

**ORGANIZATION TO ASSIGN FREQUENCY WAVES AND
TO REGULATE THE RADIO BROADCASTING, RADIO TELEVISION AND
TELECOMMUNICATIONS SERVICES ACT,
B.E. 2553 (2010)**

BHUMIBOL ADULYADEJ, REX;
Given on the 17th Day of December B.E. 2553;
Being the 65th 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 organization to assign frequency waves and to regulate the radio broadcasting, radio television and telecommunications services;

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29 in conjunction with section 35, section 36, section 41, section 43, section 45, section 46, section 47, section 61 and section 64 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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 “Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2553 (2010)”.

Section 2¹. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

* Translated by Ms. Mattanee Kaewpanya, and reviewed by Prof. Phijaisakdi Horayangkura 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.

¹Published in the Government Gazette, Vol. 127, Part 78 a, Page 1, dated 19th December B.E. 2553 (2010).

Section 3. The Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000) shall be repealed.

Section 4. In this Act:

“Frequency Waves” means Radio or Hertzian waves which are electromagnetic waves with frequencies lower than three million megahertz being transmitted into empty space without artificial guider;

“Telecommunications” means emission, transmission or reception of signs, signals, texts, digits, images, sounds, codes or other things whose meanings are capable of being understood by frequency wave system, wire system, photosystem, electromagnetic system, or other systems;

“Radio communication” means emission, transmission or reception of signs, signals, texts, digits, images, sounds, codes or other things whose meanings are capable of being understood by frequency waves;

“Radio Broadcasting” means radio communication emitting or transmitting sounds for direct reception by the general public;

“Radio Television” means radio communication transmitting images and sounds for direct reception by the general public;

“Sound Broadcasting Service” means radio broadcasting service and sound broadcasting service which provide emission of public news or programmes to receivers being capable of listening to such services, either by emitting via either of frequency wave system, wire system, photosystem, electromagnetic system or other systems, or combination of many systems; or other similar services being determined by the NBTC to be the Sound Broadcasting Service;

“Television Service” means radio television service or television service which provides emission of public news or programmes to receivers being capable of viewing and listening to such services, either by emitting via either of frequency wave system, wire system, photosystem, electromagnetic system or other systems, or combination of many systems; or other similar services being determined by the NBTC to be the Television Service;

“Radio Communication Service” means service, which is a reception and emission of signs, signals, texts, digits, images, sounds, codes or other things whose meanings are capable of being understood by frequency wave system, for purposes of telecommunications in any specific service or *ad hoc* service which is not the undertakings of

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telecommunications service under the law on telecommunications, sound broadcasting or television service under the law on sound broadcasting and television services;

“Telecommunications Service” mean service, which provides emission, transmission, or reception of signs, signals, texts, digits, images, sounds, codes or other things whose meanings are capable of being understood either by frequency wave system, wire system, photosystem, electromagnetic system or other systems, or combination of many systems, including satellite communication service or other systems being determined by the NBTC to be the Telecommunications Service, but excluding services that are sound broadcasting service, television service, and radio communication service;

“Frequency Waves Allocation Table” means allocation of radio frequency bands of the radio broadcasting, radio television, radio communication, telecommunications, and other services, to be used under conditions specified by the NBTC;

“Radio Frequency Plan” means allocation of radio frequency channels for the radio broadcasting service, radio television service, radio communication service, and telecommunications service, to be used under conditions specified by the NBTC;

“Frequency Assignment” means authorization given for radio broadcasting stations, radio television stations or radio communication stations to use the radio frequencies or radio frequency channels as specified in the Frequency Waves Allocation Table or the Radio Frequency Plan, to be used under conditions specified by the NBTC;

“Community” means a group of people, who has the same area of residence either in a city or rural area, and also includes a group of people who has common interest and resides in adjacent area or can communicate to each other, sharing cohesive socio and cultural benefits, collaborating continuously in activities which are lawful and morally righteous with proper management and being able to express intention on behalf of the group;

“Fund” means the Broadcasting and Telecommunications Research and Development Fund for the Public Interest;

“Commissioner” means a commissioner of the National Broadcasting and Telecommunications Commission;

“Officer” means a person appointed by the National Broadcasting and Telecommunications Commission to perform duties under this Act.

Section 5. The Prime Minister shall have charge and control of the execution of this Act.

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CHAPTER I
THE NATIONAL BROADCASTING AND TELECOMMUNICATIONS COMMISSION

Part 1

Component, Qualifications and Prohibitions of the Commissioners

Section 6. There shall be a National Broadcasting and Telecommunications Commission, or the “NBTC” in brief, consisting of eleven Commissioners as follows:

(1) one person having achievement or knowledge, and expertise or experience in the sound broadcasting services; and another one in the television services;

(2) two persons having achievement or knowledge, and expertise or experience in the telecommunications services;

(3) two persons having achievement or knowledge, and expertise or experience in law which are beneficial to the regulation of the sound broadcasting services, television services, and telecommunication services; and another two persons in economics;

(4) one person having achievement or knowledge, and expertise or experience in consumer protection or promotion of rights and freedom of people which is beneficial to the regulation of the sound broadcasting services and television services; and another person for the regulation of the telecommunications services;

(5) one person having achievement or knowledge, and expertise or experience in education, culture, or social development which is beneficial to the regulation of the sound broadcasting services, television services, and telecommunications services.

The Secretary-General of the Office of the NBTC shall be secretary of the NBTC.

Section 7. The Commissioners shall have qualifications and not be under any of the prohibitions as follows:

A. General qualifications:

(1) being of Thai nationality by birth;
(2) being of not less than thirty-five years of age, but not more than seventy years of age;

B. Prohibitions:

- (1) not being a person holding a political position;
- (2) not being a holder of any position in a political party;
- (3) not being of unsound mind or of mental infirmity;

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(4) not being addicted to narcotics;

(5) not being bankrupt or having been bankrupt due to dishonesty;

(6) not being sentenced by a judgment to imprisonment and being detained by a warrant of the Court;

(7) not having been sentenced by a final judgment for any offence, except for an offence committed through negligence, a petty offence or defamation offence;

(8) not having been expelled, dismissed or discharged from official service, a State agency, a State enterprise, or a private agency on the grounds of dishonest performance of duties or gross misconduct or deemed as having committed dishonest acts and malfeasance in official service;

(9) not having been ordered by a judgment or an order of the Court that his or her assets shall vest in the State on the grounds of unusual wealth or unusual increase of assets;

(10) not being a judge of the Constitutional Court, an Election Commissioner, an Ombudsman, a member of the National Anti-corruption Commission, a member of the State Audit Commission, or a member of the National Human Rights Commission;

(11) not having been removed from office by the resolution of the Senate;

(12) not being or having been a board member, director, executive, advisor, officer, shareholder, or partner in a company or a partnership or any other juristic person carrying out undertakings in the sound broadcasting services, television services or telecommunications services, for a period of one year prior to having been nominated under section 10 or prior to having been selected under section 15;

(13) not being under prohibition to hold a political position.

Section 8. The Commissioner shall not:

(1) be a government official holding a permanent position or receiving salary;

(2) be an official or employee of a State agency, State enterprise, or local administration, nor a board member or advisor of a State enterprise or State agency;

(3) have any other occupation or independent occupation having a stake or conflicts of interest, either directly or indirectly, in execution of duties of the Commissioner.

Part 2

Acquisition of a List of Suitable Persons to be Selected as Commissioners by Method of Selection Among the Nominees

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Section 9. For the benefit of nominating suitable persons to be selected as Commissioners under Part 4, associations, institutes or organizations having the following characteristics shall be eligible for registration with the Secretariat of the Senate:

(1) a professional association of sound broadcasting services or television services, having been registered as a juristic person for not less than five years;

(2) a professional association of telecommunications services, having been registered as a juristic person for not less than five years;

(3) a higher education institute which is a juristic person and offers degree courses in mass communications, journalism or mass media for not less than five years;

(4) a higher education institute which is a juristic person and offers degree courses relating to telecommunications for not less than five years;

(5) a higher education institute which is a juristic person and offers degree courses in law for not less than five years;

(6) a higher education institute which is a juristic person and offers degree courses in economics for not less than five years;

(7) a non-governmental organization seeking no profits or income for sharing, which has main objectives in protecting rights of consumers or promoting rights and freedom of people, and has been registered as a juristic person for not less than five years;

(8) a non-governmental organization seeking no profits or income for sharing, which has main objectives in education, culture or social development, and has been registered as a juristic person for not less than five years.

The professional association under paragraph one must have main objectives related to professions, and have practitioners working in the sound broadcasting services, television services or telecommunications services as its members.

Associations or organizations being eligible for registration under (1) (2) (7) and (8) shall be those that carry out activities continuously and have apparent work records. In case any association or organization having main objectives in several areas, it shall opt for registration to be any one of the association or organization under (1) (2) (7) or (8) only.

When the Secretariat of the Senate registers any association, institute or organization under paragraph one, it shall be deemed valid. A subsequent Court ruling that such registration is unsound, shall not prejudice the acts already taken by the Secretariat of the Senate prior to the date the Court issues its ruling.

Any association, institute or organization being rejected for registration under paragraph one shall have the right to file a case with the Administrative Court. However, such

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proceeding shall not be the cause for suspension or deferral of nomination or selection process under this Act.

The registration of associations, institutes or organizations under paragraph one shall be in accordance with the criteria, procedures and conditions prescribed by the Secretary-General of the Secretariat of the Senate.

The Secretariat of the Senate shall announce the list of registered associations, institutes or organizations to the public. The list shall be in effect until being amended as prescribed by the Secretary-General of the Secretariat of the Senate.

Section 10. Where there are grounds for selection and appointment of Commissioners, the Secretariat of the Senate shall announce through radiobroadcasting, radio television, print media and electronic media for at least seven consecutive days. The associations, institutes or organizations having registered under section 9 wishing to nominate suitable persons to be selected as the Commissioners shall submit names together with their consent letters within the time period prescribed by the Secretary-General of the Secretariat of the Senate in accordance with the following criteria:

(1) each professional association under section 9 (1) and the higher education institute under section 9 (3) are entitled to nominate two persons under section 6 (1);

(2) each professional association under section 9 (2) and the higher education institute under section 9 (4) are entitled to nominate two persons under section 6 (2);

(3) each higher education institute under section 9 (5) is entitled to nominate two persons having work records or knowledge and expertise or experience in law under section 6 (3);

(4) each higher education institute under section 9 (6) is entitled to nominate two persons having work records or knowledge and expertise or experience in economics under section 6 (3);

(5) each non-governmental organization under section 9 (7) is entitled to nominate two persons under section 6 (4);

(6) each non-governmental organization under section 9 (8) is entitled to nominate two persons under section 6 (5).

In case any association, institute or organization registered under section 9 does not nominate any candidate according to paragraph one for whatever reasons, this shall not prejudice the ongoing selection process.

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Section 11. Upon the expiration of time period under section 10, the Secretariat of the Senate shall examine qualifications of the nominees whether they are in compliance with the requirements in section 7 and section 10. In case it appears that any nominee does not have the required qualifications under section 7 or section 10, it shall inform the respective associations, institutes or organizations nominating that person to nominate another candidate within the timeframe specified by the Secretary-General of the Secretariat of the Senate. If, upon elapse of such timeframe, those associations, institutes or organizations fail to nominate a candidate, it shall be deemed as waiving such right to nomination.

When the timeframe for nomination under paragraph one or section 10 has elapsed, as the case may be, if the nominee dies or revokes the nomination letter of consent or is disqualified for whatever reasons, the Secretariat of the Senate shall further continue the process without obtaining any new nomination.

Section 12. Upon the expiration of time period for nomination, if the number of nominees is less than double of the amount of the numbers specified in each category under section 13 (1) (2) (3) (4) and (5), the Secretary-General of the Secretariat of the Senate shall extend the nomination period for not more than thirty days as from the due date specified in section 10.

When the extension period under paragraph one has elapsed and the number of nominees is still less than that specified in paragraph one, the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Defense and the Permanent Secretary of the Ministry of Information and Communications Technology shall collaboratively nominate suitable persons, who have the qualifications and not be under any of the prohibitions under section 6 and section 7, to be selected as Commissioners to fulfill the numbers in each category as specified in paragraph one.

Section 13. When the nomination period under section 10, section 11 or section 12, as the case may be, has elapsed, the Secretariat of the Senate shall make arrangement for all the nominees to have a meeting in order to make selection among themselves, in accordance with the following procedures:

(1) the nominees under section 10 (1) from the professional associations under section 9 (1) shall elect two nominees among themselves to be Commissioners under section 6 (1), being divided into one of which for the sound broadcasting services and another one for the television services; and the nominees under section 10 (1) from the

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institutes under section 9 (3) shall elect two nominees among themselves to be Commissioners under section 6 (1), being divided into one of which for the sound broadcasting services and the other one for the television services;

(2) the nominees under section 10 (2) from the professional associations under section 9 (2) shall elect two nominees among themselves to be Commissioners under section 6 (2); and the nominees under section 10 (2) from the institutes under section 9(4) shall elect two nominees among themselves to be Commissions under Section 6 (2);

(3) the nominees under section 10 (3) and section 10 (4) shall separately elect eight among themselves to be Commissioners under section 6 (3), being divided into four of which from the field of law and the other four from the field of economics;

(4) the nominees under section 10 (5) shall elect four nominees among themselves to be Commissioners under section 6 (4); being divided into two of which for the regulation of the sound broadcasting services and television services, the other two for the telecommunications services;

(5) the nominees under section 10 (6) shall elect two nominees among themselves to be Commissioners under section 6 (5).

The voting shall be in accordance with the criteria and procedures prescribed by the Secretary-General of the Secretariat of the Senate. The persons obtained highest votes in the order respectively shall be the selected.

Upon having acquired the selected persons under paragraph one and paragraph two, the selected persons under (1) (2) (3) (4) and (5) shall be deemed as the qualified persons under section 6 (1) (2) (3) (4) and (5) and the decision shall be final. The selection process shall be completed within a period not exceeding ninety days as from the date of announcement made to the registered associations, institutes or organizations inviting them to make the nomination of suitable persons to be selected as Commissioners.

Part 3

Acquisition of a List of Suitable Persons to be Selected as Commissioners by Recruitment Method

Section 14. Where there are grounds for selection and appointment of Commissioners, there shall be a Recruiting Committee, having the duty to select suitable persons to be Commissioners, consisting of the following members:

- (1) Chairperson of the National Human Rights Commission;

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- (2) Chairperson of the National Economic and Social Advisory Council;
- (3) Permanent Secretary of the Office of the Prime Minister;
- (4) Permanent Secretary of the Ministry of Defense;
- (5) Permanent Secretary of the Ministry of Information and Communication

Technology;

- (6) Director of Thailand National Electronics and Computer Technology;
- (7) President of Council of Engineers;
- (8) Chairperson of the Council of Disabled People of Thailand;
- (9) Chairperson of the Communication Arts Association of Thailand;
- (10) Chairperson of the Confederation of Radio and Television Profession

Associations;

- (11) Chairperson of the Coordinating Committee of the Non-Governmental

Organizations;

- (12) Chairperson of Broad of Directors, the Thai Institute of Directors

Association;

- (13) Chairperson of the Thai Broadcast Journalists Association;
- (14) Chairperson of the National Federation of Community Radio;
- (15) Chairperson of the Confederation of Consumer Protection Organizations.

The Chairperson and members of the Recruiting Committee are not eligible to apply for the Commissionership and the organizations under paragraph one are not eligible for registration in order to make the nomination under Part 2.

The members of the Recruiting Committee shall select one member to be Chairperson and another one member to be secretary.

Where there is no member for any position or there is, but he or she is unable to perform the duties, if the number of the remaining members is not less than one-half of the members, the Recruiting Committee shall consist of the remaining members.

The Secretariat of the Senate shall act as administrative unit for the recruitment and selection of the members.

Section 15. For the recruitment under this Part, the Secretariat of the Senate shall make an announcement on opening for application of eligible persons under section 6 through the radio broadcasting, radio television, print and electronic media for at least thirty days consecutively.

An eligible person to be selected as Commissioner must not be the person being nominated by the associations, institutes or organizations under section 10.

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When the time period under paragraph one has elapsed, the Recruiting Committee shall select qualified applicants in the amount double the numbers of the Commissioners under section 6 (1) (2) (3) (4) and (5).

The criteria and procedures for selection shall be as prescribed by the Secretary-General of the Secretariat of the Senate. The persons obtained highest votes in the order respectively shall be the selected.

The provision of section 13 paragraph three shall apply *mutatis mutandis* to the selection of suitable persons to be members of the Recruiting Committee.

A person being affected from the selection may file a case with the Administrative Court, but this shall not be the cause to suspend or defer any procedure already carried out, except if the Administrative Court gives judgment or order otherwise. In the case where the Administrative Court gives any judgment or order rendering the selected person to be disqualified or under any of the prohibitions or being selected unlawfully, that selected person shall be removed from the position as from the date the Administrative court issues judgment or order.

Part 4

Selection and Appointment of Commissioners

Section 16. Upon receiving the lists of suitable persons to be selected as Commissioners by the method of selection among the nominees under Part 2 and the recruitment method under Part 3, the Secretary-General of the Senate shall compile all the names into one roster. If there are suitable persons to be selected as Commissioners not less than double the numbers of the Commissioners as specified in section 6 (1) (2) (3) (4) and (5), the Secretary-General of the Senate shall submit the roster together with their curriculum vitae and work records, which must be stated clearly or have evidence demonstrating that they are the qualified persons in accordance with section 6, to the President of the Senate within thirty days as from the date of receipt of the lists under section 13 and section 15 for submission to the Senate for further consideration and selection resolution.

In case where the processes under the method of selection among the nominees under Part 2 or the recruitment method under Part 3, either of them, cannot be completed within the specified time period under section 13 paragraph three, the Secretary-General of the Secretariat of the Senate shall submit the name list of suitable persons to be selected as Commissioners by the method already completed within the timeframe, together

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with their curriculum vitae and work records, which must be stated clearly or have evidence demonstrating that they are the qualified persons in accordance with section 6, to the President of the Senate within thirty days as from the elapse of the time period under section 13 and section 15 for submission to the Senate for further consideration and selection resolution

Section 17. The Senate shall pass a resolution selecting the nominated persons from the roster submitted by the Secretary-General of the Secretariat of the Senate within sixty days as from the date of receipt of the roster for appointment of Commissioners under section 6. The persons obtained highest votes in the order respectively shall be selected as Commissioners, which must be conducted by secret ballot. The selected persons shall then be informed accordingly.

When the time period under paragraph one has elapsed, if the amount of selected Commissioners is not fulfilled as required in section 6, the President of the Senate shall notify the Prime Minister. The Prime Minister shall then submit the roster to the Council of Ministers for consideration and action in order to find the Commissioners under section 6 in the required numbers, within thirty days as from the date the Prime Minister being notified.

The persons selected as Commissioners under paragraph one or paragraph two, as the case may be, shall have a meeting within fifteen days as from the date of obtaining complete numbers of Commissioners in order to select one suitable person as Chairperson and two persons as Vice Chairpersons, and report the result to the Prime Minister. The Prime Minister shall then present the names to the King for a Royal Command appointing those persons.

Section 18. In case where the selected persons under section 17 is under any of the prohibitions under section 8 (1) (2) or (3), the Prime Minister shall present the names to the King for the Royal Command only when that person resigns from the position in accordance with section 8 (1) or (2), or produces credible evidence demonstrating that he or she has terminated the occupation or profession under section 8 (3), which must be done within fifteen days as from the date of being selected. If that person does not resign or terminate the occupation or independent profession within the specified timeframe, it shall be deemed that that person has never been selected as Commissioner, and the Senate shall select another Commissioner from the roster submitted by the Secretary-General of the Secretariat of the Senate under section 16.

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Part 5
Term and Vacation of Office

Section 19. The Commissioners shall hold office for a term of six years as from the date of being appointed by the King and shall serve for only one term.

The Commissioners who vacate office at the expiration of term shall remain in office to continue performing their duties until the King issues a Royal Command appointing new Commissioners.

Prior to an expiration of term for a period not less than ninety days, the Secretariat of the Senate shall arrange and complete the nomination and appointment of new Commissioners without delay.

Section 20. In addition to vacating office on the expiration of term, the Commissioners vacate office upon:

- (1) death;
- (2) having attained the age of seventy years;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under section 7;
- (5) having acted in violation of section 8;
- (6) being vacated by a resolution of the Senate under section 21;
- (7) being removed by a resolution of the Senate under the Organic Act on Prevention and Suppression of Corruption;

The vacation of office under (1) (2) or (3) shall be duly brought to the King for His Majesty acknowledgment. If they are vacating office under (4) (5) (6) or (7), they shall be presented to the King for a Royal Command removing them from office. Such Royal Command shall take effect as from the date that person being disqualified, or under any of the prohibitions, or acting in violation, or being vacated or removed by resolutions of the Senate, as the case may be.

When there is a case under paragraph one, the remaining Commissioners may continue to perform duties and the NBTC shall be deemed consisting of the remaining Commissioners but there must not be less than six persons.

In the case where a Commissioner vacates office before the expiration of the term, the person appointed to replace the vacated member shall be in office for the

unexpired term of office of the Commissioner being replaced. In the case where the remaining term is less than three years, that person is eligible for re-appointment for one more term.

In the case where the Chairperson or Vice Chairperson vacates office under paragraph one, the NBTC shall have a meeting to elect one Commissioner as Chairperson or Vice Chairperson and then inform the Prime Minister. The Prime Minister shall then present this matter to the King for appointing the Chairperson or Vice Chairperson, as the case may be.

Section 21. Members of the House of Representatives or the Senate of not less than one-fourth of the total number of the existing members of each House shall have the right to file a request to the President of the Senate to pass a resolution removing a Commissioner from office due to gross misbehavior or gross negligence in performing duty.

The resolution of the Senate under paragraph one shall be passed by votes of not less than three-fifth of the total number of the existing members of the Senate.

Section 22. Where it appears that the NBTC fails to effectively perform the duties as prescribed by law, the following persons shall have the right to file a request to the President of the Senate in order for the Senate to pass a resolution removing the entire NBTC from office:

(1) members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House;

(2) members of the Senate of not less than one-fourth of the total number of the existing members of the Senate;

(3) service users being affected by acts under paragraph one in the number of not less than twenty thousand people, by filing a complaint with the President of the Senate in accordance with the criteria specified by the President of the Senate.

The resolution of the Senate under paragraph one shall receive votes of not less than two-thirds of the total number of the existing members of the Senate. In making the resolution, the Report of the Monitoring and Evaluation Committee submitted to the Senate in accordance with section 72 must be taken into consideration.

In the case the entire NBTC vacate office under paragraph one, the outgoing Commissioners shall continue acting in those positions only as necessary until the new NBTC takes office.

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Part 6
Meetings, Powers and Duties of the NBTC

Section 23. The conduct of meetings, resolution making and execution of duties of the NBTC shall be in accordance with the rules prescribed by the NBTC.

In any meeting, if there is consideration of a matter in which any Commissioner has interest, that Commissioner shall not have the right to attend the meeting.

In performing its duties, the NBTC may authorize one or more Commissioner to act on its behalf but it may not deny any liability on the ground of such authorization to other Commissioner to perform those duties.

Section 24. The conduct of duties of the NBTC, BC and TC in matters relating to or having impacts on public interest shall be done by a resolution of the meeting. The minutes of the meeting and results of resolutions voting made individually and as a group shall be disclosed to the public through electronic media of the Office of the NBTC and any other appropriate methods as prescribed by the NBTC.

Information contained in any minutes of the meeting that has characters as prescribed by the law on official information not being subject to disclosure, the NBTC may pass a resolution not to disclose that part of the information.

Disclosure of the minutes of the meeting and results of resolutions voting under paragraph one shall be done within thirty days as from the date of passing the resolution, except for necessary causes it may be extended further to not more than fifteen days, but reasons and justifications for the extension shall be given.

Section 25. The Commissioner shall be deemed as person holding a high-ranking position under the Organic Act on Prevention and Suppression of Corruption and shall be a competent official under the Penal Code.

Section 26. The Chairperson, Vice Chairperson and Commissioners shall perform full-time work.

The Chairperson, Vice Chairperson and Commissioners shall receive remunerations on a monthly basis as specified in Royal Decree.

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The Chairperson, Vice Chairperson and Commissioners may receive allowances relating to travel to perform duties in other areas not exceeding the rates specified in Royal Decree.

Section 27. The NBTC shall have the following powers and duties:

(1) to formulate a Frequency Waves Management Master Plan, National Frequency Waves Allocations Table, Master Plan for Broadcasting and Television Services, Telecommunications Services Master Plan, Radio Frequency Plan, and Telecommunications Numbering Plan;

(2) to assign radio frequencies among those being used in the sound broadcasting services, television services, radio communication services and telecommunications services;

(3) to prescribe characters and categories of sound broadcasting services, television services, and telecommunications services;

(4) to consider granting licence and regulate the use of frequency waves and radio communication equipment in undertakings of the sound broadcasting services, television services, and telecommunications services, or in the radio communication services; as well as to prescribe licensing criteria and procedures, conditions, or licensing fees;

(5) to prescribe criteria for the effective use of frequency waves and without causing interference among them, both in the same type and between each type of undertakings;

(6) to consider granting licences and regulate undertakings of the sound broadcasting services, television services, and telecommunications services to allow service users to receive services with quality, efficiency, swiftness, correctness and fairness; as well as to prescribe licensing criteria and procedures, conditions, or licensing fees;

(7) to consider granting licences and regulate the use of telecommunications numbers; and to prescribe licensing criteria and procedures, conditions, or licensing fees;

(8) to prescribe criteria and procedures for usage or interconnection as well as criteria and procedures in prescribing usage fees or interconnection charges of network used in undertakings of the sound broadcasting services, television services and telecommunications services, both in the same type and between each type of undertakings, which shall be fair to service users, service providers and investors, or among the telecommunications service providers with due regard to public interest;

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(9) to set tariff structure and service fee structure for the sound broadcasting services, television services and telecommunications services, which shall be fair to service users and service providers with due regard to public interest;

(10) to set desired standards and required technical specifications for the sound broadcasting services, television services, telecommunications services and radio communication services;

(11) to prescribe measures for prevention of anti-competitive conducts or unfair competition in the sound broadcasting services, television services, and telecommunications services;

(12) to prescribe measures to ensure universal and equal distribution of the telecommunications services in accordance with section 50;

(13) to protect rights and freedom of people from being taken advantage of by the service providers; to protect individual right of privacy and freedom to communicate through telecommunications; and to promote rights, freedom and equality of people in accessing to, and using of frequency waves in the sound broadcasting services, television services and telecommunications services;

(14) to coordinate matters relating to management of frequency waves, both at the national and international levels;

(15) to determine and resolve issues relating to interference of frequency waves;

(16) to monitor and provide advice on the undertakings of sound broadcasting services, television services and telecommunications services;

(17) to specify characters of merger, cross media ownership-holding or business take-over in the sound broadcastings services and television services using frequency waves, amongst the mass media or by any other person, which will result in impeding the freedom to gain information or obstructing access to diverse information by the people;

(18) to promote a coalition among the licensees, producers and mass media professionals in the radio broadcasting services and television services to set up organizations in various forms in order to set forth ethical standards in conducting the occupations or professions as well as to self-regulate the undertaking of occupations and professions under the ethical standards;

(19) to issue rules or notifications according to section 58;

(20) to approve expenditure budget of the Office of the NBTC, including the money allocated into the Fund under section 52;

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(21) to consider and approve the budget allocation to the Fund as proposed by the Fund Management Committee under section 55;

(22) to provide information and participate in negotiations or entering into agreements between the Government of the Kingdom of Thailand and governments of foreign countries or international organizations in matters relating to frequency waves management, sound broadcasting services, television services and telecommunications services, or other related undertakings;

(23) to recommend to the Council of Ministers for an issuance of, or amendment to, or repeal of legislation relating to frequency waves allocation and other matters relating to frequency waves, sound broadcasting services, television services and telecommunications services;

(24) to issue rules, notifications or orders under the powers and duties of the NBTC;

(25) to perform any other acts as prescribed in this Act or other laws.

For the specification on characters of merger, cross media ownership-holding or business take-over under (17), the NBTC shall also hear comments from people and relevant parties.

The execution of powers and duties under paragraph one shall not be contrary to or inconsistent with the law on sound broadcasting services and television services, the law on telecommunications services, and the law on radio communications.

Any rule, notification or order shall be generally enforceable upon being published in the Government Gazette.

Section 28. The NBTC shall hold a public hearing of the stakeholders and the general public in order to take those opinions into consideration prior to issuing rules, notifications, or orders pertaining to the supervision of undertakings in the sound broadcasting services, television services and telecommunications services, that will be generally enforceable and related to competition in the business or have significant impacts on the people. The NBTC shall provide information on background, reasons, justifications, and summary of the matters which need the hearing as well as issues which require opinions. The time period for a hearing shall not be less than thirty days, except for emergency cases or compelling necessity in which case the NBTC may allow a shorter time allocated for that hearing.

The Office of the NBTC shall prepare a summary record of the hearing which consists of opinions obtained, resolution or consideration of the NBTC on those opinions,

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together with reasons and proposed actions, and publish the record in information network system of the Office of the NBTC.

Section 29. In prescribing usage fees or network interconnection charges, any tariffs, or service fees in undertakings of the sound broadcasting services, television services and telecommunications services under this Act and the law on sound broadcasting services and television services, or the law on telecommunications services, the NBTC shall give due regard to the public interest and burden of the consumers, in concordance with the costs of provision of services, worthiness, and efficient allocation of resources.

Section 30. In performing duties of the NBTC, BC, TC, other committees and sub-committees established under this Act, including the Secretary-General and staff of the Office of the NBTC in relation to considering requests or complaints filed by the people in accordance with the law, rules, regulations, notifications or contracts that the NBTC or the Office of the NBTC entering into with private entities, and if those laws, rules, regulations, notifications or contracts do not prescribe specific timeframe, the NBTC shall prescribe the timeframe and announce to the public. Any matter with no specified timeframe must be completed within fifteen days as from the date of receipt of the request.

In the case where the NBTC, BC, TC, other committees and sub-committees established under this Act, the Secretary-General or staff of the Office of the NBTC perform duties exceeding the timeframe under paragraph one without justifiable reasons and if this causes damage to any person, the Office of the NBTC shall be liable to make compensation to that person, and there shall be reimbursed from the NBTC, BC, TC, other committees and sub-committees established under this Act, the Secretary-General or staff of the Office of the NBTC who are the cause of the delay, as the case may be, if such damage arises out of acts or omission with intention or with gross negligence.

Section 31. For the benefit of consumer protection to be free from being taken advantage of by the providers of sound broadcasting services, television services and telecommunications services, the NBTC shall have the duties to inspect conducts of those providers not to conduct any acts that may be deemed as consumer exploitation. The NBTC shall set up two sub-committees consisting of persons having knowledge, expertise and experience beneficial to the performance of duties of the NBTC in consumer protection in sound broadcasting services and television services, and in telecommunications services. The sub-committees shall have the powers and duties in considering and proposing

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recommendations on matters relating to complaints and performing other duties as required by the NBTC.

In the case where the providers of sound broadcasting services, television services, or telecommunications services conduct any act which may be deemed as taking advantage of consumer by using their network or advertisement in the manner of undue profit making, or causing annoyance by whichever methods as specified by the NBTC, the NBTC shall have the power to order restraining those acts.

Section 32. For the benefit of protecting individual right of privacy and freedom of communication through telecommunications, the NBTC shall have the power to prescribe measures for protection of rights of telecommunications service users regarding the personal information, right of privacy and freedom of communication through telecommunications.

In the case where there is wrongdoing by illegal interception, utilization or disclosure of messages, information or any other data communicated through telecommunications, the NBTC shall be deemed as the damaged person under the Criminal Procedure Code.

In the case where a telecommunications services licensee is an offender under paragraph two, or knows that there is wrongdoing under paragraph two but neglects or does not take action as required by law within reasonable time, the NBTC shall have the power to suspend or revoke his or her telecommunications services licence.

Section 33. The NBTC shall have the power to appoint sub-committees, working groups, or assign officers to perform duties under this Act or as assigned.

The sub-committees and working groups must not be under any of the prohibitions under section 7 B. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) and (11).

Section 34. In performing the duties under this Act, the NBTC, BC, TC and the Monitoring and Evaluation Committee shall have the power to summon any State agency or any person to state factual information, give statements or send relevant documents or evidence for consideration.

CHAPTER II REGULATING THE BUSINESS UNDERTAKING

Part 1

Broadcasting Commission

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Section 35. There shall be a Broadcasting Commission, or “BC” in brief consisting of:

- (1) Chairperson appointed by the NBTC from the NBTC Vice Chairpersons;
- (2) four members appointed by the NBTC from the Commissioners of NBTC who are not the Chairperson or Vice Chairpersons, which shall consist of two Commissioners under section 6 (3) and one Commissioner under section 6 (4).

The members under paragraph one shall not be the TC concurrently.

The Secretary-General of the NBTC shall appoint officers of the Office of the NBTC as secretary and assistant secretary as necessary.

Section 36. The provision of section 23 shall apply *mutatis mutandis* to the meeting of the BC, except in the part of the quorum, which not less than one-half of the existing members of the BC is required to constitute a quorum.

In the case where the member of the BC vacates office before the expiration of the term, if there are not less than three members of the BC, the remaining members may continue performing the duties.

Section 37. The BC shall have the powers and duties to act on behalf of the NBTC under section 27 (4) (6) (8) (9) (10) (11) (13) (16) and (18) pertaining to the sound broadcasting services and television services, and perform other duties as assigned by the NBTC.

Part 2

Telecommunications Commission

Section 38. There shall be a Telecommunications Commission, or “TC” in brief consisting of:

- (1) Chairperson appointed by the NBTC from the NBTC Vice Chairpersons;
- (2) four members appointed by the NBTC from the Commissioners of NBTC who are not the Chairperson or Vice Chairpersons, which shall consist of two Commissioners under section 6 (3) and one Commissioner under section 6 (4).

The members under paragraph one shall not be the BC concurrently.

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The Secretary-General of the NBTC shall appoint officers of the Office of the NBTC as secretary and assistant secretary as necessary.

Section 39. The provision of section 36 shall apply *mutatis mutandis* to meetings and performance of duties of the TC.

Section 40. The TC shall have the powers and duties to act on behalf of the NBTC under section 27 (4) (6) (7) (8) (9) (10) (11) (12) (13) and (16) pertaining to the telecommunications and radio communication services, and performing other duties as assigned by the NBTC.

Part 3

Regulation of the Sound Broadcasting and Television Services

Section 41. Any person wishing to use frequency waves for the sound broadcasting services or television services must obtain a licence under this Act.

Application for, and granting of, the licence shall be in accordance with the criteria, procedures, and conditions as prescribed by the NBTC, except for the business undertakings, which shall be in accordance with paragraph six.

The application for the licence to use frequency waves under paragraph one shall be deemed as an application for a licence to undertake business of sound broadcasting services or television services under the law on sound broadcasting services and television services. When the NBTC grants permission to use those frequency waves, it shall be deemed as a permission to undertake business of sound broadcasting services or television services under the law on sound broadcasting services and television services as well as a permission to possess and use radio communication equipment and install the radio communication station under the law on radio communication, thus only in respect of the radio communication equipment mentioned in the application.

The permission to use frequency waves for the sound broadcasting services and television services must have due regard to maximum public interest at the national, regional and local levels in education, culture, national security and other public interests, including free and fair competition, and must be carried out in the manner of extensively distribution of the utilities across various undertakings and to become appropriate as the national communication resources for public interest.

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For the benefit of promotion of radio and television programmes that have social constructive contents or programmes for children and youths, the NBTC shall stipulate conditions for granting the licence by requiring the licensee to allocate time for those programmes to be broadcasted at time slots appropriate to the target groups.

In case of granting permission to use the frequency waves for the sound broadcasting services or television services, which are the business undertakings as specified under the law on sound broadcasting services and television services, the selection shall be done by means of frequency auctions at the national, regional and local levels. The auctions shall be conducted separately for each level, in accordance with the criteria, procedures, timeframe, and conditions as prescribed by the NBTC.

For specification of qualifications of qualified persons to join the auction under paragraph six, due regard shall be given to the efficient and worthy allocation of frequency resources, prevention of monopoly, promotion of free and fair competition, efficient supply of services, burdens to the consumers, and protection of the right of applicants for business undertaking licence at the regional and local levels.

Permission to use frequency waves for the sound broadcasting services and television services which causes or may cause interference or overlapping with the already licensed frequency waves is forbidden.

Section 42. The NBTC shall have the power to prescribe licence fees under section 41 by dividing into frequency licence fees and business undertaking licence fees, which must be paid upon receipt of the licence and on a yearly basis in a rate appropriate with the type of licence in accordance with the law on sound broadcasting services and television services, except for the frequency licence fee for business undertakings. The money gained from the auction under section 41 paragraph six shall be deemed as the frequency licence fee which must be paid upon receipt of the licence and after deducting expenditure, shall be remitted as public revenue.²

The licence fees under paragraph one which must be paid on a yearly basis shall be prescribed by the NBTC with due consideration given to the regulatory costs for frequency waves utilization and effective regulating of business undertakings at a gross rate

²Section 42 paragraph one was amended by the Announcement of the National Council for Peace and Order No. 80/2557 on amendment to the law on organization to assign frequency waves and to regulate the radio broadcasting, radio television and telecommunications services, dated 9 July B.E. 2557 (2014).

of not more than two per cent of income before deducting expenditure of the licensees, and shall be remitted as income of the Office of the NBTC.

Agencies being exempted from complying with the law on sound broadcasting services and television services, either in whole or in part, must also pay the fees under paragraph one. However, the NBTC may reduce the fee amount as it deems appropriate with due consideration given on the objectives of business undertakings of those agencies.

Section 43. A frequency wave licence for the sound broadcasting services or television services is the exclusive rights of the licensee and not transferable.

The licensee being permitted to use frequency waves for the sound broadcasting services or television services must undertake the business by himself or herself, and cannot render business management either in whole or in part, or give consent to other persons to act on his or her behalf. However, allowing other person to rent certain time slots to run programmes may be done in accordance with the criteria and procedures prescribed by the NBTC.

Section 44. Any licensee being permitted to use frequency waves for the sound broadcasting services or television services, who does not undertake the business with those frequency waves within the timeframe specified by the NBTC, or uses the frequency waves in other undertakings outside the objectives, or fails to comply with the business undertaking conditions, or conducts prohibited acts as specified in section 27 (11) and (17), or fails to comply with section 43, the NBTC shall take actions to rectify the situation or to issue an order to revoke the frequency licence in whole or in part.

Part 4

Regulation of the Telecommunications Services

Section 45. Any person wishing to use frequency waves for the telecommunications services shall obtain a licence under this Act, which must be done by means of frequency wave auctions in accordance with the criteria, procedures, timeframe, and conditions as prescribed by the NBTC. The provision of section 41 paragraph four and paragraph seven shall apply *mutatis mutandis*. Income from the frequency wave auction after deducting expenditure shall be remitted as public revenue.

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The application for the licence to use frequency waves under paragraph one shall be deemed as an application for a licence to undertake business of telecommunications services under the law on telecommunications services. When the NBTC grants permission to use those frequency waves, it shall be deemed as a permission to undertake business of telecommunications services under the law on telecommunications services as well as a permission to possess and use radio communication equipment and install the radio communication station under the law on radio communication, only in respect of the radio communication equipment mentioned in the application.

The NBTC shall have the powers to prescribe licence fees for business undertakings under the law on telecommunications services and those that must be paid on a yearly basis by giving due consideration to the regulatory costs for frequency waves utilization and effective regulation of business undertakings at a gross rate of not more than two percent of income before deducting expenditure by the licensees, and shall be remitted as income of the Office of the NBTC.

Section 46. A frequency licence for the telecommunications services is the exclusive rights of the licensee and not transferable.

The licensee being permitted to use frequency waves for the telecommunications services must undertake the business by himself or herself, and cannot render business management either in whole or in part, or give consent to other persons to act on his or her behalf.

CHAPTER III GUIDELINES FOR FORMULATION OF PLANS

Section 48. There shall be a Frequency Waves Management Master Plan which shall contain at least the following particulars:

- (1) details on Table of All Frequency Waves Allocations that Thailand can utilize;
- (2) implementation guidelines relating to international frequency waves;
- (3) details on frequency waves allocated for the sound broadcasting services, television services, telecommunications services, and other services;
- (4) guidelines to returning frequency waves to be re-allocated or improve their usages.

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The Frequency Waves Management Master Plan shall come into force upon its publication in the Government Gazette and shall be used as preliminary criteria and conditions for licensing and any business undertakings pertaining to frequency utilization.

The NBTC shall monitor and evaluate the implementation of the Frequency Waves Management Master Plan and amend the said Master Plan for the benefit of efficient frequency waves management and be in conformity with evolution of changing technologies.

In preparing the Frequency Waves Management Master Plan, the NBTC shall hear opinions from the public, the business operators utilizing the frequency waves and relevant State agencies, to become information for consideration. The time period for the opinion hearing shall not be less than thirty days and the preparation of the Frequency Waves Management Master Plan shall give due consideration to application for the national security as necessary.

Section 49. In regulating the telecommunications services, the NBTC shall prepare the Broadcasting Master Plan and the Telecommunications Master Plan to be the five-year implementation guidelines. The Plans must be in conformity with the Frequency Waves Management Master Plan and shall, at minimum, provide guidelines for development and promotion of free and fair competition among business operators, and guidelines for frequency licensing and business undertaking licensing. On the part of the sound broadcasting services and television services, the civil sector shall be allowed to use frequency waves for public interest and non-profit seeking in the community service, in a proportion of not less than twenty percent of frequency waves allocated in each licensing area.

In preparing the Master Plans under paragraph one, the NBTC shall hear opinions from the public, the business operators and relevant State agencies as information for consideration. The time period for the opinion hearing shall not be less than thirty days.

In case where the NBTC makes any decisions inconsistent with the public opinions, business operators and relevant State agencies as appeared in the hearing under paragraph two, the NBTC must provide explanations and reasons to the public, business operators and State agencies.

Any one from the public, business operators and State agencies under paragraph three who is of the opinion that the Master Plans set forth by the NBTC are inconsistent with the provisions of the Constitution of the Kingdom of Thailand, shall have the right to file a case with the Administrative Court. The said Master Plans shall be deemed the rules under the law on establishment of Administrative Courts and Administrative Court Procedure.

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The Master Plans under paragraph one shall bind the NBTC and relevant State agencies upon the publication in the Government Gazette.

Section 50. For the benefit of providing universal basic telecommunications and services for society in accordance with the law on telecommunications services, the NBTC shall stipulate a plan for provision of universal basic telecommunications and services for society. The plan must, at minimum, specify service areas and target groups, implementation timeframe, including estimated expenditure that arises out of such operations.

In preparing the plan under paragraph one, the NBTC shall consult with other relevant State agencies and ensure that it is consistent with the policies announced by the Council of Ministers to the National Assembly.

The NBTC shall prescribe amount of costs to be collected from the licensees to undertake business of telecommunications services, to be used in supporting the provision of telecommunications services under paragraph one, in which case due consideration must be given to income gained from provision of telecommunications services by the licensees.

The NBTC shall prescribe amount of money from the Fund under section 53 (4) to be used in supporting the licensees to be able to provide the said services.

Section 51. In order to promote the civil sector to use the frequency waves in the proportion specified in section 49 paragraph one, the NBTC shall stipulate criteria and procedures for promoting potential communities to be the qualified person in applying for the licence in the type of community service; income earnings; and support given to quality community service operators, by hearing opinions from the public and relevant State agencies as well.

Income of the community service operators shall be from donations, contribution to the stations or other sources which are not through advertisements or undertaking in the sound broadcasting or television services.

Support given to the quality community service operators must be contribution made to the stations, not to any particular programme, and have a proportion of not more than half of the total income of the community service operators. Also, there must be an evaluation on quality of services and efficiency of disbursement of money derived from the contribution, as a consideration in each allocation of contribution.

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CHAPTER IV
BROADCASTING AND TELECOMMUNICATIONS RESEARCH AND DEVELOPMENT FUND
FOR THE PUBLIC INTEREST

Section 52. There shall be a fund within the Office of the NBTC called the “Broadcasting and Telecommunications Research and Development Fund for the Public Interest” with the following objectives:

(1) to take actions for the enable the people to receive services in the sound broadcasting services, television services and telecommunication services thoroughly, as well as to promote communities and support community service operators under Section 51;

(2) to promote and support communication resources development, research and development in the sound broadcasting services, television services and telecommunications services, including capabilities in keeping pace with the media technology in respect of frequency utilization, information technology, technological facilities for the disabled, elderly, or underprivileged as well as telecommunications industries and related industries;

(3) to promote and support human resource development in the sound broadcasting services, television services, telecommunications services and information technology, as well as the execution by organizations being responsible for setting ethical standards of the occupations or professions under the law on sound broadcasting services and television services;

(4) to support, promote and protect the consumer of sound broadcasting services, television services and telecommunication services;

(5) to support the execution under the law on safe and creative media development fund by allocating money to the Safe and Creative Media Development Fund;

(6)³ to promote and support budgets for the Ministry of Finance to borrow money from the Fund to be used in State undertakings beneficial to the public.

Section 53. The Fund under section 52 shall consist of:

(1) initial fund allocated by the government;

³Section 52 (6) was added by the Announcement of the National Council for Peace and Order No. 80/2557 on amendment to the law on organization to assign frequency waves and to regulate the radio broadcasting, radio television and telecommunications services, dated 9 July B.E. 2557 (2014).

(2)⁴ repealed;

(3) money being allocated under section 65 paragraph two;

(4) money remitted to the Fund under the law on sound broadcasting services and television services, and the law on telecommunications services;

(5) administrative fines imposed under this Act and the law on sound broadcasting services and television services, and the law on telecommunications services;

(6) money or property donated to the Fund;

(7) money and property transferred under section 91;

(8) fruit and income of the Fund, including benefits from payment on utilization of the research and development in sound broadcasting services, television services and telecommunications services;

(9) other money and property vested into the Fund.

The money under (4) and (7) shall be used exclusively for the purposes under section 52 (1).

The money under (4) being remitted from which respective undertaking shall be used exclusively for that undertaking, except for those remitted from the sound broadcasting services and television services which shall be used for either sound broadcasting services or television services.

Section 54.⁵ There shall be a Fund Management Committee consisting of:

(1) Chairperson of the NBTC as Committee Chairperson;

(2) Permanent Secretary of the Office of the Prime Minister, Permanent Secretary of the Ministry of Defense, Secretary-General of the Office of the National Economic and Social Development Board, Director of the Bureau of the Budget, Director General of the Comptroller' Department, and Director of the National Electronics and Computer Technology Center as members;

(3) two qualified members selected by the Committee members in (1) and (2).

⁴ Section 53 paragraph one (2) was repealed by the Announcement of the National Council for Peace and Order No. 80/2557 on amendment to the law on organization to assign frequency waves and to regulate the radio broadcasting, radio television and telecommunications services, dated 9 July B.E. 2557 (2014).

⁵ Section 54 was amended by the Announcement of the National Council for Peace and Order No. 80/2557 on amendment to the law on organization to assign frequency waves and to regulate the radio broadcasting, radio television and telecommunications services, dated 9 July B.E. 2557 (2014).

The Secretary-General of the NBTC shall be member and secretary, and shall appoint officer of the Office of the NBTC as assistant secretary.

The Committee members under paragraph one (3) shall not be under any of the prohibitions under section 7 B.(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) and (11), and shall hold office for a term of three years and may be reappointed but may not serve for more than two consecutive terms.

The provision of section 23 shall apply *mutatis mutandis* to the meeting of the Fund Management Committee.

Section 55. The Fund Management Committee shall have the powers and duties in managing the Fund and provide recommendations on the Fund allocation to be spent in accordance with the objectives outlined in section 52 to the NBTC for its approval. In case where the NBTC has opinions differing from those of the Fund Management Committee, the NBTC shall give reasons of its consideration as well.

The Fund Management Committee shall disclose details on allocation of the Fund and the operation under paragraph one to the public through electronic media of the Office of the NBTC, by providing information on applicants and recipients of the Fund as well as the total amount of money allocated.

Maintenance, disbursement, accounting and accounting system shall be in accordance with the rules prescribed by the Fund Management Committee.

CHAPTER V

OFFICE OF THE NATIONAL BROADCASTING AND TELECOMMUNICATIONS COMMISSION

Section 56. There shall be an Office of the National Broadcasting and Telecommunications Commission, or “Office of the NBTC” in brief, being a juristic person having status as State agency which is not a government agency under the law on State administration nor a State enterprise under the law on budgetary procedure or other laws, and is under the supervision of the Chairperson.

The affairs of the Office of the NBTC shall not be subject to the law on labor protection, the law on labor relations, the law on social security and the law on worker’s compensation.

Section 57. The Office of the NBTC shall have the following powers and duties:

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(1) to be responsible for the receipt and disbursement of income of the Office of the NBTC;

(2) to prepare an annual budget of the Office of the NBTC for submission to the NBTC for its approval; the said annual budget shall include any expenditure relating to execution of duties of the NBTC, BC, TC and the Office of the NBTC;

(3) to monitor and follow up on the usage of frequency waves;

(4) to receive and consider complaints regarding the use of frequency waves, undertakings of the sound broadcasting services, television services and telecommunications services in order to examine and rectify the problems or propose recommendations to the NBTC for consideration in accordance with the criteria prescribed by the NBTC;

(5) to study, compile and analyze information on the frequency waves, the use of frequency waves, the undertakings of the sound broadcasting services, television services and telecommunications services;

(6) to be responsible for the administrative work of the NBTC, BC, TC and Fund Management Committee;

(7) to perform other acts as assigned by the NBTC, BC, and TC.

Section 58. The NBTC shall have the power to issue regulations or notifications with respect to general administration, personnel administration, budget, finance and property and other operation of the Office of the NBTC, which shall include the following matters:

(1) internal division of units within the Office of the NBTC and scope of duties of those units;

(2) designation of positions, salary scales and other remunerations of the Secretary-General of the NBTC, officials and employees of the Office of the NBTC, as well as remunerations and expenditures of other members and sub-committee members under this Act;

(3) selection or competency assessment for the benefit of recruitment and appointment to hold offices or raising salary under salary scale, criteria for extension of employment contract and compensation in the case of employment termination due to failing in performance evaluation;

(4) personnel administration, including disciplinary actions, appeal and complaints;

(5) acting for and acting as a person holding the office;

(6) prescription of uniforms and dress code of the officials and employees of the Office of the NBTC;

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(7) employment and appointment of persons as experts or specialists in the fields that will be beneficial to the performance of duties of the NBTC as well as the rate of remunerations;

(8) administration and management of budget, property and inventories of the Office of the NBTC;

(9) provision of welfare or other assistance.

The regulations or notifications under paragraph one shall be signed by the Chairperson and shall come into force upon the publication in the Government Gazette.

Section 59. The Office of the NBTC shall disclose information regarding to the operation of the NBTC and Office of the NBTC to the public through information network system or other means as deemed appropriate, which at least shall disclose the following information:

(1) licences of all licensees including the required conditions;

(2) summary of monthly income of the Office of the NBTC under section 65;

(3) summary of monthly expenditures for operation of the NBTC and the Office of the NBTC;

(4) details of remuneration scales of each member of the BC, TC, sub-committees, and advisor;

(5) findings of research studies and other works contracted out to external agencies to execute;

(6) lists of complaints, progress and consideration outcome on complaints from consumers and licensees, as well as number of pending issues;

(7) details of procurement results of the Office of the NBTC and related contracts.

Section 60. The Office of the NBTC shall have one Secretary-General of the NBTC to be responsible for the operation of the Office of NBTC and directly answerable to the Chairperson and to be the chief of officials and employees of the Office the NBTC.

The Secretary-General of the NBTC shall represent the Office of the NBTC in its affairs vis-à-vis external entities. For this purpose, the Secretary-General of the NBTC may authorize any person to perform specific works on his or her behalf, in accordance with the regulations prescribed by the NBTC which are published in the Government Gazette. Such regulation must not specify in compulsory manner to oblige the Secretary-General of the NBTC to authorize his or her power to any specific person.

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Section 61. The Chairperson, with consent of the NBTC, shall appoint and remove the Secretary-General of the NBTC.

The Secretary-General of the NBTC shall be of not less than thirty-five years of age on the appointment date and shall have qualifications and not be under prohibitions under section 7, including other qualifications as specified by the NBTC.

Section 62. The Secretary-General of the NBTC shall hold office for a term of five years from the appointment date and may be reappointed, but shall not hold office for more than two consecutive terms.

Section 63. In addition to vacating office on the expiration of term under section 62, the Secretary-General of the NBTC vacates office upon:

- (1) death;
- (2) being sixty years of age;
- (3) resignation;
- (4) being bankrupt;
- (5) being imprisoned due to a final judgment to a term of imprisonment;
- (6) being disqualified or being under any of the prohibitions under section 61 paragraph two;
- (7) the NBTC having issued a resolution with votes of not less than two-thirds of the total numbers of the Commissioners dismissing the person, on grounds of negligence in the performance of duties, disgraceful behaviour, incapability or inability to perform duties.

Section 64. The Secretary-General and officials of the Office of the NBTC shall be deemed as State officials under the Organic Act on Prevention and Suppression of Corruption.

The officials of the Office of the NBTC shall have qualifications and not be under any of the prohibitions in accordance with the regulations prescribed by the NBTC, and shall not be a Board member, director, executive, advisor, officer, shareholder, or partner in a company or a partnership or any other juristic person carrying out undertakings in the sound broadcasting services, television services or telecommunications services.

The Secretary-General of the NBTC shall be deemed as person holding a high-ranking position under the Organic Act on Prevention and Suppression of Corruption.

In executing duties under this Act, the Secretary-General and officers of the NBTC shall be the competent officials under the Penal Code.

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Section 65. Income of the Office of the NBTC shall consist of:

- (1) frequency licence fees and business undertakings licence fees under section 42 paragraph two and section 45 paragraph three;
- (2) income or benefits gain from execution of authorities of the NBTC and the Office of the NBTC;
- (3) income derived from property of the Office of the NBTC;
- (4) money and property donated to the Office of the NBTC in accordance with the regulations prescribed by the NBTC for the operation of the Office of the NBTC;
- (5) general subsidies which is allocated by the government.

Income of the Office of the NBTC under (1) and (2), after deducting expenditures for efficient operation of the Office of the NBTC, necessary charges, and money to be allocated for the Fund under section 52 and the Technology Development for Education Fund under the law on national education, shall be remitted as State revenue.

In case where the income of the Office of the NBTC is not sufficient for efficient operation of the Office of the NBTC, including necessary charges, and cannot acquire from other sources, the government shall allocate the national budget to the Office of the NBTC in an amount as necessary.

Section 66. For the benefit of allocating the national budget to the Office of the NBTC under section 65 paragraph three, the Office of the NBTC shall present an expenditure budget of the fiscal year seeking support from the Council of Ministers for the latter to grant general subsidies to the Office of the NBTC to be included in a draft Act on Annual Expenditure Budget or a draft Act on Additional Expenditure Budget, as the case may be. In this regard, the Council of Minister may give opinions with regard to the budget allocation for the Office of the NBTC in its report presenting the draft Act on Fiscal Year Budget or the draft Act on Additional Budget. In considering the draft Act on Fiscal Year Budget or the draft Act on Additional Budget, the House of Representatives or the Senate may request the Secretary-General of the NBTC to give explanations for its consideration.

Section 67. All immovable property which the Office of the NBTC has acquired by purchasing or exchanges from the income of the Office of the NBTC under section 65 (1) (2) or (3) or donation under (4) shall be under ownership of the Office of the NBTC.

For immovable property being the State property under the law on the State land (“*Rachaphatsadu land*”) which is occupied by the Office of the NBTC, the Office of the

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NBTC shall have the power to administer, nurture, maintain, use and seek benefits in accordance with the regulations prescribed by the NBTC.

Property of the Office of the NBTC shall be non-leviable.

Section 68. The accounting of the Office of the NBTC shall be prepared in accordance with the international standard of the Federation of Accounting Professions and there shall be an internal audit on finance, accounting and inventories of the Office of the NBTC according to the regulations prescribed by the NBTC.

In conducting an internal audit under paragraph one, there shall be an Internal Audit Committee consisting of not less than three but not more than five members appointed by the NBTC from qualified members with knowledge in internal auditing and having qualifications and not being under prohibitions under section 7 and section 8. The Office of the NBTC shall appoint its officials in appropriate number to be internal auditors directly responsible to the Internal Audit Committee to assist the latter in performing its duties.

The Internal Audit Committee shall be independent in execution of duties and the NBTC, the Secretary-General and officials of the Office of the NBTC shall facilitate the Internal Audit Committee and internal auditors as requested.

The Internal Audit Committee shall inform the NBTC of the audit results in every one hundred and eighty days.

Term of office, vacation of office and meetings of the Internal Audit Committee shall be in accordance with the regulations prescribed by the NBTC.

Section 69. The Office of the NBTC shall prepare its balance sheet, financial statement and accounts, and submit them to the auditor within sixty days as from the last day of each accounting year.

In each annual circle, the Office of the Auditor-General shall be an auditor and assess the handling of budget and property of the Office of the NBTC, by analyzing the effectiveness of budget handling as well as providing opinions as to whether the budget handling has been done in accordance with the objectives, and the extent to which it has reached targets. It shall then prepare a finding report to be presented to the NBTC, the Council of Ministers and the National Assembly.

The Office of the NBTC shall be an audited unit under the Organic Act on State Audit.

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CHAPTER VI

MONITORING, EXAMINATION AND EVALUATION OF PERFORMANCE AND ADMINISTRATION

Section 70. There shall be a NBTC Monitoring and Evaluation Commission, consisting of a Chairperson and four other members, having the following qualifications:

(1) one person having apparent work records or knowledge and expertise or experience in sound broadcasting services; and another one in television services;

(2) one person having apparent work records or knowledge and expertise or experience in telecommunications services;

(3) one person having apparent work records and experience in consumer protection;

(4) one person having apparent work records and experience in promotion of rights and liberty of people.

The President of the Senate shall arrange the process to select persons suitable for nomination to be members of the Commission in double the amount of the members required in paragraph one, to be presented to the Senate for selection from the list in accordance with the criteria and procedures prescribed by the President of the Senate.

The persons selected as members of the Commission shall have a meeting to elect a Chairperson.

Section 71. Members of the NBTC Inspection and Evaluation Commission shall hold office for a term of three years but shall not be appointed to hold office for two consecutive terms.

The members under paragraph one shall not be the NBTC Commissioners members, or members of the BC, TC, sub-committees, the Secretary-General of the NBTC, officials or staff of the Office of the NBTC. The provisions in section 7, section 8 and section 20 (1) (3) (4) and (5) shall apply *mutatis mutandis*.

In case where the member of the NBTC Inspection and Evaluation Commission vacates office due to any reason other than vacating upon the expiration of the term, the remaining members may continue to perform duties and it shall be deemed that the NBTC Inspection and Evaluation Commission consists of the existing members, unless the existing members are less than three persons.

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The conduct of meetings and passing resolutions shall be in accordance with the rules prescribed by the NBTC Inspection and Evaluation Commission.

Remunerations and other allowances in selection and execution of duties of the NBTC Inspection and Evaluation Commission shall be in accordance with the rules prescribed by the NBTC.

Section 72. The NBTC Inspection and Evaluation Commission shall have the powers and duties in inspecting, examining and evaluating the performance and administration of the NBTC, BC, TC, Office of the NBTC and the Secretary-General of the NBTC and report to the NBTC within ninety days as from the ending date of each accounting year. The NBTC shall submit that report together with the NBTC annual performance report under section 76 to the National Assembly, and also disclose the said report to the public through the information network system of the Office of the NBTC or any other means as deemed appropriate.

The evaluation under paragraph one shall be based on facts. Information and opinion hearings of stakeholders must also be added.

The Commission may assign other agencies or organizations which has specialization to compile information, analyze and evaluate information for the benefit in preparing the report.

Section 73. The report under section 72 shall, at minimum, contain the following contents:

(1) performance of the NBTC, BC, TC, Office of the NBTC and the Secretary-General of the NBTC;

(2) report on facts or observations on the performance in accordance with the powers and duties of the NBTC with regard to efficient performance and consistency with the government policies as well as opinions and recommendations;

(3) comments on the annual report prepared by the NBTC under section 76;

(4) other matters deemed appropriate to be reported to the NBTC, the National Assembly or the public.

The NBTC, BC, TC, Office of the NBTC and the Secretary-General of the NBTC shall render cooperation to and facilitate the NBTC Inspection and Evaluation Commission as requested.

CHAPTER VII

RELATIONSHIP WITH THE GOVERNMENT AND THE NATIONAL ASSEMBLY

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Section 74. In performing according to the powers and duties, the NBTC shall operate in consistent with the policies declared by the Council of Ministers before the National Assembly.

Section 75. In case where there needs to be negotiation or conclusion of agreement between the Government of the Kingdom of Thailand and the government of the foreign countries or international organizations in relation to management of frequency waves, the sound broadcasting services, television services and telecommunications services, or other related undertakings, the NBTC and the Office of the NBTC shall have the duties to provide information and participate as notified by the government.

Section 76. The NBTC shall prepare an annual performance report on the management of frequency waves, the sound broadcasting services, television services, and telecommunications services, as the case may be, which must demonstrate details of work plans and performance results, frequency waves management, frequency waves allocation, undertakings in the sound broadcasting services, television services and telecommunications services, as the case may be, as well as future operational work plans, and submit to the Council of Ministers and the National Assembly within one hundred and twenty days as from the last day of accounting year. This report shall be disclosed to the public.

The annual performance report under paragraph one shall, at minimum, contain the followings:

- (1) performance results of the NBTC in the past year in comparison with the contemplated work plans or projects;
- (2) work plans, projects and budget plans for the upcoming year;
- (3) financial statement and report of the auditor, and internal audit report;
- (4) problems and obstacles in the undertakings of sound broadcasting services, television services and telecommunications services that are significant to the public;
- (5) quality and service charge rates of different types of telecommunications that are significant to the public;
- (6) efficiency and effectiveness in the handling complaints from consumers;
- (7) efficiency and effectiveness of the Fund under section 52;
- (8) report on the market competition environment in various undertakings of sound broadcasting services, television services and telecommunications services, including

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observations on behaviour having characters of both direct and indirect acquisition of business that have impacts over the interest of the State and of the people.

The Prime Minister, the House of Representatives and the Senate may request the NBTC or the Secretary-General of the NBTC, as the case may be, to provide explanations, either in writing or in verbal, on performance in any one matter.

CHAPTER VIII PENALTIES

Section 77. Any provider of sound broadcasting services, television services or telecommunications services, who receives the order under section 31 paragraph two and fails to comply with that order, the NBTC shall have the power to impose an administrative fine not exceeding five million baht and a fine not exceeding one hundred thousand baht per day at all time of incompliance with the order.

Section 78. Any person, who uses frequency waves for the sound broadcasting services, television services or telecommunications services without obtaining permission under section 41 paragraph one or section 45 paragraph one, shall be liable to penalties as stipulated for the offenses under section 66 of the Broadcasting Business Act, B.E. 2551 (2008) or section 67 of the Telecommunications Business Act, B.E. 2544 (2001), as the case may be.

Section 79. Any NBTC officer or person exercising the NBTC powers, who is aware of or is notified that there are uses of frequency waves which are in violation of or not compliance with this Act and if he or she fails to enforce to be in accordance with this Act, and if such act or omission of act is not an offense under section 157 of the Penal Code, that NBTC officer or person exercising the NBTC powers shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

TRANSITORY PROVISIONS

Section 80. During the time when appointment process of the NBTC under this Act is not completed, the National Telecommunications Commission established under

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the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000) shall continue to perform the duties as the NBTC under this Act, however the relevant part on undertakings of the sound broadcasting services and television services shall be in accordance with such law.

Upon appointment of the NBTC, the National Telecommunications Commission under paragraph one shall vacate office.

Section 81. The Commission under the Broadcasting Business Act, B.E. 2551 (2008), the Commission under the Telecommunications Business Act, B.E. 2544 (2001), and the National Commission on Sound Broadcasting and Television Services under section 61 of the Thai Public Broadcasting Service Act, B.E. 2551 (2008) shall mean the NBTC under this Act.

All powers and duties of the Minister, Director-General of Post and Telegraph Department, and competent officials issuing licences under the law on radio communication shall be the powers and duties of the NBTC under this Act.

Section 82. Upon appointment of the NBTC, the government agencies, State enterprises, State agencies or any person who are assigned or using frequency waves for the undertakings of the sound broadcasting services, television services and telecommunications services on the date of entry into force of this Act shall have the duty to notify the NBTC of details of the utilization of frequency waves, including causes of necessity to continue holding those frequency waves, in accordance with the criteria and timeframe specified by the NBTC.

In complying with paragraph one, the government agencies, State enterprises, State agencies shall notify the NBTC of details of the licences, concessions, or contracts, including contract duration and concession fees or various benefits relevant to such licences, concessions or contracts, in accordance with the criteria and procedures specified by the NBTC. The NBTC shall examine legality of those licences, concessions, or contracts, as well as disclose the information and examination results to the public.

Section 83. Any person, who has been assigned or using frequency waves for the lawful undertakings of the sound broadcasting services and television services on the date of entry into force of this Act and has complied with section 82, shall be deemed as being licensed under this Act. The NBTC shall supervise the frequency wave assignees or users to act in accordance with this Act, other laws and the criteria specified by the NBTC, until the expiration of the assignment period under paragraph three.

The provision of section 43 shall not apply to government agencies and State enterprises who grant the assigned frequency waves to other persons by means of lawful

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authorization, concession or contract. The person being granted the authorization, concession or contract shall be able to continue the undertakings specifically for the remaining period of such authorization, concession or contract.

The NBTC shall specify exact timeframe for the frequency wave assignees and users to return those frequency waves to be reassigned or improved as specified in the Frequency Waves Management Master Plan under section 48, with due consideration to public interest and necessity of the undertakings and utilization of frequency waves. And, causes of necessity to continue holding the frequency waves as being notified under section 82 shall also be taken into consideration.

Section 84. Any person, who has been assigned or using frequency waves for the lawful undertakings of the telecommunications services on the date of entry into force of this Act and has complied with section 82, shall be deemed as being licensed under this Act. The NBTC shall supervise the frequency wave assignees or users to act in accordance with this Act, other laws and the criteria specified by the NBTC, until the expiration of the assignment period under paragraph four.

The provision of section 46 shall not apply to State enterprises which grant the assigned frequency waves to other persons by means of lawful authorization, concession or contract. The person being granted the authorization, concession or contract shall be able to continue the undertakings specifically for the remaining period of such authorization, concession or contract.

Upon elapse of three years period as from the date of entry into force of this act, income of the State enterprises, which receives from the undertakings by means of authorization, concession or contract under paragraph two being done in accordance with the law on permission for the private sector to co-operate and participate in State affairs, either in whole or in part, after deduction of the following expenses, shall be remitted to the NBTC, which shall then remit that amount of money as State revenue:

- (1) undertaking licence fees, only on the part being calculated from income base which is generated from the authorization, concession or contract;
- (2) expenses for supporting the provisions of universal basic telecommunications and services for society in accordance with the government policies and section 50, only on the part being calculated from income base which is generated from the authorization, concession or contract;
- (3) expenses incurred from the operation associated with the licence, concession or contract as prescribed by the Ministry of Finance.

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The NBTC shall specify exact timeframe for the frequency wave assignees and users to return those frequency waves to be reassigned or improved regarding utilization as specified in the Frequency Waves Management Master Plan under section 48. The provision of section 83 paragraph three shall apply *mutatis mutandis*.

Section 85. During the preliminary period, the provision of section 49 in the part pertaining to an allocation of not less than twenty percent of frequency waves to the civil sector to be used in television services shall not be applied, until the NBTC announces the radio television transceiver in digital system.

The NBTC shall prepare the Frequency Waves Management Master Plan under section 48 within one year as from the date of appointment of the NBTC. The said Plan shall specify timeframe for transition into the radio television transceiver in digital system, and also timeframe on providing the civil sector to use frequency waves in television services.

After the entry into effect of the Frequency Waves Management Master Plan, during the period where the radio television transceiver in digital system is not yet in effect, the NBTC shall allocate frequency waves to the civil sector to be used in undertakings of the television services on a temporary basis, only in certain areas with sufficient frequencies to be allocated.

Section 86. The telecommunications services licensees, who are assigned by the National Telecommunications Commission to provide universal basic telecommunications and services for society in accordance with the Telecommunications Business Act, B.E. 2544 (2001) prior to the date of the entry into force of this Act, shall be exempted from sending expenses to the Fund under section 50 until the expiration of duration as prescribed in the Notification of the National Telecommunications Commission on the Criteria, Procedures and Conditions for the Provision of Universal Basic Telecommunications and Services for Society.

Section 87. All lawful licences issued by virtue of the Radio Communications Act, B.E. 2498 (1955), the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000), the Broadcasting Business Act, B.E. 2551 (2008) and the Telecommunications Business Act, B.E. 2544 (2001), prior to the date of the entry into force of this Act shall continue to be valid until their expiration and shall be deemed as the licences issued under this Act. The NBTC shall supervise the licensees to act in accordance with this Act, other related laws and the criteria prescribed by the NBTC.

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Any licence under paragraph one granting the right to hold or use frequency waves which does not specify expiry date shall continue to be valid until the date the NBTC specifies their expiry date. The provision of section 83 paragraph three shall apply *mutatis mutandis*.

Section 88. Within one hundred and twenty days as from the date of the entry into force of this Act, the NBTC shall issue frequency wave utilization licences and undertaking licences in accordance with the law on undertaking broadcasting business to the Thai Public Broadcasting Service according to the characters and types of business undertakings, including its existing scope of services on the date on which this Act comes into force.

Using of frequencies for additional business undertakings other those permitted under paragraph one shall be in conformity with the Frequency Waves Management Master Plan and must receive a licence from the NBTC. In this regard, the NBTC may set forth any condition necessary for public interest.

The undertakings of the Thai Public Broadcasting Service shall be under the provisions of this Act insofar as it is not contrary to or inconsistent with the law on Thai public broadcasting service.

During the period of not being granted the licence under paragraph one, the Thai Public Broadcasting Service shall be able to continue its undertakings.

Section 89. All affairs, property, rights, duties, obligation, officials and employees, and budget of the Office of the National Telecommunications Commission shall be transferred to the Office of the NBTC under this Act.

The officials and employees being transferred under paragraph one shall receive the same salaries, emoluments or wages, including rights and benefits as previously received, until being recruited and appointed to the Office of the NBTC, but no appointment to receive a salary or wage at a rate lower than the previous one can be made.

In case of officials or employees under regulations or employment contracts with no specification of employment duration, such employment shall not be deemed as rights or benefits under paragraph two.

Section 90. During the preliminary stage, the appointment of the Secretary-General of the NBTC shall be finalized within ninety days as from the appointment date of the NBTC under this Act.

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During an absence of the Secretary-General of the NBTC under this Act, the Secretary-General of the National Telecommunications Commission under the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000), who holds office prior to the date of entry into force of this Act, shall perform the duties as Secretary-General of the NBTC.

Section 91. All money and property of the Radio and Television Broadcasting Development for Public Benefit Fund and the Telecommunications Development for Public Benefit Fund under the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000) existing on the date of the entry into force of this Act shall be transferred to the Fund under this Act.

Section 92. All affairs, property, rights and duties of the Department of Public Relations, Office of the Prime Minister pertaining to the Division of the National Broadcasting Committee of the Department of Public Relations, Office of the Prime Minister existing on the date of entry into force of this Act shall be transferred to the Office of the NBTC, except for the budget items relating to salaries and wages holding by existing personnel which shall be transferred to the Department of Public Relations, Office of the Prime Minister.

Section 93. Government officials and employees of the Division of the National Broadcasting Committee of the Department of Public Relations, Office of the Prime Minister holding office prior to the date of the entry into force of this Act, who voluntarily desire to be transferred to be officials or employees of the Office of the NBTC and notify their superiors in writing within ninety days as from the date of entry into force of this Act, the Office of the NBTC shall recruit and appoint those government officials or employees as its officials or employees in accordance with the criteria prescribed by the NBTC. In this regard, the scale of salary and wage shall not be lower than the previously received. Those who have not submitted the request for transfer within the specified period shall return to work at the Department of Public Relations, Office of the Prime Minister.

During the absence of the NBTC under this Act, the powers of the NBTC under paragraph one shall be the powers of the National Telecommunications Commission appointed by virtue of the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000).

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Section 94. The recruitment and appointment of government officials under section 93 shall be deemed as vacating from government service due to the termination or dissolution of positions under the law on government pension or the law on government pension fund.

The recruitment and appointment of employees under section 93 shall be deemed as termination of service due to dissolution of positions or termination of employment without fault and they shall be entitled to receiving pension in accordance with the regulations of the Ministry of Finance on pension of employees.

Section 95. All rules, regulations, notifications or orders issued by virtue of the Organization to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act, B.E. 2543 (2000) which are lawful and in force on the date of entry into force of this Act shall continue to be effective insofar as they are not contrary to or inconsistent with the provisions of this Act, until rules, regulations, notifications or orders issued by virtue of this Act come into force.

Countersigned by
Abhisit Vejjajiva
Prime Minister

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