

[Royal Proclamation]

[Administrative Procedure Act, B.E. 2539 \(1996\)](#)

Bhumibol Adulyadej, Rex.

Given on the 27th Day of September B.E. 2539 (1996),

Being the 51st Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has graciously given a Royal Command to announce that:

Whereas it is deemed appropriate to have a law on administrative procedures,

His Majesty, by and with the advice and consent of the National Assembly, is graciously pleased to enact the following Act:

Section 1 This Act shall be called the “Administrative Procedure Act, B.E. 2539 (1996).”

Section 2 This Act shall come into force after the expiration of one hundred and eighty days from the day following the date of its publication in the Government Gazette.

Section 3 Administrative procedures under various laws shall be conducted in accordance with the provisions of this Act, except where a specific law prescribes particular administrative procedures that ensure fairness or establish standards not lower than those set forth in this Act.

The provisions of the first paragraph shall not apply to the procedures and time limits for appeals or objections as specified by law.

Section 4 This Act shall not apply to:

- (1) the National Assembly and the Council of Ministers;
- (2) organizations exercising powers specifically under the Constitution;
- (3) consideration by the Prime Minister or Ministers in matters directly related to policy;
- (4) judicial proceedings and the actions of officials in the course of adjudication, enforcement of judgments, and execution of seizure or attachment of property.
- (5) consideration and decisions on complaints and directives issued under the law on the Council of State;
- (6) operations concerning foreign policy;

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(7) operations relating to military affairs or officers performing combat duties in cooperation with the armed forces for the defense and preservation of national security from both external and internal threats;

(8) operations under the criminal justice process;

(9) the conduct of religious organizations.

Any additional exemptions from the application of this Act to particular activities or agencies other than those specified in the first paragraph shall be made by Royal Decree upon the recommendation of the Administrative Procedure Committee.

Section 5 In this Act:

“Administrative procedure” means the preparation and execution by an official in order to issue an administrative order or regulation, and includes any action in an administrative manner under this Act.

“Administrative consideration” means the preparation and execution by an official in order to issue an administrative order.

“Administrative order” means:

(1) the exercise of legal authority by an official which creates legal relations between persons, having the effect of establishing, modifying, transferring, reserving, suspending, or affecting the status of rights or duties of a person, whether permanently or temporarily, such as an instruction, permission, approval, decision on appeal, certification, or registration — but does not include the issuance of regulations;

(2) other matters as prescribed by Ministerial Regulation.

“Regulation” means Royal Decree, Ministerial Regulation, Ministerial Notification, Local Ordinance, Rule, Order, or other provisions which have general applicability and are not intended to apply specifically to any particular case or person.

“Dispute adjudication committee” means a committee established by law with the structure and procedure to render binding decisions on legal rights and duties.

“Official” means a person, group of persons, or juristic person who exercises or is authorized to exercise administrative power of the State in performing any act under the law, whether established within the civil service, a state enterprise, or any other state organization or not.

“Party” means the applicant or objector to the application, the person subject to or to be subject to an administrative order, and any person who has entered into the administrative procedure because his or her rights may be affected by the result of the administrative order.

Section 6

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The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations and Notifications for the implementation of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Chapter 1

Administrative Procedure Committee

Section 7

There shall be a committee called the Administrative Procedure Committee, consisting of one Chairperson, the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Interior, the Secretary-General to the Cabinet, the Secretary-General of the Office of the Civil Service Commission, the Secretary-General of the Council of State, and not fewer than five but not more than nine qualified persons as members.

The Council of Ministers shall appoint the Chairperson and the qualified members from among persons having expertise in law, public administration, political science, social science, or public sector management. Such persons must not hold any political position.

The Secretary-General of the Council of State shall appoint a civil servant from the Office of the Council of State to serve as Secretary and Assistant Secretary of the Committee.

Section 8

The qualified members appointed by the Council of Ministers shall hold office for a term of three years.

A retiring member may be reappointed.

In the event that a member vacates office upon expiration of the term but a new member has not yet been appointed, the outgoing member shall continue to perform duties until the new appointment is made.

Section 9

In addition to vacating office at the end of the term under Section 8, a member appointed by the Council of Ministers shall vacate office upon a resolution of the Council of Ministers to remove him or upon the occurrence of any of the grounds specified under Section 76.

Section 10

The Office of the Council of State shall serve as the Secretariat of the Administrative Procedure Committee and shall be responsible for administrative affairs, meetings, research, and other matters relating to the work of the Committee.

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Section 11 The Administrative Procedure Committee shall have the following powers and duties:

- (1) To supervise and provide guidance on the performance of officials under this Act;
- (2) To give advice to officials regarding the application of this Act upon request, in accordance with the criteria prescribed by the Committee;
- (3) To summon officials or any other persons to provide explanations or opinions in support of its consideration;
- (4) To make recommendations regarding the issuance of Royal Decrees, Ministerial Regulations, or Notifications under this Act;
- (5) To prepare reports on the implementation of this Act and submit them to the Council of Ministers from time to time as appropriate, but not less than once a year, with a view to improving the fairness and efficiency of administrative procedures;
- (6) To perform other duties as assigned by the Council of Ministers or the Prime Minister.

Chapter 2

Administrative Orders

Part 1

Officials

Section 12

An administrative order must be issued by an official who has the authority and duty in the matter concerned.

Section 13

The following officials shall not be permitted to participate in administrative consideration:

- (1) A person who is himself or herself a party to the case;
- (2) A fiancé or spouse of a party;
- (3) A relative of a party, including ascendants or descendants of any degree, siblings, or cousins up to the third degree, or relatives by marriage up to the second degree;
- (4) A current or former legal representative, guardian, agent, or attorney of a party;
- (5) A creditor, debtor, or employer of a party;
- (6) Other cases as prescribed by Ministerial Regulation.

Section 14

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When a circumstance under Section 13 arises, or when a party objects that an official is a person falling under Section 13, the official shall suspend consideration of the matter and report to the immediate superior one level above, so that the superior may issue a further instruction.

The submission of objections, the consideration thereof, and the appointment of a substitute official shall be in accordance with the criteria and procedures prescribed by Ministerial Regulation.

Section 15

When a circumstance under Section 13 arises, or when a party objects that a member of a committee with administrative adjudicative authority falls under such a circumstance, the Chairperson shall convene a meeting of the committee to consider the objection. At the meeting, the challenged member, after having presented the facts and responded to questions, must leave the meeting.

If there remains a quorum of unchallenged members, the committee shall proceed with only those members.

If at least two-thirds of the unchallenged members resolve by secret ballot that the challenged member may continue to perform duties, the said member may resume their functions.

Such resolution shall be final.

The submission and consideration of objections shall follow the criteria and procedures as prescribed by Ministerial Regulation.

Section 16

In addition to the disqualifications under Section 13, if there are other serious circumstances involving an official or a committee member which may compromise impartiality in the administrative consideration, such official or member shall not participate in the consideration of that matter.

In such cases, the following procedures shall apply:

(1) If the person recognizes such circumstance, he or she shall suspend the consideration and notify the immediate superior or committee Chairperson, as applicable.

(2) If a party raises an objection but the person denies the allegation, he or she may proceed with the consideration, but must notify the immediate superior or Chairperson.

(3) The superior or the relevant committee shall promptly issue an order or resolution, as the case may be, on whether the person may continue participating in the matter.

The provisions of Section 14, paragraph two, and Section 15, paragraphs two to four, shall apply mutatis mutandis.

Section 17

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Any act performed by an official or a member of a committee with administrative adjudicative authority before suspending consideration under Section 14 or Section 16 shall remain valid, unless the replacement official or the committee, as the case may be, deems it appropriate to re-perform part or all of such acts.

Section 18

The provisions of Sections 13 to 16 shall not apply in cases of urgent necessity, where any delay would cause damage to the public interest or irreparable harm to the rights of a person, or where no other official is available to act in place of the disqualified person.

Section 19

If it is later discovered that an official or a member of a committee with administrative adjudicative authority lacked qualifications, was under a disqualification, or was unlawfully appointed and thereby required to vacate office, such vacation shall not affect the validity of any act already performed by that person in the course of official duty.

Section 20

The “immediate superior” referred to in Sections 14 and 16 shall also include any person legally empowered to supervise or oversee the official in question, in the case of an official without a direct superior, and the Prime Minister in the case where the official is a Minister.

Part 2

Parties

Section 21

A natural person, a group of persons, or a juristic person may be a party in an administrative proceeding to the extent that their rights are, or are likely to be, adversely affected and such effect cannot reasonably be avoided.

Section 22

A person who is competent to act in an administrative proceeding must be:

- (1) A person who has reached legal age;
- (2) A person who, by specific legal provision, is deemed competent to act in the matter at hand, even if they have not reached legal age or have limited legal capacity under the Civil and Commercial Code;
- (3) A juristic person or a group of persons under Section 21, represented by an authorized representative or agent, as the case may be;

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(4) A person who, by announcement of the Prime Minister or a person delegated by the Prime Minister and published in the Government Gazette, is granted competence to act in the matter specified, even if they have not reached legal age or have limited legal capacity under the Civil and Commercial Code.

Section 23

In an administrative proceeding in which the party is required to appear before the official, the party has the right to be accompanied by a lawyer or advisor.

Any act performed by the lawyer or advisor in the presence of the party shall be deemed to be an act of the party, unless the party objects at that moment.

Section 24

A party may appoint, in writing, any person of legal age to act on their behalf in any matter during the administrative proceeding.

In such cases, the official shall deal directly with the party only when the matter concerns a duty that the party must personally perform and must also inform the appointed representative accordingly.

If it appears that the appointed representative lacks sufficient knowledge of the relevant facts or there are grounds to doubt the competence of the person, the official shall promptly notify the party.

The appointment of a representative shall not be terminated by the death of the party or any change in the party's legal capacity or representative status, unless the legal successor of the party or the party revokes such appointment.

Section 25

In cases where a petition is submitted with more than fifty signatories, or more than fifty parties submit petitions with identical or similar content, and the petition designates a representative or implies such designation, the named person shall be considered a joint representative of those parties.

Where more than fifty parties jointly submit a petition for an administrative order in the same matter without appointing a representative, the official shall appoint a person approved by the majority of those parties as their joint representative.

In such case, the provisions of Section 24, paragraphs two and three, shall apply mutatis mutandis.

A joint representative under paragraph one or two must be a natural person.

A party may revoke the authority of the joint representative at any time by submitting a written notice to the official and continuing the proceeding independently.

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A joint representative may also resign at any time by submitting a written notice to the official and informing all parties concerned.

Part 3

Administrative Proceedings

Section 26

Documents submitted to an official shall be prepared in the Thai language. If a document is originally prepared in a foreign language, the party shall provide a Thai translation with a certification of accuracy within the period specified by the official. In such case, the document shall be deemed submitted on the date the official receives the certified Thai translation, unless the official accepts the foreign language document without translation. In the latter case, the date the foreign language document is submitted shall be deemed the date of receipt.

The certification of accuracy for the Thai translation or the acceptance of foreign language documents shall be in accordance with the rules and procedures prescribed by ministerial regulation.

Section 27/2

The official shall inform the party of their rights and duties in the administrative procedure as necessary according to the circumstances.

When an application is submitted requesting the official to issue an administrative order, it shall be the duty of the receiving official to verify the accuracy of the application and the completeness of all documents required by law or regulations to be submitted therewith. If the application is found to be inaccurate, the official shall advise the applicant to make the necessary corrections. If any required documents are missing, the official shall notify the applicant immediately or within seven days from the date the application was received. Such notification shall be made in writing, signed by the receiving official, specifying the documents that are inaccurate or incomplete, and shall be recorded in the administrative proceedings concerning the issuance of the administrative order.

Once the applicant has corrected the application or submitted the required documents as specified in the notification under paragraph two, the official may not refuse to proceed with the application on the grounds of further missing documents, unless such refusal is necessary to comply with the law or regulations and has been approved by the immediate superior as defined in Section 20. In such a case, the said superior shall promptly verify the facts. If it is found that the deficiency was due to the official's fault, disciplinary action shall be taken.

The applicant must make the corrections or submit the additional documents to the official within the time specified by the official or within an extended period granted by the official. If the applicant fails to do so within the specified time, it shall be deemed that the applicant no longer wishes the official

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to proceed with the application. In such a case, the official shall return the documents to the applicant and inform them of their right to appeal, and the proceedings shall be recorded accordingly.

Section 28

In administrative proceedings, the official may investigate the facts as appropriate to the matter without being bound by the request or evidence submitted by the party.

Section 29

The official must examine any evidence deemed necessary for establishing the facts. In doing so, the official shall include the following actions:

Seek all relevant evidence;

Hear the evidence, statements, or opinions of the parties, witnesses, or expert witnesses referred to by the parties, unless the official considers such references to be unnecessary, excessive, or intended to cause delay;

Request facts or opinions from the parties, witnesses, or expert witnesses;

Request the holder of a document to submit relevant documents;

Conduct on-site inspections.

The parties shall cooperate with the official in establishing the facts and are obliged to disclose any evidence in their knowledge to the official.

Witnesses or expert witnesses summoned by the official to give statements or opinions shall be entitled to remuneration in accordance with the criteria and procedures prescribed by Ministerial Regulation.

Section 30

In cases where an administrative order may affect the rights of a party, the official must provide that party with a sufficient opportunity to be informed of the facts and to present objections and evidence.

The first paragraph shall not apply in the following circumstances, unless the official deems it appropriate to proceed otherwise:

- (1) Where urgent necessity requires immediate action to prevent serious harm to any person or to protect the public interest;
- (2) Where providing such opportunity would cause delay beyond the time limit prescribed by law or regulations for issuing an administrative order;

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(3) Where the facts are those already provided by the party in an application, statement, or written explanation;

(4) Where, by its nature, it is clearly impracticable to provide such an opportunity;

(5) Where the action is a form of administrative enforcement;

(6) Other cases as prescribed by Ministerial Regulation.

The official is prohibited from providing such an opportunity if doing so would result in serious harm to the public interest.

Section 31

A party has the right to inspect documents necessary for the purpose of objecting, clarifying, or defending their rights. However, if no administrative order has yet been issued in the matter, the party has no right to inspect the draft decision or deliberation notes.

The inspection of documents, fees for such inspection, or the preparation of copies shall be conducted in accordance with the criteria and procedures prescribed by Ministerial Regulation.

Section 32

The official may refuse to allow inspection of any document or evidence if confidentiality is required in that matter.

Section 33

In order to facilitate public access, promote economy, and enhance the efficiency of state administration, the Council of Ministers shall prescribe regulations setting forth the criteria and procedures for officials to determine an appropriate timeframe for administrative proceedings, provided that such timeframe does not conflict with the relevant laws or regulations.

In cases where a matter requires the consideration of more than one official, the involved officials have the duty to coordinate with one another in setting the timeframe for such proceedings.

Part 4

Form and Legal Effect of Administrative Orders

Section 34

An administrative order may be made in writing, orally, or by other forms of communication, provided that the content or meaning is sufficiently clear to be understood.

Section 35

In the case where an administrative order is issued orally, if the person to whom the order is directed so requests, and the request is made with reasonable grounds within seven days from the date of such order, the official who issued the order shall confirm the order in writing.

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Section 36

An administrative order made in writing shall at least specify the date, month, and year on which the order was issued, the name and position of the official issuing the order, and must bear the signature of such official.

Section 37

An administrative order made in writing or a written confirmation of an administrative order shall include reasons for the order. Such reasons shall include at least the following:

- (1) The essential facts;
- (2) The legal provisions relied upon;
- (3) The considerations and supporting grounds for the exercise of discretion.

The Prime Minister or a person authorized by the Prime Minister may, by notification published in the Government Gazette, require that reasons for certain types of administrative orders be specified either in the order itself or in an annex thereto.

The provisions of the first paragraph shall not apply in the following cases:

- (1) The order is granted as requested and does not affect the rights or duties of other persons;
- (2) The reason is commonly known and need not be further stated;
- (3) The order is subject to confidentiality under Section 32;
- (4) The order is given orally or in urgent circumstances, provided that the reasons shall be given in writing within a reasonable time if requested by the person subject to the order.

Section 38

The provisions of Section 36 and the first paragraph of Section 37 shall not apply to administrative orders as specified in a Ministerial Regulation, in accordance with the criteria, procedures, and conditions set forth therein.

Section 39

When issuing an administrative order, an official may prescribe any conditions as necessary to achieve the purpose of the law, unless otherwise provided by law restricting such discretion.

The prescription of conditions under the first paragraph shall include, as appropriate to the case, the following:

- (1) Specification that rights or obligations shall commence or terminate at a particular point in time;
- (2) Specification that the commencement or termination of rights or obligations shall depend on uncertain future events;
- (3) A reservation of the right to revoke the administrative order;

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- (4) Requirements for the beneficiary to act, refrain from acting, bear certain duties or responsibilities, or agree to certain obligations, or the specification of terms for establishing, modifying, or adding to such conditions.

Section 39/1

In issuing a written administrative order on any matter, if there is no legal provision or regulation prescribing the timeframe for such issuance, the official shall complete the issuance of the administrative order within thirty days from the date on which the official receives the complete and correct application and supporting documents.

It shall be the responsibility of the superior official to oversee and ensure that the official complies with the provisions of the first paragraph.

Section 40

An administrative order that may be appealed or contested shall specify the grounds upon which such appeal or contestation may be made, the procedures for lodging an appeal or contestation, and the period within which the appeal or contestation must be filed.

In the event of a failure to comply with the provisions of the first paragraph, the period for appeal or contestation shall recommence from the date on which the recipient is notified of the criteria as specified in the first paragraph. However, if no such notification is provided and the period originally specified is shorter than one year, the period shall be extended to one year from the date of receipt of the administrative order.

Section 41

An administrative order issued in violation of or without complying with the following criteria shall not be deemed invalid:

(1) The issuance of an administrative order without a prior application, in cases where an official is not permitted to act unless an application is submitted, provided that such application is subsequently submitted;

(2) An administrative order that is required to include reasoning under Section 37, paragraph one, if such reasoning is subsequently provided;

(3) A required hearing of a party that was conducted incompletely, if the hearing is subsequently completed;

(4) An administrative order that requires prior approval by another official, if such approval is subsequently granted.

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Upon compliance with (1), (2), (3), or (4) of the first paragraph, and if the official who issued the administrative order intends to preserve the effect of the original order, such official shall record the relevant facts and their intention in or annexed to the original order, and shall notify the party concerned in writing of such intention.

The actions under (2), (3), and (4) must be undertaken before the conclusion of the appeal process under Part 5 of this Chapter or under the specific law governing such matter. If the case is not subject to an appeal, the actions must be undertaken before the order is submitted for review by a competent authority.

Section 42

An administrative order shall take effect against a person from the time such person is notified thereof.

An administrative order shall remain in effect until it is revoked or terminated by expiration of time or by any other cause.

Upon the termination of an administrative order, the competent official shall have the power to require any person in possession of documents or other items created in relation to such administrative order, which bear inscriptions or marks indicating the existence of the order, to return such items or to bring them in so that the competent official may make a notation indicating the termination of the order thereon.

Section 43

An administrative order containing minor errors or inaccuracies may be corrected or amended by the competent official at any time.

Upon such correction or amendment, the competent official shall notify the persons concerned as appropriate. For this purpose, the competent official may require the persons concerned to submit the administrative order, any documents, or any other items created in connection with such administrative order for correction or amendment.

Part 5

Appeal of Administrative Orders

Section 44

Subject to Section 48, in the case where an administrative order is not issued by a Minister and no specific administrative appeal procedure is prescribed by law, the party concerned may appeal such administrative order by submitting the appeal to the official who issued the administrative order within fifteen days from the date of receipt of such order.

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The appeal shall be made in writing, stating the grounds for objection and the relevant facts or legal arguments.

The lodging of an appeal shall not operate as a stay of enforcement of the administrative order, unless a stay is granted under Section 56 paragraph one.

Section 45

The official referred to in Section 44, paragraph one, shall consider the appeal and notify the appellant without delay, and in any case not later than thirty days from the date of receipt of the appeal. If the official agrees with the appeal in whole or in part, they shall revise the administrative order accordingly within such period.

If the official under Section 44, paragraph one, disagrees with the appeal in whole or in part, they shall promptly report their opinion with reasons to the competent authority for appeal consideration within the time period prescribed above. The competent authority shall complete the consideration of the appeal within thirty days from the date of receiving the report. If, due to necessity, the consideration cannot be completed within the said period, the competent authority shall issue a written notice to the appellant before the deadline, in which case the period for appeal consideration may be extended for not more than thirty days from the original deadline.

The official who has the authority to consider the appeal under paragraph two shall be as prescribed in a Ministerial Regulation.

The provisions of this Section shall not apply where a specific law prescribes otherwise.

Section 46

In considering an appeal, the competent official may review the administrative order in question, whether in respect of facts, legal issues, or the appropriateness of issuing such order. The official may issue an order to revoke or amend the original administrative order in any manner, whether increasing or reducing obligations, exercising discretion anew with respect to the appropriateness of the administrative order, or imposing any conditions as deemed appropriate.

Section 47

Where the law provides that an appeal is to be submitted to an official acting as a committee, the scope of appeal consideration shall be in accordance with the law governing such matter. The appeal proceedings shall be carried out in accordance with the provisions of this Chapter 2, insofar as they do not conflict with or contradict the said law.

Section 48

Administrative orders issued by various committees, whether established by law or otherwise, may be challenged by the concerned parties before the Committee for the Consideration of Complaints under the law governing the Council of State, on both ~~factual and legal grounds, within ninety days~~

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from the date of receipt of the order. However, where such committee is a Dispute Resolution Committee, the right of appeal and the time limit for lodging the appeal shall be in accordance with the provisions of the law governing the Council of State.

Part 6

Revocation of Administrative Orders

Section 49

An official or the official's superior may revoke an administrative order in accordance with the criteria set forth in Sections 51, 52, and 53, regardless of whether the period for appeal or objection under this Act or any other law has elapsed.

The revocation of an administrative order conferring benefits shall be made within ninety days from the date the reason justifying such revocation becomes known, except where the administrative order was issued as a result of false statements, concealment of material facts that should have been disclosed, coercion, or inducement by offering unlawful assets or other benefits.

Section 50

An administrative order that is unlawful may be revoked, in whole or in part, with or without retroactive effect, or with effect from any time specified in the revocation order. However, if such order conferred benefits upon the recipient, the revocation shall be subject to the provisions of Sections 51 and 52.

Section 51

In revoking an unlawful administrative order which grants money, property, or any separable benefit, consideration shall be given to both the good faith belief of the beneficiary in the continued validity of the administrative order and the public interest.

Such good faith belief shall be protected only where the recipient of the administrative order has utilized the benefit obtained therefrom or has engaged in dealings with the property in a manner that cannot be reversed, or where reversal would result in undue hardship.

The recipient of the administrative order may not rely on good faith belief in the following cases:

(1) The person made false statements, concealed material facts that ought to have been disclosed, used coercion, or induced by offering unlawful property or other illegitimate benefits;

(2) The person provided materially incorrect or incomplete information;

(3) The person knew, or ought to have known with gross negligence, of the unlawfulness of the administrative order at the time of its receipt.

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In cases where the revocation has retroactive effect, the return of money, property, or benefits received under the administrative order shall be governed, mutatis mutandis, by the provisions on undue enrichment under the Civil and Commercial Code. From the moment the recipient becomes aware or should reasonably have become aware (without gross negligence) of the unlawfulness of the order, such person shall be deemed to have acted in bad faith. In the situations set out in paragraph three, the person shall be liable to return the full amount of money, property, or benefits received.

Section 52

An unlawful administrative order which does not fall under the scope of Section 51 may be wholly or partially revoked. In such case, any person adversely affected by the revocation shall be entitled to compensation for damages incurred due to good faith reliance on the continued validity of the administrative order. The provisions of Section 51, paragraphs one, two, and three shall apply mutatis mutandis, provided that the claim for compensation must be made within one hundred and eighty days from the date the person is notified of the revocation.

Compensation under this Section shall not exceed the benefit that the person would have received had the administrative order not been revoked.

Section 53

A lawful administrative order that does not confer any benefit upon the recipient may be wholly or partially revoked with effect from the date of revocation or prospectively, as specified, unless the circumstances require the issuance of a similar administrative order or the revocation is otherwise precluded. In such cases, consideration shall be given to the interests of third parties.

A lawful administrative order that confers a benefit upon the recipient may be wholly or partially revoked with effect from the date of revocation or prospectively, as specified, only in the following circumstances:

There is a statutory provision allowing or reserving the right to revoke the administrative order;

The order imposes a duty on the beneficiary which has not been fulfilled within the prescribed time;

Facts or circumstances have changed such that, had they existed at the time of issuance, the order would not have been made, and failure to revoke would cause damage to the public interest;

The applicable law has changed in such a way that, had it been in effect at the time of issuance, the order would not have been made, and the beneficiary has not yet utilized or received the benefit under the order, and failure to revoke would cause damage to the public interest;

There is a necessity to prevent or eliminate serious harm to the public interest or to the general public.

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In the cases of revocation under (3), (4), and (5), the recipient of the benefit shall be entitled to compensation for damage arising from good faith reliance on the continued validity of the administrative order, and Section 52 shall apply mutatis mutandis.

A lawful administrative order that grants money, property, or a separable benefit may be wholly or partially revoked with retroactive effect, without retroactive effect, or with effect from a specified point in the future, in the following cases:

- (1) Failure or delay in acting to fulfill the purpose of the administrative order;
- (2) Failure or delay by the recipient in complying with the conditions of the administrative order.

In such cases, the provisions of Section 51 shall apply mutatis mutandis.

Part 7

Request for Reconsideration

Section 54

Where a party submits a request, an administrative officer may revoke or amend an administrative order which is beyond the time limit for appeal under Part 5, in any of the following cases:

- (1) There is new evidence which may materially alter the facts previously deemed to be conclusive;
- (2) The actual party to the case did not participate in the previous administrative proceedings, or had participated but was unfairly denied the opportunity to participate therein;
- (3) The officer lacked the authority to issue the administrative order in such matter;
- (4) The administrative order was issued based on facts or legal provisions that have subsequently changed in a material way, to the benefit of the party concerned.

The request under (1), (2), or (3) may only be submitted if the party was previously unaware of the grounds for reconsideration, and such unawareness was not due to that party's own fault.

A request for reconsideration must be submitted within ninety days from the date on which the party became aware of the grounds for such request.

Part 8

Administrative Enforcement

Section 55 Administrative enforcement shall not apply to officials against each other, unless otherwise provided by law.

Section 56 An official who issues an administrative order shall have the authority to consider imposing administrative enforcement measures in order to ensure compliance with such order, in

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accordance with the provisions of this Part, unless a stay of enforcement has been ordered by the issuing official, the competent appellate authority, or the authority responsible for reviewing the legality of the administrative order.

The official under paragraph one may delegate authority to a subordinate official or another official to carry out the enforcement, in accordance with the rules and procedures prescribed by ministerial regulation.

The official under paragraph one or two shall apply administrative enforcement measures only to the extent necessary to achieve the objectives of the administrative order, and shall ensure that such measures impose the least possible burden on the person subject to the administrative order.

Section 57 In the case where an administrative order requires a person to make a payment and such payment is not duly made in full by the due date, the official shall issue a written notice demanding payment within a specified period, which shall not be less than seven days. If the person fails to comply with such notice, the official may enforce the administrative order by seizing or attaching the person's property and selling it by public auction in order to recover the full amount owed.

The procedures for seizure, attachment, and public auction of property shall be conducted mutatis mutandis in accordance with the Civil Procedure Code. The official authorized to order the seizure, attachment, or public auction shall be as specified by ministerial regulation.

Section 58 In the case where an administrative order requires a person to perform or refrain from performing any act, and the person fails to comply with such order, the official may impose one or more of the following administrative enforcement measures:

(1) The official may carry out the act himself or assign another person to do so on his behalf. The person subject to the administrative order shall reimburse the official for the costs incurred, including a surcharge at the rate of twenty-five percent per annum of such costs.

(2) A fine may be imposed in an amount deemed appropriate but not exceeding twenty thousand baht per day.

The level of official authorized to impose the administrative fine and the applicable amount in each case shall be as prescribed by ministerial regulation.

In cases of necessity requiring urgent enforcement to prevent an act that violates a law with criminal penalties or to prevent serious harm to the public interest, the official may take administrative enforcement measures without first issuing an administrative order requiring the act or omission. Such enforcement must be reasonably proportionate and within the official's scope of authority.

Section 59 Before taking any administrative enforcement measure under Section 58, the official shall issue a written warning requiring the act or omission to be performed in accordance with the administrative order within a period of time reasonably appropriate to the circumstances. Such warning may be issued simultaneously with the administrative order.

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The warning shall clearly specify:

(1) The specific administrative enforcement measure to be applied; provided, however, that no more than one enforcement measure may be specified at the same time.

(2) The amount of expenses in the event that the official carries out the action himself or assigns another person to do so, or the amount of the administrative fine, as the case may be.

The specification of expenses in the warning shall not prejudice the official's right to claim additional expenses if the actual expenses incurred exceed the amount previously specified.

Section 60 The official shall apply the administrative enforcement measure as specified in the warning under Section 59. A change of the enforcement measure may only be made if it appears that the measure initially specified does not achieve its intended purpose.

If the person subject to the administrative order resists or obstructs the enforcement, the official may use reasonable force to carry out the enforcement measure. In case of necessity, the official may request assistance from a police officer.

Section 61 In the case of non-payment of an administrative fine, the official shall proceed in accordance with Section 57.

Section 62 A person subjected to an administrative enforcement measure may appeal against such enforcement.

The rules and procedures for appealing against an administrative enforcement measure shall be the same as those applicable to appeals against administrative orders.

Section 63 If a specific law prescribes a particular administrative enforcement measure, but the official considers such measure likely to be less effective than the enforcement measures under this Chapter, the official may instead apply the enforcement measures under this Chapter.

Chapter III

Time Limits and Prescription

Section 64 In computing any period of time prescribed in days, weeks, months, or years, the first day of the period shall not be included, unless the act commenced on that day or otherwise prescribed by the competent official.

In the case where an official is required to perform any act within a prescribed time, the final day of the period shall be included in the computation even if it falls on an official holiday.

In the case where a person is required to perform any act within a prescribed time under the law or an administrative order, if the last day of the period falls on an official holiday or a customary

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holiday of the recipient, the period shall be deemed to end on the next working day, unless otherwise provided by law or by the official issuing the order.

Section 65 The time limit specified in an administrative order may be extended. If such period has already expired, the official may also extend it retroactively if letting it expire would result in unfairness.

Section 66 Where any person is unable to perform an act within the time prescribed by law due to necessary circumstances not caused by that person's fault, such person may file a request for an extension. The official may extend the time period and allow any part of the procedure to be repeated as appropriate. The request must be submitted within fifteen days from the end of such circumstances.

Section 67 When an appeal is submitted under Part 5 of Chapter II of this Act, or a request is submitted to the Dispute Resolution Committee or the Grievance Committee under the law on the Council of State for a ruling, the prescription period shall be suspended during such proceedings until a final decision is rendered or the proceedings are otherwise concluded.

However, if the proceedings are terminated due to a withdrawal or abandonment of the request, it shall be deemed that the prescription period has never been suspended.

Chapter IV

Notifications

Section 68 The provisions of this Chapter shall not apply to notifications that cannot be made orally or in writing or where other methods of notification are prescribed by law.

In the case of an administrative order communicated through other forms of expression as prescribed in ministerial regulations, such order shall take effect upon being notified.

Section 69 Notification of an administrative order, notice of administrative proceedings, or other communications that an official is required to notify to a person concerned may be made orally. However, if the person requests a written notification, it shall be made in writing.

Written notification shall be delivered directly to the person concerned. If the notification is sent to the person's domicile, it shall be deemed received upon its arrival.

If the person has previously provided an address to the official in connection with the matter, notification to that address shall be deemed notification to the person's domicile.

Section 70 In the case of written notification delivered by a person, if the recipient refuses to accept it, or if the recipient is not found at the time of delivery, the notification shall be deemed made if it is delivered to any person of legal age residing or working at the premises, or if, in case of refusal, the document is placed or posted in a conspicuous location at the premises in the presence of a witness who is an official designated by ministerial regulation.

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Section 71 In the case of notification by registered mail, it shall be deemed received upon the expiration of seven days from the date of mailing for domestic deliveries, or fifteen days for international deliveries, unless it is proven that the notification was not received or was received earlier or later than the said date.

Section 72 In the case where the number of recipients exceeds fifty persons, the official may, at the commencement of proceedings, notify them that notification shall be made by posting an announcement at the office of the official and the district office where the recipients have their domicile. In such case, the notification shall be deemed received after fifteen days from the date of posting.

Section 73 Where the identity of the recipient is unknown, or the identity is known but the domicile is unknown, or where the number of recipients exceeds one hundred persons, written notification may be made by publication in a widely circulated newspaper in the locality. In such case, the notification shall be deemed received after fifteen days from the date of publication.

Section 74 In cases of urgency, notification of an administrative order may be made by facsimile transmission, provided that proof of such transmission is obtained from the telecommunications service provider. The original administrative order shall be delivered to the recipient by any means provided in this Chapter as soon as practicable. In such case, the order shall be deemed received on the date and time indicated in the service provider's transmission record, unless it is proven that the notification was not received, or was received earlier or later.

Chapter V

Committees with Powers to Conduct Administrative Proceedings

Section 75 The appointment of members of a committee in the capacity of qualified persons shall be made by specifying the individual.

Section 76 In addition to vacating office upon the expiration of their term, a committee member shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Being adjudged bankrupt;
- (4) Being declared incompetent or quasi-incompetent;
- (5) Being sentenced by a final judgment to imprisonment, except for a petty offense or an offense committed through negligence;
- (6) Any circumstance requiring premature termination under the law applicable to the relevant committee.

Section 77 In the event that a committee member vacates office before the expiration of the term, the appointing authority may appoint another person to replace them. The newly appointed member shall hold office for the remainder of the term of the member being replaced.

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In the case where a new committee member is appointed while the previously appointed members are still in office, the new member shall hold office for the remaining term of the existing members.

Section 78 Subject to Section 76, a member of a Dispute Adjudication Committee may not be prematurely removed from office except in the case of serious dereliction of duty or gross misconduct.

Section 79 Subject to Section 15, paragraph two, a quorum of the committee requires the presence of at least one-half of its members, unless otherwise specified by law, regulation, or order establishing that committee.

Where a quorum is not met and a meeting must be postponed, if the committee is not a Dispute Adjudication Committee and a new meeting is convened within fourteen days, with no fewer than one-third of all committee members in attendance, such meeting shall be deemed to constitute a quorum. In such case, the meeting notice must expressly state the intent to invoke this provision.

Section 80 Committee meetings shall be conducted in accordance with rules prescribed by the committee.

Notices of meetings shall be made in writing and sent to all committee members at least three days in advance, unless the member was informed of the meeting date at a prior meeting. In such case, written notice need only be sent to members who were absent.

This paragraph shall not apply in urgent cases where the chairperson may call a meeting by other means.

Section 81 The chairperson shall preside over meetings and maintain order, and may issue any necessary instructions to that end.

If the chairperson is absent or unable to perform duties, the vice-chairperson shall act in their place. If no vice-chairperson exists or is unable to act, the members present shall select one member to preside.

The second paragraph shall apply mutatis mutandis to any other duties of the chairperson aside from presiding over meetings.

Section 82 Decisions of the committee shall be made by majority vote.

Each committee member shall have one vote. In the event of a tie, the chairperson shall have a casting vote.

If no objections are raised on any matter, the chairperson shall ask whether there is any contrary opinion. If none is expressed, the matter shall be deemed approved by the committee.

Section 83 Each meeting must be recorded in written minutes.

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If any dissenting opinion is expressed, it shall be recorded in the minutes along with the reasons.
If a dissenting opinion is submitted in writing, it shall also be attached to the minutes.

Section 84

Decisions of a Dispute Adjudication Committee must bear the signature of the members involved in rendering such decisions.

Any member who dissents shall have the right to include their dissenting opinion in the decision.

Transitional Provisions

Section 85 The Regulation of the Office of the Prime Minister on Public Service by Government Agencies, B.E. 2532 (1989) shall be deemed a regulation prescribed by the Council of Ministers under Section 33 of this Act.

Section 86 All applications submitted to request an administrative order that were received by an official prior to the effective date of this Act shall be considered and processed in accordance with the legal or regulatory criteria applicable to the matter at the time.

Section 87 Upon the establishment of the Administrative Court, the provisions of Section 48 shall be repealed.

Countersigned,

Banharn Silpa-archa

Prime Minister

Remark:

The reason for the promulgation of this Act is that, at present, the operations of administrative agencies lack appropriate principles and procedures. It is therefore deemed appropriate to prescribe principles and procedures for administrative operations to ensure that such operations are carried out lawfully, effectively enforce legal provisions, safeguard the public interest, and provide fairness to the people. Moreover, this will help prevent corruption and misconduct within the civil service.

Therefore, it is necessary to enact this Act.

Remark:

The reason for the promulgation of this Act is that it is deemed appropriate to amend the law on administrative procedures in order to prescribe principles for the issuance of administrative orders with greater efficiency, for the protection of the public interest and the provision of fairness to the people. Furthermore, it serves as a means to prevent corruption and misconduct within the civil service.

Therefore, it is necessary to enact this Act.

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