

**INDUSTRIAL PRODUCT STANDARD ACT,
B.E. 2511 (1968)**^{**}

BHUMIBOL ADULYADEJ, REX.

Given on the 27th December B.E. 2511 (1968)

Being the 23th Year of the Present Reign.

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

Whereas it is expedient to have the law on industrial product standard.

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 “Industrial Product Standard Act, B.E. 2511 (1968)”.

Section 2. This Act shall come into force on the following day after the date of its publication in the Government Gazette.¹

Section 3. In this Act:

“Standard” means any of one or more specifications concerning:

(1) kind, form, shape, dimension, production process, quality element, level, component, capability, durability, and safety of industrial product;

(2) production procedure, designing procedure, drawing picture procedure, instruction for use, material used for production of industrial product, and safety concerning production process of industrial product;

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^{**} As amended up to the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

¹ Published in the Government Gazette, Vol. 85, Part 121, dated 31st December B.E. 2511 (1968).

(3) kind, form, shape, dimension of package or other kind of container, as well as package or other kind of container production process, packaging, wrapping or tying procedure, and the material used for such purpose;

(4) experimenting procedure, analysis procedure, comparing procedure, inspecting procedure, testing procedure, and measuring procedure concerning industrial product;

(5) terminology, abbreviation, symbol, sign, numbering color, and the term used in technical matter concerning industrial product;

(6) other specification concerning industrial product prescribed by the Minister or issued under the Royal Decree;

“Institute” means the Thai Industrial Standards Institute;

“Committee” means the Committee for Thai Industrial Standards;

“Secretary-General”² means the Secretary-General of the Thai Industrial Standards Institute;

“Competent official” means the person appointed by the Minister for implementation of this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 4. There shall be established the Thai Industrial Standards Institute in the Ministry of Industry having the power and duty as follows:

(1)³ to examine the application for using standard mark under section 16, application for permission of producing and importing industrial product under section 20, section 20 *bis*, section 21, and section 21 *bis*;

(2)⁴ to examine and control the production of industrial products, and the industrial product required by the Royal Decree to comply with the standard, as well as the industrial product permitted to produce under section 20 *bis*;

² The definition of “Secretary-General” in section 3 is added by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³ Section 4 (1) is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁴ Section 4 (2) is amended by the Industrial Product Standard Act (No. 3), B.E. 2522 (1979).

(2/1)⁵ to conclude an agreement with an agency of a foreign country concerning accreditation of the verification or the industrial product under section 20 *quarter*;

(3)⁶ to examine and control the industrial product which is applied for importing for sale in the Kingdom and is required by the Royal Decree to comply with the standard, as well as the industrial product permitted to be imported into the Kingdom under section 21 *bis*;

(4) to control the use of standard mark;

(5) to carry out other activities entrusted by the Committee.

Section 4 *bis*.⁷ The Secretary-General shall have the duty to command, control and generally supervise the official affair of the Institute.

Section 5.⁸ The Minister, with the approval of the Committee, has the power to publish in the Government Gazette prescribing the government agency, State organization, State enterprise, State agency, or other agency, either domestic or in the foreign country, to render inspection of production of industrial product, or inspection of industrial product, and submit for consideration of the Committee whether it is in accordance with the standard or not.

Section 6.⁹ The Minister has the power to publish in the Government Gazette prescribing rate of expenditure incurring on inspection of production of industrial product, or inspection of industrial product, or object under section 16, section 20, section 20 *bis*, section 21, section 21 *bis*, and section 44 (1) only in respect of industrial product bearing standard mark under section 16, or having been licensed, or permitted under section 20, section 20 *bis*, section 21, or section 21 *bis*, as the case may be.

The expenditure incurring on inspection of production of industrial product, or inspection of industrial product, or object under paragraph one shall be collected from

⁵ Section 4 (2/1) is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶ Section 4 (3) is amended by the Industrial Product Standard Act (No. 3), B.E. 2522 (1979).

⁷ Section 4 *bis* is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁸ Section 5 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁹ Section 6 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

the applicant for license, licensee, permitted person, producer, importer, distributor, or occupier for distribution, as the case may be.

Section 7.¹⁰ There shall be established the Committee for Thai Industrial Standards consisting of the Permanent Secretary of the Ministry of Industry as Chairperson, the Director-General of the Department of Industrial Works, Director-General of the Department of Industrial Promotion, representative of the Ministry of Agriculture and Cooperatives, representative of the Ministry of Interior, representative of the Ministry of Commerce, representative of the Ministry of Science, Technology and Energy, representative of the Ministry of Public Health, representative of the Customs Department, representative of the Thailand Institute of Scientific and Technological Research, representative of Thailand Board of Investment, representative of the Office of the National Economic and Social Development Board and not exceeding six qualified persons appointed by the Council of Ministers as Members.

The Secretary-General shall be Member and secretary.¹¹

Section 8.¹² The Committee has the power and duties as follows:

(1) to consider determining, amending, and revoking standard for submission to the Minister, which may determine to use or refer to foreign or international standard; however, in case of necessity it may determine to use or refer to such foreign or international standard which is document available in foreign language;

(2) to consider determining rule and condition on permitting production or import into the Kingdom the industrial product required by the Royal Decree to comply with the standard which is foreign or international standard under section 20 *bis* and section 21 *bis*;

(3) to select qualified persons for submitting to the Minister for consideration in appointing as Technical Committee Members;

(4) to carry out other activities under this Act.

Section 9. The Member appointed by the Council of Ministers holds office for a term of three years.

¹⁰ Section 7 is amended by the Industrial Product Standard Act (No. 2), B.E. 2522 (1979).

¹¹ Section 7 paragraph two is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

¹² Section 8 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

The outgoing Member may be reappointed.

Section 10. In addition to vacating office at the end of term under section 9 paragraph one, the Member appointed by the Council of Ministers vacates office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent person or quasi-incompetent person;
- (5) being imprisoned by a final judgment except for a petty offence or an offence committed through negligence;
- (6) being removed by a resolution of the Council of Ministers.

When a Member appointed by the Council of Ministers vacates office before the end of term, the Council of Ministers may appoint another person as replacing Member.

The Member appointed under paragraph two holds office for the remaining term of the replaced Member.

Section 11. At a meeting of the Committee, the presence of not less than one-third of the total number of Members is required to constitute a quorum.

At any meeting if the Chairperson is absent, the Members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be by the majority of votes.

In casting votes a Member shall have one vote. In case of equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 12. The Committee has the power to appoint a Sub-committee to assist the performance of activity, or consider various issues entrusted by the Committee.

In the meeting of the Sub-committee, section 11 shall apply *mutatis mutandis* thereto.

Section 13.¹³ The Minister has the power to appoint qualified persons submitted by the Committee under section 8 (3) as one or more Technical Committees.¹⁴

¹³ Section 13 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

¹⁴ Section 13 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

The Technical Committee has the duty to draw up a draft standard and perform other technical issues concerning standard for submitting to the Committee. In the performance of duty, the Technical Committee has the power to appoint a Sub-committee to assist the performance of activity, or consider various issues entrusted by the Technical Committee.

In the meetings of the Technical Committee and Technical Sub-committee, section 11 shall apply *mutatis mutandis* thereto.

Section 14. A Technical Committee Member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent person or quasi-incompetent person;
- (5) being imprisoned by a final judgment except for a petty offence or an offence committed through negligence;
- (6) being informed in writing by the Minister.

Section 15.¹⁵ For the purpose of industrial promotion, the Minister may announce the determination, modification, and revocation of standard for any industrial product which may be determined to use refer to foreign or international standard; however, in case of necessity the Minister may determine to use or refer to such foreign or international standard which is document available in foreign language suggested by the Committee.

The announcement under paragraph one shall be published in the Government Gazette.

Section 16.¹⁶ Subject to section 25, any person who produces industrial product which has already been prescribed standard may demonstrate the standard mark on the product upon having been inspected by the competent official and has been licensed by the Secretary-General.¹⁷

¹⁵ Section 15 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

¹⁶ Section 16 is amended by the Industrial Product Standard Act (No. 5), B.E. 2535 (1992).

¹⁷ Section 16 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

The application for license, inspection, and issuance of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 17. For the purpose of safety, or prevention of damage which may occur to the public, or industrial or economic affair of the country, any specific industrial product may be determined to be in accordance with the standard.

The determination under paragraph one shall be enacted by a Royal Decree specifying the date of enforcement of not less than sixty days from the date of publication in the Government Gazette.

Section 18.¹⁸ Prior to the enactment of the Royal Decree under section 17, the Office shall render a public hearing of representatives of stake holders or interested party concerned in accordance with the rule and procedure prescribed by the Committee.

Section 19.¹⁹ Upon having rendered the public hearing under section 18, the Office shall take into account the public opinion in the enactment of the Royal Decree under section 17.

Section 20.²⁰ Subject to section 25, any person who produces industrial product which is required to be in accordance with the standard must submit evidence for inspection by the competent official and have been licensed by the Secretary-General.²¹

The application for license, inspection, and issuance of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 20 bis.²² In the case where it is necessary to produce industrial product which is different from the prescribed standard for use occasionally in the Kingdom, the Secretary-General may temporarily permit the licensee under section 20 to produce the industrial product, which is required by the Royal Decree to comply with the standard, in

¹⁸ Section 18 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

¹⁹ Section 19 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

²⁰ Section 20 is amended by the Industrial Product Standard Act (No. 5), B.E. 2535 (1992).

²¹ Section 20 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

²² Section 20 bis is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

accordance with the foreign or international standard, either lower or higher than the standard under this Act.²³

The foreign or international standard under paragraph one must be approved by the Committee, and such industrial product must be produced in accordance with the rule and condition prescribed by the Committee.

Section 20 *ter*.²⁴ In the case where it is necessary to produce industrial product which is different from the prescribed standard for the purpose of export, the producer of the industrial product, which is required by the Royal Decree to comply with the standard, shall inform the Office before commencing to produce such product, and shall comply with the rule and condition prescribed by the Committee.

Upon having been informed under paragraph one, the Office shall issue a receipt of information as evidence to the informer on the date of information, and the informer may commence the production of industrial product as from the date of receipt of information thereof.

Section 20 *quarter*.²⁵ In the case where there is a foreign regulation or international agreement, or an agreement between the exporter and importer, prescribing that any specific industrial product is required to be in accordance with the foreign or international standard or regulation if it is imported into such country, the Office may enter into an agreement with a foreign agency concerning the accreditation of inspection or certification of such industrial product in accordance with the rule and condition prescribed by the Committee, notwithstanding that the industrial product is required by the Royal Decree to comply with the standard or not, and such foreign agency may either be a State or private agency.

Section 20 *quinque*.²⁶ In respect of the inspection or certification of standard under this Act, the Committee may announce the adoption of standard or inspection or certification prescribed or performed by other agency, or entrust other agency

²³ Section 20 *bis* paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

²⁴ Section 20 *ter* is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

²⁵ Section 20 *quarter* is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

²⁶ Section 20 *quinque* is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

to carry out the inspection or certification or any other activity concerning inspection or certification, notwithstanding that such agency is situated in the country or a foreign country, or it is a State or private agency. However, the announcement of standards, list of names of agencies performing inspection or certification, kinds of industrial products, laboratories, and scope of inspection or certification concerned shall be published in the Government Gazette.

Section 21.²⁷ Subject to section 25 any person who imports the industrial product which is required to be in accordance with the standard for sale in the Kingdom must submit evidence for inspection by the competent official and have been licensed by the Secretary-General.²⁸

The application for license, inspection, and issuance of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 21 *bis*.²⁹ In the case where it is necessary to import into the Kingdom the industrial product which is different from the prescribed standard for use occasionally in the Kingdom, the Secretary-General may temporarily permit any person to import into the Kingdom the industrial product, which is required by the Royal Decree to comply with the standard, in accordance with the foreign or international standard, either lower or higher than the standard under this Act.³⁰

The foreign or international standard under paragraph one must be approved by the Committee, and such industrial product must be imported into the Kingdom in accordance with the rule and condition prescribed by the Committee.

Section 21 *ter*.³¹ (Repealed)

Section 22. The licensee must display the license at a conspicuous place of the place specified in the license.

²⁷ Section 21 is amended by the Industrial Product Standard Act (No. 5), B.E. 2535 (1992).

²⁸ Section 21 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

²⁹ Section 21 *bis* is added by the Industrial Product Standard Act (No. 3), B.E. 2522 (1979).

³⁰ Section 21 *bis* paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³¹ Section 21 *ter* is repealed by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

Section 23. If the license is lost or seriously damaged, the licensee shall file an application for substitute of license with the Secretary-General within thirty days from the date of knowledge that the license is lost or seriously damaged.³²

The application for and issuance of substitute of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 24. The move of the place specified in the license must be licensed by the Secretary-General.³³

The application and issuance of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 25.³⁴ The license issued under section 16, section 20, and section 21 may be transferred only upon having been licensed by the Secretary-General.

Upon having been filed the application for transfer of license by the transferor under paragraph one, the transferee may continue to display or use the sign of industrial standard, or produce or import the product of such standard, as the case may be, until there is an order refusing to permit the transfer of license, and the transferee shall be deemed the licensee who is obliged to comply with this Act.

The Secretary-General shall consider the application for transfer of license and issue an order within thirty days from the date of receiving the application.

In the case where the Secretary-General does not finish the consideration within the period prescribed under paragraph three, such application for transfer of license shall be deemed to have been approved and the Secretary-General shall grant the license for transfer of license without delay.

The application for and issuance of license for transfer of license shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 25 bis.³⁵ In granting the license under section 16, section 20, section 21, section 24, and section 25 the Secretary-General may impose the condition in writing for compliance by the licensee in the following matters:

³² Section 23 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³³ Section 24 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³⁴ Section 25 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

(1) procedure for quality control of the industrial product in accordance with the standard;

(2) time period permitted for demonstrating standard mark;

(3) time period specified for payment of fee for inspection of production procedure of industrial product, or inspection of the industrial product.

The condition imposed under paragraph one may be amended by the Secretary-General.

Section 26.³⁶ (Repealed)

Section 27.³⁷ A license expires when:

(1) the licensee ceases business operation;

(2) the licensee under section 16 files an application for cessation of demonstrating standard mark on industrial product with the Secretary-General;

(3) an announcement or Royal Decree prescribing a new standard or amends or revokes the standard for such industrial product comes into force; provided that in case of prescribing a new standard or amending the former standard, if the licensee wishes to operate the business under the new or amended standard he or she shall file an application before the date the new or amended standard comes into force, and after having filed the application for license he or she may continue to operate the business under the former license and standard within the period prescribed by the Secretary-General but not more than one year from the date the new or amended standard comes into force.

Section 28.³⁸ When the licensee ceases the business operation, he or she must inform the Secretary-General in writing within thirty days from the date of cessation of business operation.

Section 29. The licensee under section 20 and section 21 must produce the industrial product in accordance with the standard, or import the industrial product in accordance with the standard, as the case may be.

³⁵ Section 25 *bis* is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³⁶ Section 26 is repealed by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³⁷ Section 27 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

³⁸ Section 28 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

Section 30. The Minister shall determine the standard mark for displaying on the industrial product under section 16, section 20 and section 21.

The nature of the standard mark, the production and displaying procedure of the standard mark shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 31. No person other than the licensee under section 16, section 20 and section 21 shall use the standard mark.

Section 32. No person shall duplicate the product standard mark for misleading the public.

Section 33.³⁹ The licensee under section 20 and section 21 shall display the standard mark before moving the industrial product from the place of production or receiving it from the customs officer. In the latter case the Secretary-General may permit to be subsequently carried out under the condition determined.⁴⁰

In the case where the industrial product is permitted to be produced or import into the Kingdom under the standard which is different from the prescribed standard under section 20 *bis* or section 21 *bis*, as the case may be, the licensee or the permitted person shall demonstrate the sign of industrial product standard or statement that the industrial product is not in accordance with the standard under this Act as in the case under paragraph one. As for such sign of industrial product or statement, it shall be determined by the Committee.

In the case where it is evidenced that the industrial product imported is in accordance with the foreign standard which is not inferior to the standard under this Act, and the standard mark is already shown on the industrial product, the Committee may exempt the licensee or the permitted person from showing the standard mark under paragraph one, or the sign or statement under paragraph two, as the case may be.

In the case where the production of industrial product which is different from the prescribed standard is informed under section 20 *ter*, the informer shall display the sign of industrial product standard, or statement that the industrial product is produced for

³⁹ Section 33 is amended by the Industrial Product Standard Act (No. 3), B.E. 2522 (1979).

⁴⁰ Section 33 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

export as determined by the Committee, before moving the industrial product from the place of production.⁴¹

Section 34. In using the standard mark, the licensee shall display the name of the licensee or registered trade mark of the licensee in accordance with the rule and procedure prescribed in the Ministerial Regulation.

Section 35. No licensee under section 16, section 20 or section 21 shall demonstrate the standard mark on the industrial product which is not in accordance with the standard.

Section 36.⁴² No person shall advertise, distribute, or possess for distribution, the industrial product which is known that it is not in accordance with section 16, section 20, section 20 *bis*, section 21, section 21 *bis*, section 29, or section 33 paragraph one or paragraph two, or which is known that it is the industrial product which uses or demonstrates the standard mark in violation of section 31, section 32 or section 35.

Section 36/1.⁴³ No person shall advertise, distribute, or possess for distribution, the industrial product which is known that it is the industrial product produced for export under section 20 *ter*, except it is distributed for export.

Section 37.⁴⁴ When it appears that the licensee violates or fails to comply with section 24, section 25, section 29, section 33 paragraph one, section 34, section 35, or the Ministerial Regulation issued under this Act, or the condition prescribed by the Secretary-General under section 25 *bis*, the Secretary-General has the power to suspend the license for not exceeding three months each time,

⁴¹ Section 33 paragraph four is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁴² Section 36 is amended by the Industrial Product Standard Act (No. 3), B.E. 2522 (1979).

⁴³ Section 36/1 is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁴⁴ Section 37 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

Section 38.⁴⁵ In the case where the licensee whose license is suspended has already complied with this Act correctly, the Secretary-General shall order the revocation of order suspending the license before the period determined.

Section 39.⁴⁶ The Secretary-General has the power to revoke the license when it appears that the licensee whose license has ever been suspended repeats the commission of offense on the same ground again within the period of five years.

Section 39 *bis*.⁴⁷ The Secretary-General has the power to revoke the permission granted under section 20 *bis* or section 21 *bis*. when it appears that the licensee or permitted person, as the case may be, fails to comply with section 33 paragraph two, or the rule or condition prescribed by the Committee,

Section 39 *ter*.⁴⁸ The Secretary-General has the power to revoke the receipt of information under section 20 *ter* when it appears that the licensee fails to export the industrial product produced for whatever reason, or the industrial product has been exported but it is returned into the Kingdom again, or fails to comply with section 33 paragraph four, or the rule or condition prescribed by the Committee under section 20 *ter*.

Section 40.⁴⁹ Before ordering the suspension of license under section 37, or the revocation of license under section 39, the Secretary-General shall issue a written warning to the licensee demanding the licensee to comply with this Act within determined period; provided that this may not exonerate the offence under this Act. In the case where such licensee is not found, the warning shall be posted at the place specified in the license, and the licensee shall be deemed to have known of such warning as from the date of posting the written warning.

⁴⁵ Section 38 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁴⁶ Section 39 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁴⁷ Section 39 *bis* is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁴⁸ Section 39 *ter* is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁴⁹ Section 40 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

Section 41.⁵⁰ The Office shall send the order under section 37, section 39, section 39 *bis*, section 39 *ter* in writing to the person whose license is suspended or revoked, or permission or receipt of information is revoked. In the case where such person is not found, the written order shall be posted at the place specified in the license, written permission, or receipt of information, as the case may be, and such person shall be deemed to have known of such order as from the date of posting the written order.

Section 42.⁵¹ The appeal against the order of the Secretary-General shall be in accordance with the law on administrative procedure.

Section 43. The person whose license for any specific industrial product is revoked shall not be eligible for applying for license of such industrial product again, unless after the lapse of six months from the date of knowledge of such order.

Section 44.⁵² In the performance of duty, the competent official shall have the power as follows:

(1) to enter the place of production, storage, or distribution of industrial product during sunrise and sunset, or during working hours, or the vehicle loading industrial product, for inspecting industrial product or production of industrial product whether it has complied with this act or not, and take the industrial product, the material used for production of industrial product, or material having ground to believe that it is used for producing industrial product, in an appropriate amount as sample for inspection;

(2) to enter the place or any other area during sunrise and sunset, or during working hours, or the vehicle loading industrial product, upon having ground to suspect that it does not comply with this Act or violates this Act, and take the industrial product, the material used for production of industrial product, or material having ground to believe that it is used for producing industrial product, in an appropriate amount as sample for inspection;

(3)⁵³ to seize or sequester the industrial product having ground to believe that:

⁵⁰ Section 41 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁵¹ Section 42 is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁵² Section 44 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

⁵³ Section 44 (3) is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

(a) it is not in accordance with section 16, section 20, section 20 *bis*, section 20 *ter*, section 21, section 21 *bis*, section 29, or section 33 paragraph one or paragraph two;

(b) it is not in accordance with the rule or condition prescribed by the Committee under section 20 *bis* paragraph two, section 20 *ter* paragraph one, or section 21 *bis* paragraph two;

(c) it is the industrial product using or demonstrating standard mark which violates section 31, section 32 or section 35; or

(d) it is the industrial product produced for export which the receipt of information is revoked under section 39 *ter*.

Section 45. The competent official must bear the competent official identity card in the form prescribed in the Ministerial Regulation.

In the performance of duty under section 44, the competent official must produce the competent official identity card to the person concerned.

Section 46.⁵⁴ In respect of the industrial product seized or sequestered under section 44 (3), the Committee shall have the power as follows:

(1) in the case where the licensee under section 16 violates section 35, or in case of non-compliance with section 16 which violates section 31, the Committee may order the modification or improvement of industrial product so as to be in accordance with the standard, or order the destruction of standard mark, or removal of standard mark from the industrial product, or otherwise to order the disintegration of such product;

(2) in case of non-compliance with section 20 or section 21, or violation or non-compliance with the rule or condition prescribed by the Committee under section 20 *bis* paragraph two or section 21 *bis* paragraph two, the Committee may order the disintegration of the industrial product, or in case of import of industrial product, it may order the return of industrial product, or otherwise to order the disintegration of the industrial product, or may order suspending the performance for the producer or importer to apply for license or permission;

(2/1)⁵⁵ in case of the industrial product produced for export which the receipt of information is revoked under section 39 *ter*, the Committee may order the disintegration of such industrial product;

⁵⁴ Section 46 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

(3) in the case where the licensee fails to comply with section 29, the Committee may order the modification or improvement of industrial product so as to be in accordance with the standard, or may order the disintegration of such industrial product, or in case of import, the Committee may order such industrial product to be returned, and may order destruction of standard mark, or may also remove the standard mark from the industrial product, otherwise it may order the disintegration of such industrial product;

(4) in the case where the advertiser, distributor, or possessor for distribution violates section 36, the Committee may order the modification or improvement of industrial product so as to be in accordance with the standard, or may order the disintegration of such industrial product.

However, the licensee, permitted person, producer, importer, advertiser, distributor, or possessor for distribution, as the case may be, shall bear the expense concerning the modification, improvement, deformation, or return of the industrial product, or suspension for applying for license or permission, or destruction of sign of industrial product standard, or removal of the standard mark from the industrial product.

Section 46 *bis*.⁵⁶ In respect of the object seized or sequestered under section 44 (3), if within the period of ninety days from the date of seizure or sequestration no one claims to be owner or possessor, it shall be vested in the State and the Office, with the approval of the Committee, shall have power to handle it any way as it deems appropriate.

If the object seized or sequestered under section 44 (3) is perishable, or if it is kept it is risky to be damaged, or the maintenance expense may exaggerate beyond the value of such object, the Office may render such object to be sold by auction before the case becomes final, or before such object is vested in the State. The money derived from selling such object after deducting the expense and all the encumbrances, the net balance shall be held in place of such object.

Section 47. The person concerning the performance of duty of the competent official shall render facility, assistance or explanation to the competent official as requested.

⁵⁵ Section 46 (2/1) is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁵⁶ Section 46 *bis* is added by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

Section 48.⁵⁷ Any person who fails to comply with section 20 or section 21 shall be liable to an imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht, or to both.

Section 48 *bis*.⁵⁸ Any person who produces or imports into the Kingdom the industrial product under section 20 *bis* paragraph one, section 20 *ter* paragraph one, or section 21 *bis* paragraph one without permission or information, or violates or fails to comply with the rule or condition prescribed by the Committee under section 20 *bis* paragraph two, section 20 *ter* paragraph one, or section 21 *bis* paragraph two, as the case may be, or fails to comply with section 33 paragraph two or paragraph four, shall be liable to an imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht, or to both.

Section 48 *ter*.⁵⁹ Any person who prepares the whole or any part of the report on inspection of production of industrial product, or inspection of industrial product standard, or adds or reduces the statement, or amends by any means whatsoever in the report which is false, in order to mislead any person that the production of industrial product or industrial product is in accordance with the standard shall be liable to an imprisonment for a term from six months to five years and to a fine from two hundred thousand Baht to two million Baht.

Section 49.⁶⁰ Any licensee who fails to comply with section 22 or section 23 paragraph one shall be liable to a fine not exceeding one thousand Baht.

Section 50.⁶¹ Any licensee who fails to comply with section 24, section 25, section 28, section 33 paragraph one, or section 34 shall be liable to a fine from thirty thousand Baht to three hundred thousand Baht.

⁵⁷ Section 48 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁵⁸ Section 48 *bis* is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁵⁹ Section 48 *ter* is added by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶⁰ Section 49 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

⁶¹ Section 50 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

Section 51.⁶² Any licensee who fails to comply with section 29 shall be liable to an imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht, or to both.

Section 52.⁶³ Any person who violates section 31 or section 32 shall be liable to an imprisonment for a term not exceeding three months or to a fine from one hundred thousand Baht to one million Baht, or to both.

Section 53.⁶⁴ (Repealed)

Section 54.⁶⁵ Any licensee who violates section 35 shall be liable to the penalty as follows:

(1) in case of the licensee under section 16, he or she shall be liable to an imprisonment for a term not exceeding three months or to a fine from one hundred thousand Baht to one million Baht, or to both;

(2) in case of the licensee under section 20 or section 21, he or she shall be liable to an imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht, or to both.

Section 55.⁶⁶ Any person who violates section 36 or section 36/1 shall be liable to an imprisonment for a term not exceeding one month or to a fine from five thousand Baht to fifty thousand Baht, or to both.

Section 56.⁶⁷ Any person who obstructs the competent official who is performing the duty under section 44 shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding twenty thousand Baht, or to both.

⁶² Section 51 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶³ Section 52 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶⁴ Section 53 is repealed by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶⁵ Section 54 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶⁶ Section 55 is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁶⁷ Section 56 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

Section 56 *bis*.⁶⁸ Any person who fails to comply with the order of the Committee issued under section 46 shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding twenty thousand Baht, or to both.

Section 57.⁶⁹ Any person who fails to render facility, assistance, or explanation to the competent official under section 47 shall be liable to a fine not exceeding one thousand Baht.

Section 57 *bis*.⁷⁰ In the case where a juristic person is an offender under this Act, if the offense is committed through the direction, or act of any person, or failure to direct, or omission in the duty which is to be carried out by representative of the juristic person, Director, manager, or any person acting in place of the juristic person, such person shall also be liable to the penalty prescribed for such offense.

Section 57 *ter*.⁷¹ In respect of all the offenses under this act which is punishable by fine only, or by fine or imprisonment for a term not exceeding one month, the Secretary-General or competent official entrusted by the Secretary-General shall have power to settle the case.

After the offender has paid the fine as settled, the case shall be deemed settled under the Criminal Procedure Code.⁷²

Section 58. The Minister of Industry shall have charge and control of the execution of this act, and shall have power to appoint competent officials and issue Ministerial Regulations prescribing fee not exceeding the rate attached hereto, reduce or exempt the fee, and determine other activity for implementation of this Act.⁷³

⁶⁸ Section 56 *bis* is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

⁶⁹ Section 57 is amended by the Industrial Product Standard Act (No. 4), B.E. 2531 (1988).

⁷⁰ Section 57 *bis* is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁷¹ Section 57 *ter* is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).

⁷² Section 57 *ter* paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

⁷³ Section 58 paragraph one is amended by the Industrial Product Standard Act (No. 7), B.E. 2558 (2015).

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

Countersigned by

Field Marshal Thanom Kittykachorn

Prime Minister

Office of the Council of State

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RATE OF FEE⁷⁴

(1) License under section 16	10,000 Baht each.
(2) License under section 20	10,000 Baht each.
(3) License under section 21	10,000 Baht each.
(4) License under section 24	5,000 Baht each.
(5) License under section 25	5,000 Baht each.
(6) Substitute of license	1,000 Baht each.

Office of the Council of State

⁷⁴ Rate of Fees is amended by the Industrial Product Standard Act (No. 6), B.E. 2548 (2005).