Government Gazette Vol. 89/Chapter 15/Special Edition Page No. 3/27 January B.E. 2515