

RULE OF THE DEPARTMENT OF INTERNAL TRADE

RE: MANAGEMENT OF A WEIGHING AND MEASURING INSTRUMENT, PACKAGED GOODS AND
GOODS BY WHICH THE PACKAGE IS DESTROYED GOODS AND VESTS OR WILL VEST ON THE
DEPARTMENT OF INTERNAL TRADE

B.E. 2547 (2004)

To orderly or systematically manage a measuring and weighing instrument, packaged goods and goods by which the package is destroyed and is seized, confiscated or owner or possessor does not appear and such goods thereby vests or will vest on the Department of Internal Trade:

By virtue of the provisions of section 6(5), section 53 paragraph two, section 54 paragraph two, section 55, section 56 and section 57 paragraph two of the Weights and Measures Act B.E. 2542 which is the Act that contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 31, section 35, section 48 and section 50 of the Constitution of the Kingdom of Thailand so permit by the virtue of law, the Director-General of the Department of Internal Trade hereby issues the Rule as follows:

Clause 1. This Rule is called the “Rule of the Department of Internal Trade re: Management of a weighing and measuring instrument, packaged goods and goods by which the package is destroyed and vests or will vest on the department of internal trade B.E. 2547 (2004)”.

Clause 2. This Rule shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3. There shall be the committee on maintenance of weighing and measuring instruments and packaged goods as follows:

(1) In Bangkok Metropolitan, Nonthaburi, Pathumthani shall consist of the director of weighing machine division as the Chairperson, the director of volume measuring and length measuring device division, the director of package goods division, the director of promotion and development of weighing and measuring instruments division, representative of the Legal Department and representative of the Secretariat office as members and Chief of the Development of weighing machine as member and secretary;

(2) In other areas outside (1) consists of the Chief of the weighing and measuring instruments center or chief of the weights and measures subsidiary office as the chairperson, a representative of the provincial commerce office with the office in the province which is the location of the weighing and measuring instruments center or subsidiary office who is a civil servant holding a position of level 4 and above and a representative of the weighing and measuring instruments center or subsidiary office who is a civil servant holding a position of level 3 and above shall be members and secretary.

Clause 4. The Committee under clause 3 shall have the powers and duties as follow:

(1) to maintain and manage a measurement gauge, packaged goods and damaged packaged goods which an inspector has seized, confiscated or it does not appear to have an owner or possessor which vested or will vest on the Department of Internal Trade under the Weights and Measures Act B.E. 2542;

(2) to prepare an account or registration for controlling a measurement gauge, packaged goods and damaged packaged goods seized, confiscated or it does not appear to have an owner or possessor and to prepare an account controlling money obtained from selling the packaged goods under clause 7 and to maintain it orderly, safely, completely and

correctly in accordance with the accounting or registration including the inspection of report and preparation of accounting or registration each time it is received, sold or destroyed;

(3) to submit an opinion to the Director-General or the person entrusted by the Director-General for approval to manage, distribute or destroy a measurement gauge, packaged goods or destroyed packaged goods to be complied with this Rule.

Clause 5. To distribute or destroy a weighing and measuring instrument, packaged goods or destroyed packaged goods vested on the Department of Internal Trade by one of the following means:

(1) to sell under the Rule of the Prime Minister's Office on procurement;

(2) to transfer to a governmental educational institute, non-profit organization or governmental agency by which evidence of such transfer shall be recorded;

(3) to completely destroy or to conduct an act to prevent such weighing and measuring instruments from being used and shall sell such destroyed weighing and measuring instruments under (1) or sell by any other means as deemed appropriate or distribute to vanish in accordance with the Rule of the Prime Minister's Office on procurement.

(4) to completely destroy a packaged goods or destroyed packaged goods and sell such destroyed weighing and measuring instruments under (1) or sell by any other means as deemed appropriate or distribute to vanish in accordance with the Rule of the Prime Minister's Office on procurement.

Clause 6. In the case where a confiscated weighing and measuring instruments or it appears that an owner or possessor is unable to correct it or is not in a condition to continue being a weighing and measuring instrument the procedure under clause 5(3) shall be carried out.

Clause 7. In the case where confiscated packaged goods is during the period of having someone to present himself or herself as an owner or possessor under the time period prescribed by the law before it vests on the Department of Internal Trade. If such

packaged goods is easily lost or if it is kept, it would be risk at damages or pay excessive expenses in maintenance, it shall be sold at auction under clause 5(1) or sold by other means as deemed appropriate.

The net amount of money obtain from the sale of the packaged goods under paragraph one shall be confiscated to replace the goods until the time period as prescribed by law to be vested on the Department of Internal Trade.

The money confiscated under paragraph two shall be deposited with the account as opened with the Ministry of Finance or provincial public finance office in the case of the Weights and Measures Center or subsidiary office.

The money under paragraph two and fruits occurring from the depository of such money must be submitted as the state income upon the completion of time as prescribed by law to vest on the Department of Internal Trade.

Clause 8. The money obtained from the procedure under clause 5 shall be submitted as the state income.

Clause 9. The procedure relating to acceptance of money, disbursement of money and depository of money or other procedures which is not prescribed in this Rule shall be in accordance with the Rule of the Ministry of Finance on such matter.

Clause 10. The Director-General of the Department of Internal Trade shall have charge and control of the execution of this Rule.

Given on the 18th of May B.E. 2547 (2004)

Siripol Yodmuangcharoen

Director-General of the Department of Internal Trade