

Regulation of the Department of Internal Trade

Governing Rules, Procedures and Conditions Relative to Petition, B.E. 2561 (2018)

Whereas Section 13 (3) of the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015) has provided that the Department of Internal Trade, Ministry of Commerce is an administrative organ of the Committee for Supervising Warehouse, Silo and Cold Storage, and shall have a duty to receive the petition of interested persons claiming that there is a violation or non-compliance with the provisions of this Act for submission to the Director-General. In this regard, rules, procedures and conditions relative to the petition shall be in accordance with those as prescribed by the Director-General and published in the Government Gazette.

In order that the procedure of receiving the petition and the performance of work of competent officers under the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015) shall be systematic and flexible, by virtue of paragraph two of Section 13 of the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015), the Director-General of the Department of Internal Trade has therefore issued this Regulation, as follows.

Article 1. This Regulation is called the “Regulation of the Department of Internal Trade Governing Rules, Procedures and Conditions Relative to Petition, B.E. 2561 (2018)”.

Article 2. This Regulation shall come into force as from the day following the date of its publication in the Government Gazette onwards.¹

Article 3. An interested person from any action which has violated or being non-compliance with the law governing warehouse, silo and cold storage is eligible to make a petition about such matter.

In a case where a petitioner is an ordinary person, it is required that a petition shall be made together with a copy of identification card as certified by the petitioner. In a case where a petitioner is a juristic person, it is required that a petition shall be made together

¹ Published in the Government Gazette, Volume 135, Special Part 63 d, Page 1, dated 19th March B.E. 2561 (2018).

with an affidavit as certified by a registrar and issued not exceeding six months, and a copy of identification card of an authorized person who can act on behalf of the juristic person as certified by such person.

In a case where the petitioner under paragraph two wishes to appoint an attorney to make a petition instead, the attorney is required to make a petition together with a power of attorney and copies of identification card which are certified by a grantor and the attorney.

Article 4. The petition shall be made by any one of the following ways:

- (1) Making the petition by filing a letter of petition,
- (2) Making the petition in person by verbalization,
- (3) Making the petition by telephone,
- (4) Making the petition by the method of electronics.

Article 5. Filing a letter of petition shall be made by one of the following ways:

- (1) Filing a letter of petition with a competent officer at the Division of Inspection and Operation, the Department of Internal Trade,
- (2) Filing a letter of petition with a competent officer at the Provincial Commercial Office in an area where there is any action which has violated or being non-compliance with the law governing warehouse, silo and cold storage,
- (3) Sending a letter of petition by post to the Department of Internal Trade, Ministry of Commerce, or the Provincial Commercial Office in an area where there is any action which has violated or being non-compliance with the law governing warehouse, silo and cold storage,
- (4) Sending a letter of petition by the method of electronics to the Department of Internal Trade, Ministry of Commerce, via E-mail (compro@dit.go.th) or website (www.dit.go.th) of the Department of Internal Trade.

In a case where the competent officer at the Division of Inspection and Operation, the Department of Internal Trade, who has received a letter of petition under paragraph one is of opinion that according to the fact described in the letter of petition, the action which has violated or is non-compliance with the law governing warehouse, silo and cold storage took place in other province outside Bangkok Metropolis, he/she is required to send the letter of petition together with documentary evidence (if any) to the Provincial Commercial Office in that province without delay for further proceeding in accordance with Article 9.

Article 6. The petition which is made under Article 4 shall be in the form of polite wordings and at least consist of the following substantial details:

- (1) the date, month, year of petition,
- (2) the petitioner's name, domicile address or work-place address, and telephone number which can be contacted,
- (3) the accused's name, domicile address or work-place address, and telephone number which can be contacted (if any),
- (4) the date, month, year and place in which the action which has violated or being non-compliance with the law governing warehouse, silo and cold storage was found,
- (5) the non-ambiguous and complete details of facts or circumstances which are the source of petition, together with the copies of relevant documentary evidence (if any)
- (6) the intention or rationale of petition.

In respect of making the petition in person by verbalization or making the petition by telephone, the competent officer who has received the petition is required to inquire and correctly and completely record the substantial details under paragraph one in the Memorandum of Receiving Petition in accordance with the form attached to this Regulation. In a case of making the petition by telephone, the competent officer who has received the petition is required to inform the petitioner to appear before the competent officer together with documentary evidence under Article 3 and paragraph one within seven working days as from the date on which the petitioner is informed by the competent officer.

In a case where the petition lacks substantial details under paragraph one or contains ambiguous details, the competent officer who has received the petition is required to take the following actions.

- (1) In a case where the petitioner makes the petition by handing over a letter of petition by himself/herself, the competent officer is required to make additional enquiry, thereafter the competent officer shall have to record the substantial details under paragraph one in the Memorandum of Receiving Petition in accordance with the form attached to this Regulation.
- (2) In a case where the petitioner makes the petition by sending a letter of petition by post, the competent officer is required to send a letter by registered and

replied mail informing the petitioner of giving additional facts to fulfill the details under paragraph one together with documentary evidence under Article 3 within fifteen working days as from the date on which the petitioner is informed by the competent officer.

- (3) In a case where the petitioner makes the petition by the method of electronics, the competent officer is required to inform the petitioner by the method of electronics of giving additional facts to fulfill the details under paragraph one together with documentary evidence under Article 3 within fifteen working days as from the date on which the petitioner is informed by the competent officer.

Upon the completion of the period of time as specified under paragraph two or paragraph three, as the case may be, the petitioner fails to provide additional facts or does not appear, and the competent officer who has received the petition is unable to contact the petitioner, the competent officer is required to make a note of such matter in the Book of Receiving Petition in accordance with the form attached to this Regulation and further proceed in accordance with Article 8.

Article 7. When the competent officer who receives the petition has already received the petition under Article 5 together with documentary evidence under Article 3 and paragraph one of Article 6 with correctness and completion, or the petitioner has already appeared before the competent officer under paragraph two of Article 6, the competent officer is required to record the receiving of petition in the Book of Receiving Petition. In recording the receiving of petition in the memorandum and the book of receiving a petition, the competent officer shall specify the name of government agency who has received the petition, the series of petition, the number of petition, the day, month, year of receiving the petition, the name of petitioner, and the detail of petition in brief, together with the signature of the competent officer who receives the petition and the signature of the petitioner, in accordance with the form attached to this Regulation. If the petitioner refuses to sign his/her name, the competent officer shall make a note of such matter in the Book of Receiving Petition as evidence. Thereafter, the competent officer shall issue the Receipt of Petition in accordance with the form attached to this Regulation, and give the receipt to the petitioner as evidence.

In a case of making the petition by sending a letter of petition by post or by the method of electronics which contains correct and complete substantial details and

documentary evidence under Article 3 and paragraph one of Article 6, and the petitioner's appearance not required, the competent officer is required to record the receiving of petition under paragraph one and make a note of such matter in the Book of Receiving Petition without the petitioner's signature. Thereafter, the competent officer shall issue the Receipt of Petition and send it to the petitioner as evidence by registered and replied mail or by the method of electronics, as the case may be.

Article 8. In a case where the petition has already contained correct and complete substantial details and documentary evidence under Article 3 and Article 6, the competent officer who has received the petition is required to consider the petition preliminarily. In this regard, the competent officer shall keep a copy of the Memorandum of Receiving Petition, the Receipt of Petition, and documentary evidence under Article 3 and Article 6 at the office. Thereafter, the competent officer shall send an original and all documentary evidence to the Division of Marketing System Promotion and Administration of for consideration of further proceeding in accordance with Article 11.

Article 9. In a case where the petitioner makes the petition with the competent officer at the Provincial Commercial Office, the competent officer who has received the petition is required to proceed in accordance with Article 6, Article 7, Article 8, Article 10, paragraph two of Article 11, and Article 13, *mutatis mutandis*. In this regard, the competent officer shall summarize the facts and comments on the petition for supporting the consideration of the Division of Marketing System Promotion and Administration.

Article 10. If there is an error wherever in the Memorandum of Receiving Petition, it is prohibited to erase the error with a correction pen or other method. The error content shall be corrected by crossing out; however, such content shall still be readable. Thereafter, a new content shall be recorded correctly and completely, together with the affixing of signatures of the petitioner and the competent officer who has received the petition at the side of paper in the same line with the newly corrected content.

Article 11. When the competent officer at the Division of Marketing System Promotion and Administration, the Department of Internal Trade, Ministry of Commerce, receives the petition from the competent officer who has received the petition in accordance with Article 8 or Article 9, as the case maybe, he/she is require to examine and consider the petition. Thereafter, he/she shall produce a summary of petition and comments together with rationales to be presented to the Director-General of the Department of Internal Trade for further making decision or order on the petition.

Whatever the result of decision on the petition made by the Director-General of the Department of Internal Trade, the competent officer at the Division of Marketing System Promotion and Administration shall inform the petitioner of the result in writing by registered and replied mail. In addition, he/she shall inform the government agency who has received the petition under Article 5 of the result in writing within seven working days as from the date on which the Director-General of the Department of Internal Trade has already made his/her decision. In this regard, the government agency who has received the petition is required to record in the directory and make a note in the Book of Receiving Petition, and attach the result of decision with a copy of petition.

In a case where the petition is groundless and has already presented to the Director-General of the Department of Internal Trade for making decision, the competent officer at the Division of Marketing System Promotion and Administration is required to inform the result of decision under paragraph two, *mutatis mutandis*.

Article 12. In a case of a registered and replied mail under paragraph two or paragraph three of Article 11, as the case maybe, there is no receiver of mail and the competent officer at the Division of Marketing System Promotion and Administration is unable to contact the petitioner. In this regard, he/she is required to make a note in the Book of Receiving Petition and keep the registered and replied mail with the original of petition as evidence.

Article 13. In a case where the petition is in the form of anonymous letter, and the competent officer who has received the petition has already examined and found that the accused facts have clues or sufficient information to trace, and it is helpful to consider and make decision on the petition; in this regard, the competent officer who has received the petition is required to proceed in accordance with Article 8, *mutatis mutandis*.

Article 14. In a case where there is trouble in complying with this Regulation or in a case where there is no specified rule in this Regulation, the Director-General of the Department of Internal Trade shall be a decision maker. The decision made by the Director-General of the Department of Internal Trade shall be final.

Article 15. The Director-General of the Department of Internal Trade shall have charge and control of the execution of this Regulation.

Given on the 28th Day of February B.E. 2561 (2018)

Boonyarit Kalayanamit

Director-General of the Department of Internal Trade