

Unofficial Translation

THE PRICE OF GOODS AND SERVICES ACT,  
B.E. 2542 (1999)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX.

Given on the 22nd of March B.E.2542;  
Being the 54th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is appropriate to revise the law concerning the determination of the price of goods and the prevention of monopoly;

Whereas this Act contains certain provisions concerning the limitation of a person's rights and liberty, which section 29, together with sections 31, 35, 36, 48 and 50, of the Constitution of the Kingdom of Thailand so permit by virtue of the provisions of the law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

**Section 1.** This Act is called "The Price of Goods and Services Act, B.E. 2542".

**Section 2.** This Act shall come into force from the day following the date of its publication in the Royal Gazette.<sup>2</sup>

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<sup>1</sup> Translated by Ms. Sukpuck Phongsathit under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

<sup>2</sup> Published in the Government Gazette, Vol. 116, Part 22a, Page 23, dated 31st March B.E. 2542 (1999).

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Section 3. The Act on the Determination of the Price of Goods and the Prevention of Monopoly B.E. 2522 shall be repealed.

Section 4. In this Act,

“business” means agricultural, industrial, commercial, service undertakings or any other undertakings with similar characteristics;

“goods” means an object which may be used or consumed, including a document declaring a right to an object;

“services” means to undertake work, to grant any rights, to allow usage of or to grant benefit deriving from any property or undertaking, in exchange for money consideration or any other benefits;

“distribute” means to sell, to exchange, to give, to disseminate, to transfer the right to possession of the goods to another person or to provide service;

“produce” means to make, to mix, to season, to assemble, to build, to convert, to transform, to modify, to select, to sort, to pack or to take any action in order to create goods, regardless of methods, including the creation of a trade name or a trademark for such goods, whether by oneself or through the engagement of others;

“price” includes, also, consideration for distribution;

“Committee” means the Central Committee on the Price of Goods and Services or the Provincial Committee on the Price of Goods and Services;

“Office” means the Office of the Central Committee on the Price of Goods and Services or the Office of the Provincial Committee on the Price of Goods and Services;

“Secretary-General” means the Secretary-General of the Central Committee on the Price of Goods and Services;

“Official” means a civil servant appointed, by the Minister, to operate in accordance with this Act;

“Minister” means the minister in charge in accordance with this Act.

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Section 5. This Act shall not apply to the central administration, regional administration, local administration or any other undertakings determined by Ministerial Regulation.

Section 6. The Minister of Commerce shall be in charge in accordance with this Act and shall have the authority to appoint Officials to operate in accordance with this Act.

## Part 1

### The Committee on the Price of Goods and Services

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Section 7. There shall be a Central Committee on the Price of Goods and Services, abbreviated as the "CCP", consisting of the Minister of Commerce as Chairperson, the Permanent Secretary of the Ministry of Commerce and the Secretary-General of the Board of Investments as Vice Chairpersons, and at least four but no more than eight eminent persons whom the Council of Ministers shall appoint as committee members – at least half of such appointments shall be from eminent persons in the private sector – and the Secretary-General of the Committee shall be its member and secretary.

The CCP shall also perform the duties of the Provincial Committee on the Price of Goods and Services for Bangkok.

Section 8. The eminent person appointed as a committee member must not be a political official, holder of a political office, committee member nor holder of an office responsible for the management of a political party.

Section 9. The CCP shall have the powers and duties, in all areas of the Kingdom, as follows:

(1) to issue a Notification prescribing any goods or services as controlled goods or services pursuant to section 24;

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(2) to prescribe measures to be applied to controlled goods or services pursuant to section 25;

(3) to order a producer or a distributor of controlled goods or services to provide statements of fact pursuant to section 26;

(4) to approve such Notification issued pursuant to section 27;

(5) to prescribe rules, procedures and conditions in displaying the price of goods or services pursuant to section 28;

(6) to prescribe rules and procedures for the determination of an act which is considered to unreasonably suppress or inflate the price or which is considered to cause fluctuation to the price of goods or services pursuant to paragraph two of section 29;

(7) to prescribe regulations concerning the payment of cash rewards and cash incentives pursuant to section 33;

(8) to supervise and give directions, to the extent that is necessary for the production or the distribution of controlled goods or services to sufficiently meet the demand of the public. In this regards, the CCP may assigned the PCP or an Official to perform this function on its behalf;

(9) to consider complaints of grievance or damages as a consequence of an act affecting the price;

(10) to invite any particular person to give a statement of fact, an explanation, a recommendation or an opinion;

(11) to perform any other functions as prescribed by the law to be the powers and duties of the CCP.

**Section 10.** The eminent person committee members under section 7 shall hold their positions for a term of two years.

Once the term in paragraph one has expired, if new eminent person committee members have not been appointed, the eminent person committee members whose term have just ended shall remain in office to continue the operation until newly appointed eminent person committee members take office.

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Eminent person committee members whose terms have expired may be reappointed. However, such appointment cannot be for more than two consecutive terms.

**Section 11.** The provisions in section 75, section 76, section 77, section 78, section 79, section 80, section 81, section 82 and section 83 of the Administrative Procedure Act B.E. 2539 shall be applied, mutatis mutandis, to the appointment of the eminent person committee members, the expiration of the eminent person committee members' office and the meeting of the Committee; and the eminent person committee members shall also vacate office upon having a prohibited characteristic under section 8.

**Section 12.** In a province other than Bangkok, there shall be a Provincial Committee on the Price of Goods and Services, abbreviated as the "PCP", consisting of the Provincial Governor as Chairperson and at least five but no more than nine eminent persons whom the Provincial Governor shall appoint – at least one third of such appointments shall be from eminent persons in the private sector – and the Provincial Commercial Officer shall be its member and secretary.

The selection of persons for their appointment as eminent persons shall be in accordance with the regulations prescribed by the CCP.

The PCP shall have the powers and duties pursuant to this Act in such province.

**Section 13.** The PCP shall have the powers and duties as follows:

(1) to operate in accordance with section 25, paragraph two of section 27, section 28, paragraph two of section 29, and section 33;

(2) to consider complaints of grievance or damages as a consequence of an act affecting the prices;

(3) to invite any particular person to give a statement of fact, an explanation, a recommendation or an opinion;

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(4) to perform in accordance with the Notification or the order of the CCP and to perform any particular function prescribed by the CCP.

In exercising its power in accordance with paragraph one, the PCP cannot be inconsistent or contrary to the CCP's prescription pursuant to section 9.

**Section 14.** The provisions in section 10 and section 11 shall be applied, mutatis mutandis, to the PCP.

**Section 15.** The Committee shall appoint a sub-committee to conduct an investigation or a study, and to present an opinion on any particular matter, or to perform any particular function on its behalf; and the provision in section 11 shall be applied, mutatis mutandis, to a meeting of the sub-committee.

## Part 2

### Office of the Central Committee on the Price of Goods and Services

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**Section 16.** Office of the Central Committee on the Price of Goods and Services shall be established, abbreviated as the "Office of the CCP", within the Department of Internal Trade, Ministry of Commerce, with the Director-General of the Department of Internal Trade as the Secretary-General, being the commanding official and responsible for the Office's official operation, and shall have the following powers and duties:

(1) to carry out administrative work of the CCP and sub-committee; and act as a co-ordination centre with the PCP;

(2) to study, analyse and research with regards to goods or services, prices, and business operation, including to present, to the CCP, projects, plans or measures concerning the determination of the price of goods and services;

(3) to monitor movements of the price of controlled goods or services, and to observe the behaviour of business operators then report to the CCP;

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(4) to receive complaints of grievance or damages as a consequence of an act affecting the price;

(5) to prescribe regulations for the benefit of the Office of the CCP's operation;

(6) to perform in accordance with the Notification, regulation and the Resolution of the CCP and to perform any other function prescribed by the CCP.

**Section 17.** Office of the Provincial Committee on the Price of Goods and Services shall be established, abbreviated as the "Office of the PCP", in every province, with the Provincial Commercial Officer as the Head of the Office, being the commanding official and responsible for the Office's official operation, and shall have the following powers and duties:

(1) to carry out administrative work of the PCP and sub-committee appointed by the PCP; and to co-ordinate with the CCP;

(2) to perform in accordance with section 16 (2), (3) and (4) within the provincial area and submit matters to the PCP;

(3) to prescribe regulations for the benefit of the Office of the CCP's operation;

(4) to perform in accordance with the Notification, regulation and the Resolution of the CCP and the PCP, and to perform any other function prescribed by the CCP.

**Section 18.** In the performance of this Act, an Official shall have the following powers:

(1) to issue a summon for any person to give an oral statement, a fact, or a written statement, or to furnish an account, a register, a document or any other evidence for inspection or consideration. However, in a case where a document or an evidence to be furnished is related to capital costs, formulae or ingredients of other goods

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or services, which are not controlled goods or services, there must be a prior written permission from the Secretary-General or the Chairperson of the CCP.

(2) to enter a place of business, a place of production, a place of distribution, a place of purchase, a place for goods storage of a business operator or any person, or any other places where there is a reasonable cause to believe that there has been a violation of this Act, or to enter into a vehicle belonging to any person; or to order the owner or the person in control of the vehicle to stop or to park in order for inspection to be carried out in accordance with this Act; or to arrest an offender relating to the violation of section 30 or section 31, without a search warrant, in the following cases:

(a) when the offence is flagrant and is in the process of being committed at the place or in the vehicle;

(b) a person who has committed a flagrant offence has, while being pursued, flee into, or there is a firm cause to suspect that he or she is hiding at, the place or in the vehicle;

(c) When there is reasonable suspicion that an evidence or a property which may be confiscated in accordance with this Act is at the place of in the vehicle, together with a reasonable cause to believe that the delays in obtaining a search warrant will result in the evidence or the property being moved, hidden, destroyed or altered;

(d) when the person to be arrested is the owner of the place or the vehicle and such an arrest is made pursuant to an arrest warrant or is an arrest that does not require a warrant;

In this regard, the Official shall have the power to interrogate facts; or to call for an account, a register, a document or other evidence from the business operator, the owner or the person in control of the vehicle, or from a relevant person; as well as to order such person who is at the place or in the vehicle to perform an act to a necessary extent.

(3) In a case where there is a clear evidence to believe that there is a violation of section 30 or section 31, the Official shall have the power to withhold, seize, or confiscate the goods, the vehicle, the document or any other evidence relating to the

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offence; but the confiscation of such vehicle, document or evidence must be given prior written permission from the Chairperson of the Committee.

**Section 19.** In the performance of duty by an Official, a relevant person shall facilitate as necessary.

**Section 20.** In the performance of his or her duties, an Official must present his or her identification card to a relevant person.

The identification card shall be in accordance with the form prescribed by the Minister, as published in the Royal Gazette.

**Section 21.** The summon pursuant to section 18 (1) shall be delivered by an Official to the domicile or place of operation of the person specified in the summon, between the hours of sunrise until the hours of sunset, or within the working hours of such person, or be sent by reply registered post.

In a case where the Official has already delivered in accordance with paragraph one but the person specified in the summon refuses to accept the summon without a reasonable cause, the Official shall request an administrative officer or a police to accompany him or her as a witness in order to leave the summon at such a place; but if the person specified in the summon cannot be found at his or her domicile or place of operation, the summon may be delivered to any person who is of legal age who lives or works at the house or the place of operation; and if no person can be found, or a person may be found but none shall take delivery on the recipient's behalf, the summon may be posted to an obvious place at the domicile or the place of operation in the presence of the administrative officer or the police accompanying as a witness.

When the Official has completed his performance in accordance with paragraph one or paragraph two, the person specified in the summon shall be deemed to have received the summon. If the summon is posted, the summon shall be deemed to have been received five days from the date of it being posted; but if it is sent by reply

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registered post, the summon shall be deemed to have been received five days from the date of receipt.

**Section 22.** In the execution of this Act, the Central Committee, the Provincial Committee, the sub-committee, the Secretary-General and the Officials shall be an officer pursuant to the Penal Code.

**Section 23.** For the purpose of an arrest of an offender under this Act, the Official shall be an administrative officer or a police pursuant to the Criminal Procedure Code.

The arrest of an offender may be carried out without a warrant when it appears that a flagrant offence has been committed or there is any other ground which the Criminal Procedure Code provides that an administrative officer or a police may arrest without a warrant.

### Part 3

#### The Determination of the Price of Goods and Services

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**Section 24.** In order to prevent unfair determination of purchase price, distribution price or conditions and trade practices, the CCP, with the approval of the Council of Ministers, shall have the power to issue a Notification prescribing any goods or services as controlled goods or services.

The CCP shall re-consider the exercise of its power under paragraph one at least once a year. If the CCP is of the opinion that the economic conditions or the facts that it uses to rely its power upon has changed or ended, it shall, with the approval of the Council of Ministers, issue a Notification to change or terminate such exercise of power without delays.

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A Notification of the CCP shall have a prescribed period of time but shall not exceed one year, unless a new Notification is issued.

The Notification of the CCP under paragraph one and two, once published in the Royal Gazette, shall be applicable.

**Section 25.** Upon the issuance of the Notification prescribing controlled goods or services pursuant to section 24, the Committee shall have the following powers:

(1) to determine the purchase price or the distribution price of the controlled goods or services so that the buyer shall buy at a price not lower than the determined price, or the distributor shall distribute at a price not higher than the determined price, or to fix the price at a particular price;

(2) to determine the maximum rate of profit per item of controlled goods or services that the distributor shall receive from the distribution of the controlled goods or services, or to determine the ratio of the difference between the purchase price and the distribute price of controlled goods or services in each trading period;

(3) to prescribed rules, procedures and conditions to be followed with regards to production, export from the Kingdom, purchase, distribution, or storage of controlled goods or services;

(4) to determine the areas or the period of time to apply the Committee's Notification;

(5) to require a declaration to the Official, as to the quantity, place of storage, capital cost, expense, production plan, plan of import into the Kingdom, plan of export from the Kingdom, purchase plan, distribution plan, plan to alter the price or other matters or for discount in the distribution, production process and distribution methods of the controlled goods or services;

(6) to prescribe for the storage of, or increase the storage of, reserves for controlled goods and to determine the area of, and the place for storage of, reserves of the controlled goods;

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(7) to prohibit or to allow for controlled goods to be exported from or imported into an area;

(8) to order a business operator to improve efficiency in the production, the import, the purchase, the distribution or the storage of controlled goods or services, including to suspend or lower the expenses which are unreasonably set.

(9) to arrange for the rationing of purchase and of distribution of controlled goods or services, including the prescription of rules and conditions of such ration or to prescribe for the purchase and distribution of the controlled goods or services;

(10) to order the distribution of controlled goods or services for the prescribed quantity and price, including to order the distribution to be for government agencies or any other person as determined by the Committee;

(11) to prohibit distribution, grant, self-use, reallocation or modification of controlled goods or services exceeding the prescribed quantity;

(12) to prescribed measures to prevent the retention of controlled goods or the possession of controlled goods exceeding the prescribed quantity.

In the exercise of power by the Committee pursuant to paragraph one, a Notification shall be issued as necessary under the circumstance, taking into account the burden of the complier; the reasons for the Notification and the person who must comply needs to be specified in the Notification as well. Such Notification shall come into force from the day after the specified date in the Notification in accordance with (4); and upon the issuance of the Notification, it shall also be published in the Royal Gazette.

The Committee shall re-consider the exercise of power under paragraph one at least once a year in order for it to be relevant to the economic situation, taking into account capital cost, production expense, import into the Kingdom, export from the Kingdom, purchase or distribution and appropriate profit ratio, including the effect on investment in expanding production power in the next period; and if it is of the view that the economic situation or the facts that had been relied upon in the consideration to exercise the power by the Committee has now changed or ended, the Committee shall

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publish a Notification to change or to cancel such exercise of power in the Royal Gazette without delays.

A Notification of the Committee shall have a prescribed period of validity but shall not exceed one year, except where a new Notification is issued.

**Section 26.** The CCP shall have the power to announce that the producer, the distributor, the purchaser for distribution or the importer for distribution of controlled goods or services shall declare the name, purchase price, distribution price, standards, quality, size, quantity, weight per item, including the name or quantity of an object which is a part of such goods or services, and any other descriptions of the controlled goods or services as they are on the date that the CCP prescribed to the Secretary-General.

Upon the declaration pursuant to paragraph one, the CCP may prohibit that particular producer, distributor, purchaser for distribution or importer for distribution from distributing goods or services in such manners that are different from the declared list, or from distributing at a higher or lower price than the declared price, except as permitted by the Secretary-General in accordance with the regulations prescribed by the CCP.

In the exercise of power under paragraph one, the provision in paragraph two and paragraph three of section 24 shall be applied, *mutatis mutandis*.

**Section 27.** In a case where there is urgent necessity and confidentiality which requires the exercise of power under section 25 or section 26, and a meeting of the Committee cannot be convened in time, the Chairperson of the Committee shall have the power to exercise the power of the Committee under section 25 or section 26, temporarily; and in the exercise of such power, the provision of paragraph two in section 25 shall be applied, *mutatis mutandis*.

Upon the Notification under paragraph one, the matter must be presented to the Committee for consideration within three days from the day after the Notification date. If the Committee approve of the Notification, the Committee shall announce that such Notification shall continue to be in force. However, if the Committee does not approve, the

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Committee shall announce the cancellation of the Notification but without effect to the actions already carried out during the application of the Notification.

The Notification in accordance with paragraph two shall enter into force immediately when it is issued; and upon its issuance, it shall also be published in the Royal Gazette.

**Section 28.** The Committee shall have the power to prescribe for the producer, the distributor, the purchaser for distribution or the importer for distribution of goods or services to display the price of goods or services. In this regard, the Committee may also prescribe the rules, the procedures and the condition for the display of the price of goods and services.

In the exercise of power pursuant to paragraph one, the provision in paragraph two and paragraph three of section 24 shall be applied, mutatis mutandis.

**Section 29.** It is prohibited for a business operator to take any action with the intention to unreasonably suppress the price or unreasonably inflate the price, or cause fluctuation of the price of any goods or services.

The Committee may prescribe rules and procedures that are deemed to unreasonably suppress the price or unreasonably inflate the price or cause fluctuation to the price of any goods or services. Such rules and procedures shall be published in the Royal Gazette.

**Section 30.** It is prohibited for any person to stockpile controlled goods, by having controlled goods in his possession exceeding the quantity prescribed in the Notification of the Committee under section 25 (12); or to store controlled goods at a place other than the storage place that has been declared to the Official pursuant to section 25 (5); or to refrain from distributing or from offering for sale as usual the controlled goods, which are for distribution; or to deny distribution; or to delay the distribution or the delivery of controlled goods, without a reasonable ground.

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**Section 31.** It is prohibited for a controlled service business operator to stop his usual service or to deny service or delay service without a reasonable ground.

**Part 4**  
**Miscellaneous**

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**Section 32.** With regards to the goods which have been confiscated under section 18 (3), if there appears to be no owner, possessor, or if a public prosecutor has issued an absolute order not to prosecute, or if the court has a final judgment not to confiscate, and the owner or the possessor does not request that the goods be returned within ninety days from the date that they have been confiscated, the date that the absolute order not to prosecute has been acknowledged, or the date in which the court has a final judgment not to confiscate, whichever is applicable, the goods shall be deemed to have no owner and shall be reverted to the State.

If the confiscated goods are easily perishable, or if the delays shall risk damages being caused, or the cost of the storage shall exceed the price of such goods, the Secretary-General for Bangkok or the Chairperson of the PCP for other provinces, or those who have been authorized by the Secretary-General, or the Chairperson of the PCP may order the Official to sell the goods in an open market or by any other means as appropriate before such goods are reverted to the State. The proceeds of such sale, once all of the expenses and charges have been deducted, shall be held in lieu of the goods.

**Section 33.** In a case where an offender is arrested, upon the request of the public prosecutor, the court shall order the payment of money incentive to the person leading to the arrest and cash reward to the person making the arrest, for twenty five per cent and thirty per cent, respectively, of the total sum of the sale of the exhibit that the court has ordered its confiscation; or in a case where the exhibit has not been confiscated or

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where the exhibit cannot be sold, the payment shall be made from the fine paid to the court in accordance with such rates.

In a case where there is no person leading to the arrest, the person making the arrest shall be given a cash reward at the rate of thirty per cent of the total sale of the exhibit that the court has ordered its confiscation; or in a case where the exhibit has not been confiscated or where the exhibit cannot be sold, the payment shall be made from the fine paid to the court in accordance with such rates.

In a case where there are more than one of either the person leading to the arrest or the person making the arrest, the money incentive or the cash reward shall be paid evenly to the persons on that side.

In a case where the exhibit has been captured but the offender is missing, the Committee shall have the power to order the payment of the cash incentive and cash reward from the total sale of the exhibit which is reverted to the State in accordance with the regulation prescribed by the Committee, but not exceeding the rates prescribed by this section.

In a case where an offender is arrested and there have been an evaluation in accordance with section 43, the Committee shall have the power to order the payment of cash incentive and cash reward from the amount of fine in accordance with the regulation prescribed by the Committee, but not exceeding the rates prescribed by this section.

## Part 5

### Penalty

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**Section 34.** Any person who does not comply with a summon of the Official under section 18 (1) shall be liable to imprisonment for a term not exceeding three months or for a fine not exceeding five thousand Baht or both.

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**Section 35.** Any person obstructing the performance of duties of an Official pursuant to section 18 (2) or (3) or section 21 shall be liable to imprisonment for a term not exceeding one year or for a fine not exceeding twenty thousand Baht or both.

**Section 36.** Any person who does not facilitate an Official pursuant to section 19 shall be liable to imprisonment for a term not exceeding one month, or for a fine not exceeding two thousand Baht or both.

**Section 37.** Any person who violates or does not comply with the Notification of the Committee under section 25 (1), (2), (3), (6), (7), (8), (9), (10), (11) or (12) or obstructs the performance of the CCP, the PCP, the Secretary-General or the Officials pursuant to section 9 (8) shall be liable to imprisonment for a term not exceeding five years or for a fine not exceeding one hundred thousand Baht, or both.

**Section 38.** Any person who does not comply with the Notification of the Committee under section 25 (5) or does not make a declaration in accordance with paragraph one of section 26 shall be liable to imprisonment of for a term not exceeding one year or for a fine not exceeding twenty thousand Baht, or both; and for a fine not exceeding two thousand baht per day throughout the period of violation or until the declaration is made.

**Section 39.** Any person who violates paragraph two of section 26 shall be liable for imprisonment of a term not exceeding five years or for a fine not exceeding one hundred thousand Baht, or both.

**Section 40.** Any person who does not display the price or does not comply with the rules, procedures and condition prescribed under section 28 shall be liable for a fine not exceeding ten thousand Baht.

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**Section 41.** Any person who violates section 29, section 30 or section 31 shall be liable to imprisonment of a term not exceeding seven years or for a fine not exceeding one hundred and forty thousand Baht, or both.

**Section 42.** In a case where the offender who is liable to a penalty under this Act is a legal person, the managing director, managing partner or the person who is responsible for the performance of the legal person in that matter shall also be liable in accordance with the penalty prescribed for such offence, except where it can be proven that the action is performed without the person's knowledge or consent, or that the person has already reasonably undertaken to prevent such offence from being committed.

**Section 43.** For all of the offences under this Act which only have a fine as a penalty, or are such offences which have a penalty of a fine or an imprisonment for a term not exceeding one year, or an imprisonment for a term not exceeding one year and a fine, the Committee shall have the power to evaluate. In the exercise of such power, the Committee may authorised the sub-committee, the Secretary-General, the Chairperson of the PCP or the Official to act on its behalf.

The authorisation in accordance with paragraph one shall be in accordance with the rules and procedures prescribed by the CCP.

When the offender consents to paying a fine at a high rate for the offence, in a case where there is only a fine as the penalty, or when the suspect have paid the fine in accordance with the evaluated sum within the prescribed period of time, the case shall be deemed to be closed pursuant to the provisions of the Criminal Procedure Code.

#### Final Provisions

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**Section 44.** Ministerial Rules, Regulation or Notification which have been issued in accordance with the Determination of the Price of Goods and the Prevention of

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Monopoly Act B.E. 2522 which apply on the date that this Act comes into force shall still be applied to the extent that it is not inconsistent or contrary to the provisions of this Act until the Regulation or Notification issued under this Act enters into force.

Countersigned by:

Chuan Leekpai

Prime Minister

Office of the Council of State

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