

REGULATIONS OF THE COUNCIL OF ENGINEERS

On Criteria and Procedures for Appealing the Decisions of the Ethics Committee

B.E. 2551 (2008) Whereas it is deemed appropriate to revise the criteria and procedures for appealing against decisions of the Ethics Committee.

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By virtue of the powers under Section 8 (6) (ก) and Section 62 paragraph two of the Engineer Act B.E. 2542 (1999), which contains certain provisions restricting the rights and liberties of individuals, and as Section 29 in conjunction with Sections 43 and 45 of the Constitution of the Kingdom of Thailand permits such restriction by virtue of law;

The Council of Engineers, with the approval of the General Assembly of the Council of Engineers and with the approval of the President Emeritus of the Council of Engineers, hereby issues the following Regulations:

Clause 1 These Regulations shall be called the “Regulations of the Council of Engineers on Criteria and Procedures for Appealing the Decisions of the Ethics Committee, B.E. 2551 (2008).”

Clause 2 These Regulations shall come into force on the day following the date of their publication in the Royal Gazette.

Clause 3 The Regulations of the Council of Engineers on Criteria and Procedures for Appealing the Decisions of the Ethics Committee of the Engineering Profession B.E. 2543 (2000) shall be repealed.

Chapter 1

Appeals and Submission of Appeals

Clause 4 A licensee whose case has been decided by the Ethics Committee under Section 61 (2), (3), (4), or (5) of the Engineer Act B.E. 2542 (1999) shall have the right to appeal the decision of the Ethics Committee to the Council of Engineers.

Clause 5 An appeal shall be made in writing, specifying the facts, arguments, or legal grounds relied upon.

Clause 6 An appeal shall be submitted to the Council of Engineers within thirty days from the date on which the appellant receives notification of the decision of the Ethics Committee. The staff of the Office of the Council of Engineers shall issue a receipt to the appellant.

The appellant may also submit the appeal to the Council of Engineers by registered mail with return receipt.

Clause 7 After an appeal has been submitted, the appellant may withdraw the appeal at any time before the Council of Engineers renders its decision.

Upon withdrawal of the appeal, the Secretary-General of the Council of Engineers shall notify the Council of Engineers accordingly.

Chapter 2

Procedures for Considering Appeals

Clause 8 If the contents of an appeal are unclear, illegible, or unintelligible, the Council of Engineers shall advise the appellant to correct or clarify the appeal within the specified period.

Clause 9 The Council of Engineers shall render a decision on the appeal within thirty days from the date of receipt of the appeal. If it is necessary and the consideration cannot be completed within such period, the Council of Engineers shall notify the appellant in writing and may extend the period for consideration for no more than thirty additional days from the expiration of the original period.

Chapter 3

Decision on the Appeal

Clause 10 The decision on an appeal shall be issued as an order of the Council of Engineers, specifying the reasons for the decision. Such reasons shall include at least:

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

Clause 11 The Secretary-General of the Council of Engineers shall formally notify the appellant of the order of the Council of Engineers by registered mail with return receipt, sent to the address specified by the appellant in the appeal. The appellant shall be deemed to have received such notification after seven days from the date of mailing for domestic mail, or after fifteen days from the date of mailing for international mail, unless it can be proven that the notification was not received, or was received earlier or later than that date.

The notification of the order of the Council of Engineers under paragraph one shall also inform the appellant of the right and time limit to file an administrative case with the Administrative Court.

Clause 12 The Office of the Council of Engineers shall record the decision of the Ethics Committee, the decision of the Council of Engineers, and a copy of the Council's order in the personal file of the appellant.

Transitional Provisions

Clause 13 Any appeals against the decisions of the Ethics Committee submitted prior to the date on which these Regulations come into force shall be deemed to be appeals under these Regulations.

Any consideration of appeals already undertaken shall be deemed to have been carried out in accordance with these Regulations, and any further proceedings shall comply with these Regulations.

Promulgated on 16 January B.E. 2551 (2008)

Wira Mawijak

President, Council of Engineers

Note: The rationale for issuing these Regulations is that it is deemed necessary to amend and improve the Regulations of the Council of Engineers on the Criteria and Procedures for Appealing the Decisions of the Ethics Committee of the Engineering Profession B.E. 2543 (2000), so as to establish criteria and procedures for appeals that comprehensively cover the timeframes and methods for filing an appeal, the procedures for the consideration of appeals, as well as the decisions to be rendered by the Council of Engineers, among other relevant matters.