

**RADIO COMMUNICATION ACT,
B.E. 2498 (1955)****

BHUMIBOL ADULYADEJ, REX.
Given on the 22nd January B.E. 2498 (1955)
Being the 10th Year of the Present Reign.

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

Whereas it is expedient to revise the law on radio communication.
Be it, therefore, enacted by the King, by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act is called the “Radio Communication Act, B.E. 2498”.

Section 2.¹ This Act shall come into force after the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Radio Communication Act, Buddhist Era 2478 (1935);
- (2) the Radio Communication Act (No. 2), Buddhist Era 2481 (1938);
- (3) the Radio Communication Act (No. 3), Buddhist Era 2483 (1940);
- (4) the Radio Communication Act (No. 4), Buddhist Era 2485 (1942);
- (5) the Radio Communication Act (No. 5), B.E. 2491 (1948);
- (6) the Radio Communication Act (No. 6), B.E. 2497 (1954);

* Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

** As amended up to the Radio Communication (No.3), B.E. 2535 (1992).

¹ Published in the Government Gazette, Vol. 72, Part 11, p. 208, dated 8th February, B.E. 2498 (1955).

(7) all other laws, rules and regulations in so far as they are already provided herein, or are contrary to or inconsistent with the provisions of this Act.

Section 4. In this Act:

“Hertzian wave” means an electromagnetic wave with a frequency in the range from 10 kilocycle per second to 3,000,000 megacycle per second;

“Radio communication” means the transmission or reception of sign, signal, alphabet, picture, and sound or other thing which is understandable by Hertzian wave;

“Radio communication device”² means a radio communication transmitter, radio communication receiver, or radio communication transmitter-receiver, excluding a radio broadcasting receiver, radio-television receiver, radio communication transmitter, radio communication receiver, or radio communication transmitter- receiver by Hertzian wave of the feature and category prescribed in the Ministerial Regulation;

For the purpose of controlling the use of radio communication device, any ancillary device of the radio communication device prescribed in the Ministerial Regulation shall also be a radio communication device.

“Radio communication officer” means a user of radio communication device;

“Radio communication station” means the place for radio communication transmission or radio communication receipt or radio communication transmission-receipt;

“Produce” includes the assembly, transformation or regeneration;

“Bring in” means to bring into the Kingdom;

“Take out” means to take out of the Kingdom;

“Trade”³ includes possession for sale or repair;

“License granting official” means the official appointed by the Minister under this Act;

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

² Definition of “Radio communication device” of section 4 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

³ Definition of “Trade” of section 4 is added by the Radio Communication Act (No. 3), B.E. 2535 (1992).

Section 5.⁴ This Act, except section 11 and section 12, shall not apply to:

- (1) a Ministry and Sub-Ministry;
- (2) the juristic person prescribed in the Ministerial Regulation.

Section 6.⁵ No person shall produce, possess, use, bring in, take out, or trade in radio communication device unless having been licensed by the license granting official.

In case it deems appropriate, the Minister has the power to issue a Ministerial Regulation prescribing certain feature or category of radio communication device is exempted from requiring to be granted a license, in whole or in any specific case, under paragraph one.

Section 7. No person shall perform the duty of radio communication officer in the position prescribed in the Ministerial Regulation unless having been licensed by the license granting official.

Section 8. No person shall receive foreign radio communication news for advertising purpose unless having been licensed by the license granting official.

Section 9.⁶ Licenses under this Act are as follows:

- (1) a license to produce shall be valid for one hundred and eighty days from the date of issuance;
- (2) a license to possess shall be valid for one year from the date of issuance;
- (3) a license to use shall be valid for all the life time of the radio communication device;

⁴ Section 5 is amended by the Radio Communication Act (No. 2), B.E. 2504 (1961).

⁵ Section 6 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

⁶ Section 9 is amended by the Radio Communications Act (No. 3), B.E. 2535 (1992).

(4) a license to bring in shall be valid for one hundred and eighty days from the date of issuance;

(5) a license to take out shall be valid for thirty days from the date of issuance;

(6) a license to trade shall be valid for one year from the date of issuance, except the license specifically issued for repair only shall be valid for five years from the date of issuance;

(7) a license to establish a radio communication station shall be valid at all time the licensee uses the station specified in the license as a radio communication station;

(8) a license for radio communication officer shall be valid for five years from the date of issuance;

(9) a license to receive foreign radio communication news for advertising purpose shall be valid for one year from the date of issuance.

The licensee under (1), (3), (4), (5), (6), or (7) shall also be deemed licensed to possess radio communication device.

Section 10. The Minister shall have power to issue a special license for a person to establish an aeronautical radio station specifically for the purpose of safety in civil aviation. In issuing such special license, the Minister may specify any condition thereon.

The licensee must comply with the condition specified by the Minister.

Section 11.⁷ No person shall establish a radio communication station unless having been licensed by the license granting official.

The radio communication station must transmit accurate radio frequency in accordance with the regulation on radio communication annexed to the International Telecommunication Convention.

For the implementation under paragraph one and paragraph two, the National Broadcasting and Telecommunications Commission has the power to impose conditions on establishment of a radio communication station, and the National Broadcasting and Telecommunications Commission or the person entrusted

⁷ Section 11 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

has the power to control and determine the transmission of radio frequency by various radio communication stations.⁸

In case it deems appropriate, the Minister has the power to issue a Ministerial Regulation prescribing the radio communication station used for certain category of services to be exempted from application for license under paragraph one.

Section 11 *bis*.⁹ The Minister has the power to issue an announcement prescribing that the transmitter of radio frequency for any service or in any manner must pay the remuneration for using such radio frequency to the Government at the rate he or she deems appropriate.

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

Section 12. No radio communication station shall operate radio communication services for the purpose other than those indicated in the license or official service of the Ministry, Sub-ministry, or Department or service of the juristic person under section 5.

Section 13. No conveyance shall use radio communication device unless for use in the service prescribed in the Ministerial Regulation or occasionally permitted by the Minister.

Section 14. For the purpose of maintaining public order or protecting the Kingdom, the Minister has the power to issue a provisional order rendering competent official to seize, use, or prohibit the use or move the radio communication device or any part thereof within the period or condition prescribed in such order.

⁸ Section 11 paragraph three is amended by section 81 of the Organization for Radio Frequency Allocation and Supervision of Broadcasting and Telecommunications Services Act, B.E. 2553 (2010).

⁹Section 11 *bis* is added by the Radio Communication Act (No. 3), B.E. 2535 (1992).

Section 15. For any person who unintentionally disturbs or obstructs the radio communication service, the license granting official or entrusted person has the power to order such person to stop such action or to rectify the device used in such action, or to move such device away from the area of disturbance.

Section 16. No person shall send or render the sending of message known to be false, or any other message which is not permitted by the competent official and may be detrimental to the country or the public.

Section 17. No person shall illegally trap, utilize, or disclose the radio communication news which is not aimed at public benefit, or may be detrimental to the country or the public.

Section 18. For the purpose of inspecting the radio communication device or part of it, radio communication station, object which disturbs or obstructs radio communication service, or license, the license granting official or entrusted person has the power to enter any person's premises or conveyance at a proper time.

If it appears that any person commits an offence under this Act, or there is a reasonable ground to suspect of such commission, the license granting official or entrusted person under paragraph one has the power to arrest such person including the object used for the commission of offence for further proceeding.¹⁰

Section 19. In the case where a licensee violates the provisions of this Act, the Ministerial Regulation issued under this Act, or the condition imposed in the license, the license granting official has the power to revoke or suspend the license of such person.

The licensee may appeal to the National Broadcasting and Telecommunications Commission within thirty days from the date of revocation or

¹⁰ Section 18 paragraph two is added by the Radio Communication Act (No. 3), B.E. 2535 (1992).

suspension. The decision of the National Broadcasting and Telecommunications Commission shall be final.¹¹

Section 20. The Government shall not be responsible in case of any loss or damage which may arise from improper functioning of the radio communication device of the Government, and shall not be responsible to the receipt, transmission, or delivery of any radio communication message.

In case of the aforementioned paragraph, the competent official shall neither be responsible, except such official has intentionally, fraudulently, or negligently contributed to the incident.

Section 21. As regard the commission of offence under this Act, the license granting official has the power to settle the case occurred thereto.

Section 22. Upon the judgment of the Court that any person has committed an offence under this Act, the Court may order the seizure of object used for commission of the offence for use in official service of the Office of the National Broadcasting and Telecommunications Commission.¹²

Section 23.¹³ Any person who violates section 6, section 11 or section 16 shall be liable to a fine not exceeding one hundred thousand Baht, or to an imprisonment for a term not exceeding five years, or to both.

Section 24.¹⁴ In case there is a violation of section 12 or section 13, the controller of the radio communication station or radio communication device,

¹¹ Section 19 paragraph two is amended by section 81 of the Organization for Radio Frequency Allocation and Supervision of Broadcasting and Telecommunications Services Act, B.E. 2553 (2010).

¹² Section 22 is amended by section 81 of the Organization for Radio Frequency Allocation and Supervision of Broadcasting and Telecommunications Services Act, B.E. 2553 (2010).

¹³ Section 23 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

¹⁴ Section 24 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

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and the person who takes part in such commission of offence shall be liable to a fine not exceeding forty thousand Baht, or to an imprisonment for a term not exceeding two years, or to both.

Section 25.¹⁵ Any person who violates section 7, section 8 or section 17 shall be liable to a fine not exceeding forty thousand Baht, or to an imprisonment for a term not exceeding two years, or to both.

Section 26.¹⁶ Any person who unintentionally disturbs or obstructs the radio communication service, shall be liable to a fine not exceeding one hundred thousand Baht, or to an imprisonment for a term not exceeding five years, or to both.

Section 27.¹⁷ Any person who violates the order of the license granting official or entrusted person under section 15 shall be liable to a fine not exceeding forty thousand Baht, or to an imprisonment for a term not exceeding two years, or to both.

Section 28. All the licenses or certificates issued under the law on radio communication before the date this Act comes into force shall continue to be valid until the end of validity of such licenses or certificates.

Section 29. The Minister of Information and Communication Technology shall have charge and control of the execution of this Act, and shall have power to appoint license granting officials and prescribe the Ministerial Regulation:

- (1) regulating the application for and issuance of license;
- (2) determining the procedure of revocation and suspension of license;

¹⁵ Section 25 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

¹⁶ Section 26 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

¹⁷ Section 27 is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

(3)¹⁸ determining the rate of fee under this Act;

(4) determining the specification of radio communication devices and qualification of radio communication officers;

(5) determining any other activity for the implementation of this Act.

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

Countersigned by

Field marshal Phibunsongkhram

Prime Minister

¹⁸ Section 29 (3) is amended by the Radio Communication Act (No. 3), B.E. 2535 (1992).

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RATE OF FEE¹⁹

(Repealed)

Office of the Council of State

¹⁹ Rate of fee is repealed by the Radio Communication Act (No. 3), B.E. 2535 (1992).

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