

NOTIFICATION OF THE APPEAL COMMITTEE

RE: CRITERIA AND PROCEDURE ON APPEAL SUBMISSION AND APPEAL CONSIDERATION

As it is expedient to prescribe the criteria and procedure on appeal submission and appeal consideration and by virtue of the provisions in section 65/2 (2) and section 65/5 of the Weights and Measures Act B.E. 2542 amended by the Weights and Measures Act (No. 3) B.E. 2557, the Appeal Committee hereby issues the Notification as follows:

Clause 1. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 2. Persons having the right to appeal are:

- (1) a person receiving an order of a competent official under section 17 paragraph three or section 39;
- (2) a person receiving an order of the Director – General or a person entrusted by the Director-General under section 41 or section 43;
- (3) a person receiving an order of a weights and measures inspector under section 57;
- (4) a person receiving an order of the Director-General or a person whom the Director-General orders to suspend or revoke a certificate of business registration under section 19/1 or section 19/2 or orders to suspend or revoke a license under section 46 or section 47.

Any person who wishes to appeal an order shall submit an appeal within thirty days as from the date of receiving such order.

Clause 3. The appeal under clause 2 shall be made in writing, Thai and signed by the appellant and shall contain at least the details relating to name, address, place wishing to be notified of the decision of the appeal committee, purpose of the appeal, arguments and facts or legal issues relating to the appeal and shall annex with the document or evidence (if any).

Clause 4. The appeal under clause 2 shall be submitted to the secretary or secretary assistant of the appeal committee at the Central Bureau of Weights and Measures,

Department of Internal Trade, Ministry of Commerce or submitted via mail to the secretary of the appeal committee.

In the case of submission of an appeal via post, the date of affixing the post mark at the original post office shall be deemed the date of submitting such appeal.

Clause 5. Upon receiving an appeal and documents or evidence (if any) under clause 4, the secretary of the committee shall consider the appeal expeditiously and present it to the committee including making an appointment for the first meeting within fifteen days as from the date of submitting the appeal and the date that the appeal committee has received the appeal on the first meeting and shall complete the consideration within forty five days as from the date of such first meeting.

The secretary of the appeal committee shall prepare a copy of appeal and notify the person issuing an order within fifteen days as from the date of appeal submission.

Clause 6. An appellant may amend the appeal or submit additional documentary evidence whenever within the period of appeal under clause 2 and the provisions of clause 3 and clause 4 shall apply mutatis mutandis.

Clause 7. An appellant may, whenever, withdraw the appeal before the appeal committee makes a ruling and such withdrawal shall be made in writing and signed by the appellant.

The withdrawal of the appeal under paragraph one shall be submitted to the secretary or secretary assistant at the Central Bureau of Weights and Measures, Department of Internal Trade, Ministry of Commerce or submitted via mail to be presented to the appeal committee for consideration expeditiously.

Clause 8. The appeal committee shall have the power to find facts, legal issues and additional evidence for the consideration of the appeal.

Clause 9. The appeal committee shall have the power to call in any relevant person to provide statements, facts, opinions or to submit other documents or evidence for the consideration of the appeal.

Clause 10. The appeal committee shall dismiss the appeal if it deems that such appeal was submitted for the same incident which has been considered.

Clause 11. An appeal ruling of the appeal committee shall be made by a majority of votes. In casting a vote, each member has one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Clause 12. The ruling of the appeal committee shall be made in writing and shall, at least, contain the followings:

- (1) name and address of the appellant;
- (2) issues to be considered under the appeal;
- (3) significant fact and legal issues;
- (4) reasons of the ruling

Clause 13. In the case where any member of the appeal committee has a dissenting opinion, such dissenting opinion shall be recorded including the reasons in the minute meeting of the appeal meeting.

Clause 14. The ruling of the appeal committee is final and shall be informed in writing to the appellant within seven days as from the date the appeal committee made the ruling.

Clause 15. In the case where it is necessary to undertake an administrative procedure for the orderly execution of this Rule, the secretary of the appeal committee shall prescribe such procedure.

Given on the 30th of January B.E. 2560

Prasith Lisawat

Chairperson of the appeal committee