

Unofficial Translation

(Official Emblem)

Regulation of the Department of Internal Trade

Regarding Procedures, Rules and Practices in Litigation,

B.E. 2551 (2008)

Whereas it is expedient to have the regulation of the Department of Internal Trade regarding procedures, rules and practices in litigation, in order that there shall be the complete, certain and same standard procedures, rules and practices for the consideration of the operation of the litigation by the Department of Internal Trade in relation to a civil case, a criminal case and an administrative case, 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 Regarding Procedures, Rules and Practices in Litigation, B.E. 2551 (2008)”.

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

Article 3. The Director-General of the Department of Internal Trade shall have charge and control of the execution of this Regulation.

Chapter 1

General

Article 4. In this Notification,

“ law of the Department of Internal Trade” means the law which is under the obligation of the Department of Internal Trade;

“ litigation matter” means any action which violates the law of the Department of Internal Trade relative to juristic act and contract, the administrative case or any case relative to other law which is subject to the litigation of the civil case, the criminal case and the administrative case;

“ litigant” means the civil servant of the Department of Internal Trade in the rank of legal officer, including the civil servant of the Department of Internal Trade in the other rank who performs his/her official duty on the litigation, or a person who is also entrusted to be in charge of the litigation;

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“responsible government agency” means a division, an office, or a government agency equivalent to the division under the supervision of the Department of Internal Trade, including the office in other province, under the supervision of the Department of Internal Trade, who is the host responsible for the litigation, and a committee or a working group who is also entrusted to be in charge of the litigation;

“responsible officer” means the civil servant or the employee of the Department of Internal Trade a division, who has a duty or is entrusted to be responsible for examination, operation, receiving information, command and supervision in a matter of the practice in connection with a lawsuit or in relevant to the lawsuit or in relation to a legal practice, including a committee, a working group or an operator who is also entrusted to be in charge of the operation of any case in connection with the lawsuit;

“day” means the normal official working day;

“Director-General” means the Director-General of the Department of Internal Trade.

Article 5. In a case where there is a question on compliance with this Regulation or a matter which is not prescribed in this Regulation, the Director-General or the officer entrusted by the Director-General shall be a decision maker on such question/matter.

Chapter 2

Civil-Case Litigation

Part 1

General

Article 6. The litigation of civil case shall be under the responsibility of the legal affairs division or a person as entrusted.

Article 7. In the process of passing on the litigation matter from the responsible government agency to the legal affairs division or the entrusted person, the following actions shall be taken.

- (1) As for the civil case having a prescription not exceeding one year, the litigation matter shall be passed on prior to the expiry of prescription not less than six months.
- (2) As for the civil case having a prescription exceeding one year, the litigation matter shall be passed on prior to the expiry of prescription not less than twelve months.

Article 8. As for the case having a high amount in dispute, the responsible government agency is required to allocate the budget for the cost of taking the civil action, the cost of pursuing and seizing properties, the cost of judgement execution, and other legal costs necessary to the litigation, to the legal affairs division or the entrusted officer.

Article 9. In taking the civil action, in a case where the party to a contract is a government agency or a state enterprise, the responsible government agency shall comply with the cabinet resolution as regards such issue.

Part 2

Procedures and Duration in Litigation

Article 10. In a case where an outsider who is the party to a contract fails to make the repayment of debt under the contract or to comply with the contract, the responsible government agency is required to send a notice to demand to repay the debt within fifteen days as from the date when the party to a contract fails to repay the debt under the contract or to comply with the contract, as the case may be.

In a case where the proceeding under paragraph one has already been undertaken; however, the party to a contract still fails to make the repayment of debt or to comply with the contract, the notice shall have to be sent again within fifteen days as from the due date of the first notice.

It is required to specify the duration, method and place of the debt repayment in every notice sent to the party to a contract.

Article 11. In sending the notice to demand to repay the debt and the correspondence to the party to a contract to demand to comply with the contract, the responsible government agency is required to send them by a registered and replied mail. In this regard, the evidence of replied mail shall be kept as the evidence for further taking a legal action.

Article 12. In a case where the party to a contract wishes to extend the duration of the debt repayment or the duration for compliance with the contract, the responsible government agency is required to brief the case and to put forward an idea to the Director-General or the officer entrusted by the Director-General for consideration as to how to take either action as follows: to extend the duration of the debt repayment or the duration for compliance with the contract, or to file a lawsuit.

Article 13. The extension of duration under Article 12 shall have to be supported by the following reasons:

- (1) the party to a contract is incapable of making the repayment of debt or complying with the contract at the present time; nevertheless, there is a reasonable cause to believe that the party to a contract is capable of making the repayment of debt or complying with the contract within the specified period of time; or
- (2) there is the government's policy to extend the duration; or
- (3) there is the proviso in a contract or an agreement as made by both parties allowing the extension of duration; and
- (4) the party to a contract is required to affirm to comply with the condition as fixed by the Department of Internal Trade.

Article 14. In extending the duration of the debt repayment, the responsible government agency is required to have the party to a contract make a letter of

acknowledgement of debt with the Department of Internal Trade. Or, the responsible government agency shall present the aforesaid matter to the Director-General or the officer entrusted by the Director-General for approval to let the legal affairs division to proceed such matter instead in the area of Bangkok Metropolis or other province. In addition, the trade authority in the province shall proceed the aforesaid matter instead in the area where the party to a contract who has a domicile in the area of such province.

The letter of acknowledgement of debt shall be made upon being authorized by the Director-General or the officer entrusted by the Director-General.

Article 15. In a case where the party to a contract is still in default of the debt repayment or fails to comply with the contract after the extension of duration of the debt repayment or the duration for compliance with the contract has been made. The responsible government agency is required to brief and present the litigation matter to the Director-General or the officer entrusted by the Director-General for approval to file a lawsuit within fifteen days as from the date when the party to a contract defaults in this later time.

Article 16. In filing a lawsuit, the responsible government agency is required to take the following actions:

- (1) to gather documentary evidence to be used in the litigation (such as a letter of approval to file a lawsuit, a resolution of committee, an evidence of debt repayment, an evidence of demanding the debt repayment) and to send the aforesaid evidence to the legal affairs division within seven days as from the date the Director-General or the officer entrusted by the Director-General has approved to file a lawsuit, which is subject to Article 7;
- (2) to simultaneously inform the legal affairs division of the list of case coordinators, witnesses, and evidence necessary to be examined and gathered from other government agencies.

Article 17. When the legal affairs division receives the litigation matter, the director of the legal affairs division is required to entrust a legal officer to take the action within three days. In this regard, the responsible legal officer shall have to examine fact and legal issues, and evidence for taking the legal action, and then make a conclusion of his/her opinion for reporting the director of the legal affairs division within seven days. In a case where the fact and evidence as appearing are insufficient for consideration, he/ she shall have to put forward his/her opinion for requesting additional information and evidence as appropriate. In this regard, the prescription of the case shall have to be taken into account.

Article 18. Prior to filing a lawsuit, if the legal affairs division deems appropriate that the process of mediation by calling both parties to negotiate for reconciliation or by appointing arbitrators or mediators, this shall be presented to the Director-General for approval prior to taking such action. In this regard, the director of the legal affairs division

shall consider to be in charge of this action or to entrust the legal officer to take responsibility specifically.

Article 19. As for the reconciliation in the court of justice, the Director-General or the officer entrusted by the Director-General empowers a public prosecutor to consider and undertake such action by specifying this matter in the deed of appointment of a lawyer in accordance with the law and regulation governing the matter.

Article 20. In the litigation, the legal affairs division shall have to gather and conclude the fact and legal issues, and evidence for filing a lawsuit within thirty days as from the date of informing the party to a contract to comply at the last time prior to filing a lawsuit. In a case of a complicated case which requires an amount of time to gather documentary evidence and the extension of time being necessary, the director of the legal affairs division shall be able to extend the time of filing a lawsuit not exceeding 2 times, not exceeding 15 days per each time. In this regard, the prescription of the case and the period of time for the public prosecutor to spend in filing a lawsuit shall have to be taken into account.

Article 21. The legal affairs division is required to present the deed of appointment of a lawyer to the Director-General or the officer entrusted by the Director-General for signing. Additionally, the legal affairs division shall send a letter to the Office of the Attorney General to be in charge of filing a lawsuit, which is subject to Article 20. The director of the legal affairs division is required to entrust the responsible legal officer to regularly coordinate with the Office of the Attorney General and relevant government agencies until the end of the lawsuit.

Part 3

Bankruptcy Litigation

Article 22. In the litigation, in a case of the case having an amount in dispute or the debtor's circumstances meeting the criteria of the bankruptcy litigation, the legal affairs division shall have to consider and present the case to the Director-General or the officer entrusted by the Director-General for filing a lawsuit against the debtor of the Department of Internal Trade in the category of bankruptcy case. In this regard, the legal action shall be taken in accordance with procedures and duration as prescribed by the relevant law.

Article 23. The legal affairs division shall be in charge of taking the bankruptcy action against the debtor of the Department of Internal Trade in accordance with procedures, practices and duration as prescribed by the bankruptcy law and the relevant cabinet resolution.

Part 4

Judgement Execution

Article 24. When the court of justice has passed the judgement and the lawsuit has ended, the legal affairs division shall further be in charge of the legal process of judgement execution.

Article 25. The director of the legal affairs division is required to entrust the legal officer to be responsible for the execution of judgement on the case by case basis. In addition, the director of the legal affairs division shall consider and put forward the case to the Director-General or the officer entrusted by the Director-General for requesting the public prosecutor to file a petition to the court of justice to issue a writ of judgement execution within 90 days as from the date of being informed by the Office of the Attorney General of the end of a lawsuit.

Article 26. The legal affairs division is required to follow up the execution of judgement by entrusting the legal officer to detect the debtor's asset at least two times a year in order to efficiently enforce the debt repayment by the debtor. In this regard, the responsible government agency in the area of other province is required to provide support and facilitation in the aforesaid proceeding.

Article 27. In detecting the debtor's asset, the legal affairs division may make the arrangement for hiring a juristic person or an ordinary person who has expertise to detect the asset instead if it is necessary and appropriate. In this regard, the budget as allocated shall be taken into account.

Article 28. If it is found that the debtor has the asset enough to be enforced for the debt repayment, the responsible legal officer shall have to coordinate with the executing officer working in the relevant area in order to seize the debtor's asset for public auction.

Article 29. The legal affairs division is required to follow up the execution of judgement within the prescription as stipulated by the law. In a case of the expiry of prescription as stipulated by the law, the debt repayment cannot be enforced yet because the judgement debtor has no asset or because of other reasons. The conclusion of the litigation matter and the presentation of evidence in relation to the pursuance of the execution of judgement shall be made to the Director-General or the officer entrusted by the Director-General for further presenting the litigation matter to the Ministry of Finance for acknowledgement and consideration on the next proceeding relating to the outstanding debt pursuant to laws, regulations, orders and requirements as prescribed.

Chapter 3

Criminal-Case Litigation

Part 1

General

Article 30. In taking the criminal case under the law of the Department of Internal Trade in a case of flagrant offence, the responsible government agency shall have to comply with regulations, orders, rules and practices as prescribed.

In taking the criminal case under the law of the Department of Internal Trade, in a case where there is only a fine as the penalty, the responsible government agency shall have to comply with the regulations, orders, rules and practices governing the matter. In a case of a complicated case, the responsible government agency may present the aforesaid case to the Director-General or the officer entrusted by the Director-General for approval to let the legal affairs division to proceed instead.

In taking the criminal action by the responsible government agency or by a person who is entrusted to become the litigant, the responsible government agency and the litigant shall comply with the procedures and duration in the litigation as specified in Chapter 3 of this Regulation *mutatis mutandis*.

Article 31. The litigation of the complicated criminal case to be punished with a fine only under paragraph two of Article 30 shall be under the responsibility of the legal affairs division. The litigation of criminal case which shall be imposed by the punishment of a fine, an imprisonment for a term not exceeding one year, or an imprisonment for a term not exceeding one year and the penalty of a fine, shall also be under the responsibility of the legal affairs division.

Article 32. The litigation of criminal case under other laws shall be under the responsibility of the legal affairs division or the entrusted person.

Article 33. The litigation of criminal case under the law on trade competition which is treated as a special case under the law on special investigation shall be complied with the rules, practices, regulations, requirements, notifications and orders governing the matter. Additionally, if it is deemed as appropriate that the litigation of criminal case under other laws of the Department of Internal Trade should be treated as a special case under the law on special investigation, this shall be complied with the rules, practices, regulations, requirements, notifications and orders governing the matter.

Part 2

Procedures and Duration in Litigation

Article 34. In a case where a criminal offence is committed, if it is not flagrant offence, the responsible officer shall have to report preliminary facts as regards the offence, the day and time, and the place of committing the offence, the offender or the accomplice, to the responsible government agency whom he/she is under supervision within five days as from the date of committing the offence or the date on which the committed offence is known.

Article 35. After having received the report under Article 34, the responsible government agency shall have to present the aforesaid report to the Director-General or the

officer entrusted by the Director-General for approval to take the legal action. In addition, the responsible government agency is required to present the litigation matter together with documents and evidence to the legal affairs division or the entrusted person to proceed within five days as from the date of the approval, which is subject to Article 36.

Article 36. In the process of passing on the litigation matter from the responsible government agency to the legal affairs division or the entrusted person to proceed, this shall be subject to the following criteria.

- (1) As for the criminal case having a prescription not exceeding one year, the litigation matter shall be passed on prior to the expiry of prescription not less than six months.
- (2) As for the criminal case having a prescription not exceeding five years, the litigation matter shall be passed on prior to the expiry of prescription not less than two years.
- (3) As for the criminal case having a prescription not exceeding ten years, the litigation matter shall be passed on prior to the expiry of prescription not less than five years.
- (4) As for the criminal case of compoundable offence having a prescription for lodging a complaint within three months as from the date of offence and offender to be known, the litigation matter shall be passed on prior to the expiry of prescription not less than two months.

Article 37. The director of the legal affairs division is required to entrust a legal officer to take the action within three days. In this regard, the responsible legal officer shall have to examine fact and legal issues, and evidence for taking the legal action, and proceed as follows:

- (a) in a case where he/she is of opinion that the fact and legal issues and the evidence are sufficient to take the legal action, he/she then makes a conclusion of his/her opinion for reporting the director of the legal affairs division within seven days;
- (b) in a case of the fact and evidence as appearing being insufficient for consideration or the evidence being incomplete or its detail being unclear, he/she shall have to put forward his/her opinion for requesting additional information and evidence from the responsible government agency. In this regard, he/she shall have to fix the duration for giving information and evidence as appropriate.

Article 38. The responsible legal officer shall have to inquire the fact and make the record of statements of the responsible officer to be the evidence to support the litigation.

In proceeding under paragraph one, the director of the legal affairs division is required to send a letter to inform the responsible government agency of the day and time on which the responsible officer shall come to provide the statements of fact.

Article 39. In a case where after the legal officer has already considered the fact and legal issues and the evidence, he/she is unable to make a decision whether an act is subject to the criminal offence in any charge or not. However, circumstances in relevant to the act of a person or that of a juristic person indicate that the act is committed dishonestly, and there is reasonable cause to believe that the act is likely to be the criminal offence. In this regard, the legal affairs division shall have to conclude and present the opinion to the Director-General for sending the matter regarding the information on circumstances in relevant to the act of a person or that of a juristic person to an inquiry officer for proceeding inquiry and investigation. If it is found that the act is subject to the criminal offence in any charge, the legal action shall be taken in accordance with the fact and legal issues (unless otherwise provided by laws and regulations).

Article 40. In a case where the legal officer has considered that the fact and legal issues and the evidence are sufficient to take the legal action, the legal affairs division shall have to conclude and present the opinion to the Director-General or the officer entrusted by the Director-General for approval to send the litigation matter together with all evidence to an inquiry officer for taking the legal action within thirty days as from the date of receiving the litigation matter from the responsible government agency. In a case of a complicated case which requires an amount of time to investigate and gather documents and other evidence and the extension of time being necessary, the director of the legal affairs division shall be able to extend the time not exceeding 2 times, not exceeding 15 days per each time.

Article 41. The director of the legal affairs division is required to entrust the responsible legal officer to regularly coordinate with an inquiry officer, a public prosecutor, or a relevant government agency until the end of the lawsuit.

Part 3

Termination of Criminal Case

Article 42. In a case where the criminal case only has a penalty of a fine and the offender consents to paying the fine at a high rate for the offence, but the law of the Department of Internal Trade does not empower the Department of Internal Trade to settle such case by itself, the responsible government agency shall therefore have to conclude and present the litigation matter to the Director-General or the officer entrusted by the Director-General for approval to take the legal action. In this regard, the litigant on behalf of the Department of Internal Trade shall be appointed. In addition, the case shall be sent to the inquiry officer in the area where the offence is committed for taking the legal action

within fifteen days as from the date when the Director-General has approved to take the legal action.

Article 43. The litigant is required to lodge a complaint to the inquiry officer and to settle the case at the inquiry stage. In this regard, the litigant may have the offender come to see the inquiry officer and simultaneously pay the fine at a high rate for the offence.

Article 44. In a case where the criminal case only has the penalty of a fine and the law of the Department of Internal Trade empowers the Department of Internal Trade to settle such case by itself, it is required to comply with the laws, regulations, orders, rules and practices governing the settlement of case.

Article 45. In a case where the offender defends, or does not consent to paying the fine at a high rate for the offence, or consents to paying the fine but fails to pay the fine within a specified period of time. In this regard, the litigant is required to seek an approval the Director-General or the officer entrusted by the Director-General to send the litigation matter to the inquiry official for further taking the legal action.

Part 4

Cash Incentive, Cash Reward and Costs of Proceeding

Article 46. The payment of cash incentive and cash reward under the law on the price of goods and services and the law on weights and measures shall be in accordance with regulations, requirements, orders, rules and practices as prescribed.

Article 47. The payment of cash incentive, cash reward and the costs of proceeding under other laws of the Department of Internal Trade shall be in accordance with the regulations, requirements, rules and practices as prescribed by the Ministry of Finance and the Department of Internal Trade.

Part 5

Exhibit

Article 48. The responsible government agency shall be a keeper and caretaker of an exhibit.

Article 49. The responsible government agency is required to appoint two civil servants in the rank of level 5 upward to be officers to check and keep the exhibit.

Article 50. In receiving and delivering the exhibit in every time, there must be 3 copies of document to be noted the detail of receiving and delivering the exhibit, i.e. 1 copy for record retention, 1 copy to be given to a deliverer, and 1 copy to be kept in the package of the exhibit in accordance with the prescribed form.

Article 51. In receiving the exhibit, the officers shall have to produce an account book which presents the detail of receiving and delivering the exhibit in order. This account book shall be used as evidence in accordance with the prescribed form.

Article 52. In receiving the exhibit, the officers who are in charge of checking and keeping the exhibit shall have to check the exhibit in the presence of the deliverer and put

it into the package to be tied or fastened with rope and marked, such as to drop lac at the package, together with the affixing of signatures at the package. In a case where the exhibit cannot be put into the package, it is required to mark and affix signatures at the exhibit.

Article 53. Unless otherwise provided by laws, regulations, requirements and orders, the responsible government agency is required to keep the exhibit at places as follows.

(1) In the area of Bangkok Metropolis and Nonthaburi Province, the exhibit shall be kept at the storage of the exhibit owned by the Department of Internal Trade or other place which is approved by the Director-General or the officer entrusted by the Director-General to be the storage of the exhibit.

(2) In other province than (1), the exhibit shall be kept at the storage of the exhibit owned by the responsible government agency or other place which is approved by the trade authority within the province.

As regards the exhibit which is kept at the storage of the exhibit, each of officers who is in charge of checking and keeping the exhibit shall have to hold the key of the storage of the exhibit.

Article 54. In a case where the exhibit is big, or it is impossible to keep the exhibit at the storage of the exhibit, or it is necessary to hire other person to keep the exhibit instead, the approval of the Director-General or the officer entrusted by the Director-General is required prior to taking the action, as the case may be.

Article 55. The Director-General is required to appoint a committee called the "Committee in Charge of Checking the Exhibit" to perform the official duty of checking the exhibit. This committee consists of a chairman to be appointed from the civil servant of the Department of Internal Trade, a representative from the responsible government agency as a member of committee, a representative from the supply subdivision, the Office of Secretary as a member of committee, and a representative from the legal affairs division as a member of committee and secretary.

Article 56. The Committee in Charge of Checking the Exhibit has the official duty of checking the exhibit as kept at the storage of the exhibit as specified in this Regulation. The Committee shall also check the correctness of receiving and delivering the exhibit, the retention of the exhibit, the issuance of documents, and the condition of the exhibit to be in its original condition as much as possible. The checking shall have to be conducted at least twice a year, and the report of checking shall have to be presented to the Director-General.

Article 57. In a case where the exhibit as kept is easy to be perishable, risky to be damaged, to be incurred the cost of keeping higher than the price of the exhibit, the responsible government agency is required to present the case to the Director-General or the officer entrusted by the Director-General for approval to sell or dispose the exhibit prior to the end of the litigation.

The proceeds derived from the sale or disposal of the exhibit is seized instead of the exhibit by remitting or retaining in accordance with the regulation governing the matter.

Article 58. If it is appeared that the exhibit as kept is not necessary to be used as evidence in a trial, such exhibit shall be returned to the owner or the possessor at any time. In this regard, the responsible government agency shall have to put forward an opinion to the Director-General or the officer entrusted by the Director-General for approval to return the exhibit.

Article 59. The responsible government agency shall have to ask the Director-General or the officer entrusted by the Director-General for approval to appoint the committee in charge of the disposal of the exhibit by the method of public auction or by other disposal methods in accordance with the rules and methods of Supply Regulations. The committee has to perform its official duty concerning the disposal of the exhibit for the lawsuit which has been closed. This committee consists of a representative from the legal affairs division as a member of committee, a representative from the supply subdivision, the fiscal group, the Office of Secretary as a member of committee, and a representative from the responsible government agency as a member of committee and secretary.

Article 60. As for the exhibit which should be subject to the public auction, the committee in charge of the disposal of the exhibit shall have to produce an account book. Additionally, the committee is required to determine the price of the exhibit which is deemed as a minimum price for the public auction, which shall be presented to the Director-General or the officer entrusted by the Director-General for approval.

The account book shall be disposed after the public auction is over. This shall not be applicable to the case in which the exhibit cannot be sold out because of the high medium price or no bidder for other causes. In this regard, the committee in charge of the disposal of the exhibit shall have to report such causes to the Director-General or the officer entrusted by the Director-General for acknowledgement to consider and command.

Article 61. When the Director-General or the officer entrusted by the Director-General has approved for the public auction, the terms and conditions of the public auction shall be announced prior to the day of the public auction at least fifteen days. The announcement shall be made by placarding at a disclosed place or by advertising on the newspaper. If it is appropriate, the Government Public Relations Department shall be informed to broadcast the announcement via the radio station and the television station.

Article 62. The terms and conditions of the public auction shall comprise the following contents:

- (1) the type and number of the exhibit,
- (2) the day, time and place of the public auction,
- (3) the method of payment,

- (4) a person who is eligible to bid, being required to deposit cash or other securities as guarantee with the committee in charge of the disposal of the exhibit in a sum of not less than 15 percent of the bid price prior to the time of conducting the public auction, the cash or the security as a guarantee to be refunded when the bidder has already complied with the conditions concerning the public auction.

Article 63. The committee in charge of the disposal of the exhibit has an official duty to conduct the public auction by means of submitting a bidding envelope or submitting a bid in verbal. The bidder shall tender a purchase price. The bidder who tenders the highest purchase price shall be the bid winner.

In submitting the bid in verbal, the method of knocking on wood is required to decide to whom the exhibit shall be sold.

If there is any cause that makes the highest purchase price not being paid pursuant to the bid, the committee in charge of the disposal of the exhibit shall arrange the new public auction or sell the exhibit to the bidder who tenders a purchase price inferior to the bid winner's price, as the committee deems appropriate. Nevertheless, the approval of the Director-General or the officer entrusted by the Director-General shall be made before the committee takes any action.

The committee in charge of the disposal of the exhibit has an exclusive authority not to sell the exhibit to the bidder who tenders the highest purchase price when the committee deems that it is not deserved to sell the exhibit to the bid at the highest purchase price because there is collusion in the bid.

Article 64. It is prohibited for the committee in charge of the disposal of the exhibit or the officers in charge of the public auction of the exhibit take part in the tender of the purchase price by themselves or procure any person to tender the purchase price. This is not applicable to the act for the state benefit and there being the announcement of aforesaid matter in the advertisement of the public auction.

Article 65. The bid winner shall make the payment of purchase price in cash and take the exhibit on the day when the public auction takes place. This is not applicable in a case where there is an unavoidable event; for example, the price of exhibit is high and the bid winner requests to pay the price on the following day. In this regard, the bid winner is required to deposit additional cash to that as already deposited as the guarantee under Article 62 in a sum of not less than 25 percent of the bid price, and enter into an agreement as evidence. In the aforesaid agreement, there shall be conditions on the payment of purchase price and taking the exhibit under the agreement within fifteen days as from the date of entering into the agreement. If the bid winner fails to make the additional cash deposit, the provision in paragraph three of Article 63 shall be applied *mutatis mutandis*.

Article 66. In a case where the purchase price in the bid exceeds 10,000 Baht, the bid winner shall be able to pay the price by a cashier cheque verified by a bank and payable to the Department of Internal Trade.

Article 67. The committee in charge of the disposal of the exhibit shall subtract the expenses incurred in the public auction procedure out of the proceeds derived from the public auction. The remaining sum shall be remitted as the revenue of the State.

In remitting the proceeds derived from the public auction as the revenue of the State, the committee in charge of the disposal of the exhibit shall remit to the Office of Secretary to proceed in accordance with the regulation governing the matter.

Article 68. The committee in charge of the disposal of the exhibit shall have to report the outcome of the public auction of the exhibit to the Director-General or the officer entrusted by the Director-General, and remit the proceeds derived from the public auction including the cash deposit with its interest as the revenue of the State in accordance with the regulation governing the matter. This shall not be applicable to the public auction of the exhibit in which a lawsuit has not been over yet, which the proceeds must be retained instead of the exhibit.

Article 69. As for the exhibit which becomes the asset of the State and has been damaged without price or without price by its condition, or the exhibit which cannot be legally owned by any person, or the exhibit which should not be sold by means of the public auction or by other means, the committee in charge of the disposal of the exhibit shall have to present such matter to the Director-General or the officer entrusted by the Director-General to give an order to destroy all the exhibits.

Chapter 4

Administrative Enforcement

Article 70. The legal affairs division is the government agency in charge of the enforcement of administrative case.

Article 71. The proceeding pursuant to administrative measures, the confiscation of property, the freezing of property, and the public auction of property under an administrative order shall be complied with the law governing administrative procedures and this Regulation *mutatis mutandis*.

Article 72. In a case of being prosecuted in the administrative case, the legal affairs division shall be responsible to produce the memorandum to inform the statement of fact or file the statement of defence to the judge of the administrative court prior to the time of accepting or not accepting a complaint within the period of time as specified by the judge of the administrative court.

If the proceeding cannot be undertaken within the specified period of time under paragraph one, a petition to extend the period of time shall be filed to the judge of the administrative court prior to the expiry of the period of time as specified in paragraph one.

Article 73. In a case where the judge of the administrative court has already considered the aforesaid statement, the judge has a decision to accept the complaint. The legal affairs division shall conclude and present the litigation matter to the Director-General or the officer entrusted by the Director-General for approval to send the litigation matter to the Office of the Attorney General for defending a lawsuit in the administrative court instead.

Article 74. When the administrative court has made the final decision to order the Department of Internal trade to proceed whatsoever, the legal affairs division shall take the responsibility to proceed in compliance with the judgement of the administrative court within 15 days, unless the decision of the administrative court shall specify the period of time for proceeding otherwise.

In a case where the Director-General deems as appropriate, he/she may empower the responsible government agency or the legal affairs division to take the administrative case instead of presenting the case to a public prosecutor for proceeding.

Chapter 5

Controlling and Checking the Litigation

Article 75. As for the litigation as specified in Chapter 2 – Chapter 4, in a case where there is the specified period of time in any stage, if the proceeding in such stage cannot be completed within the specified period of time, a letter for considering an approval to extend the duration of proceeding together with the report of cause of delay shall be presented to a superior officer.

Article 76. The officer who is empowered to settle the case shall have to settle the case immediately in order to comply with the Criminal Procedure Code which provides that the arrested person shall be superintended not beyond the necessity in accordance with circumstances of the case.

Article 77. The responsible government agency of the Department of Internal trade in both central administration and regional administration shall have to specifically produce the case recorded book relative to the civil case, the criminal case and the administrative case. This book shall be detailed about the case as evidence for performing the official duty on a lawsuit.

Article 78. The responsible government agency shall have to gather and produce the report of case statistics relative to offenders violating each of the law of the Department of Internal trade which is under the obligation of the responsible government agency. The report shall be detailed about the matters, such as a number of case, a sum of fine, a sum of cash incentive, a sum of cash reward, a sum of expense, a sum of revenue remitted to the exchequer, together with other relevant details including related problems and suggestions.

Article 79. The responsible government agency shall have to retain a dossier within the prescription. When such prescription has elapsed, an application for permission to get rid of the dossier pursuant to the relevant regulation shall have to be submitted.

Article 80. The Director-General is required to appoint a committee which consists of a chairman to be appointed from the civil servant of the Department of Internal Trade, a representative from the responsible government agency as a member of committee, and a legal officer as a member of committee and secretary. This committee shall have an official duty to check and advise the operation in connection with the lawsuit of the government agency of the Department of Internal Trade in both central administration and regional administration at least once a year. This committee shall also have an ad hoc duty as entrusted. This committee shall conclude and present the result of checking to the Director-General for acknowledgement.

Given on the 30th Day of September B.E. 2551 (2008)

Yanyong Puangraj

Director-General of the Department of Internal Trade