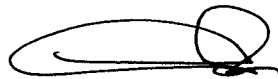


Navigation in Thai Waters Act
B.E.2456 (1913)
and B.E 2535 (1992) amendment



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**NAVIGATION IN THAI WATERS
ACT B.E.2456(1913)¹**

His Majesty King Vajiravuth is graciously pleased to proclaim that the King considered that the Navigation in Thai Waters Act, enacted on 24th June R.S. 124, still have some faults, it is expedient to improve this Act. It is, therefore, enacted the Act by the King, as follows:

PRELIMINARY AND DEFINITION OF TERMS.

Section 1. This Act shall be called the "Navigation in Thai Waters Act B.E. 2456".

Section 2. It shall come into force on the first day of September B.E.2456.

Section 3². In this Act,

"Rua" (boat,ship,vessel) means all water vehicles which are used to load, carry, travel, tow, pull, push, lift, dig or dredge; including other vehicles similarly used in the water.

"Rua Khampan" (western-style ship with a steam) means a vessel whether propelled by machinery or sail, but not by oars or paddles.

"Rua Khampanfai" or "Rua Konfai" (steam-vessel) means a vessel propelled by machinery whether under sail or not. It includes motor ships or vessels.

"Rua Khampanyon" or "Rua Yon" (motor ship or motor vessel or motor boat) means a vessel propelled whether by engine or by other power.

"Rua Khampanbai" or "Rua Bai" (sailing ship or sailing vessel)" means a vessel propelled by sails and not by machinery.

"Rua Kon" (mechanically propelled vessel) means a vessel propelled by mechanical power, whether any other power is also used or not.

"Rua Konfailek" (launch) means a vessel propelled by machinery under thirty tonages.

"Rua Doentalay" or "Rua Talay" (seagoing vessel)" means a vessel that has characteristics for navigating in the sea according to the rules of Survey.

"Rua Lek" (boat) means a vessel propelled by oar, long paddle or paddle.

"Rua Po" or "Rua Pojai" (lorcha)" means seagoing vessel that has a shape as European style, and has a mast and a sail as Chinese style or any Asian country style.

"Rua Pettalay and other" (Sea Dugout with planking above the water liner) means a vessel that use a sail in sea navigation, and use a sail or an oar or a long paddle in river navigation; and including Rua Chalomtalay (Oceangoing junk), Rua Tengchalomtalay or Rua Samkao.

"Rua Sampao" (Junk/Argosy) means seagoing vessel built as Chinese style or any Asian country style.

¹Water traffic.

² Section 3 was amended by the Act (No.13) B.E.2525 (1982), Section 3.

Observation: The old Act defined the terms in "Section 3 to Section 7". In its Amendment No.13, all terms of 5 Sections (Section 3 to Section 7) are defined in Section 3 resulting Section 4 to Section 7 are empty.

“Rua Bantuksinka”(cargo-boat) means a vessel, without deck or with deck partially, navigates by oars, long paddles or paddles or sails, that is used for cargo loading.

“Rua Lamliang” (lighter) means a vessel that is not mechanically propelled vessel, and used for cargo transporting or cargo transferring from and to a ship with a steam (Rua Khampan).

“Rua Lamliang Tahan” means a vessel that is used for soldier transporting, belong to whether the army or not.

“Rua Doeisan” (Passenger liner) means a vessel that transports the passengers more than twelve persons.

“Rua Sinkha” (Freight) means a vessel that is not a passenger liner.

“Rua Pramong” (Fishing Boat/Steam Trawler) means a vessel that is used to catch aquatic animals or other living resources in the sea.

“Rua Samran & Kila” (Pleasure Steamer) means a vessel that is used for pleasure seeking, or vessel that is used for sport playing, and not used for commerce, military service or scientific research.

“Rua Mai Titobapboran” (old style vessel) means a sailing boat with one mast, junk or wood vessel which are built as ancient vessel.

“Raft” includes a pontoon, a floating landing or a similar floating thing.

“Floating house” means any house built on bundles of bamboo or on pontoons and floating in any river or canal.

“Tonnage Gross” means a size of vessel that is computed according to the rules of Survey under Section 163.

“Thai Waters” means all waters under sovereignty of Thailand.

“Sea-Port” means a place or site where vessel anchors for transferring of cargo or passenger.

“Master” means a person, except a pilot, having command of Rua Khampan or any vessel.

“Seaman” means a person who act circumspctly in a vessel.

“Sailor” means a seaman in a vessel, beside master.

“Passenger” means a person who stay in the vessel except:

(1) The seaman in a vessel or other persons who are employed to work in the vessel.

(2) The child who is less than one year old.

“Harbor Master” means the Director-General of the Harbor Department or a person who is assigned by the Director-General of the Harbor Department.

“Licensing Officer” means the Director-General of the Harbor Department or the person appointed by the Director-General of the Harbor Department.

“Vessel Inspector” means a person who is appointed by the Minister of Communications in accordance with this Act.

“Section 4.(Repealed).....”³

“Section 5.(Repealed).....”⁴

“Section 6.(Repealed).....”⁵

“Section 7.(Repealed).....”⁶

³ Section 4 was repealed by the Act (No.13) B.E.2525 (1982), Section 4.

⁴ Section 5 was repealed by the Act (No.13) B.E.2525 (1982), Section 4.

⁵ Section 6 was repealed by the Act (No.13) B.E.2525 (1982), Section 4.

“Section 8.⁷ In this Act any provision stating that any license issuing as the Harbor Master consider that it is necessary to issue a letter, the Harbor Master shall have a right to collect a license fee according to the tariff prescribed by the Ministerial Regulation, but not exceeding one hundred Baht”⁸

“Section 9.⁹ Navigation in Thai Waters Act, Rattanakosinsok 125, notified on 17th July Rattakosinsok 124 stating the establishment of the Sea Court, notified on 19th March Rattanakosin 125 stating the license issuance of cargo-boat and boat, and notified on 22nd March Ratanakosinsok 129 stating the steam-vessel for hire, are repealed. However this repeal is not dealing with any former action done by any people, or with any former fault before notifying this Act.

Section 10. The regulation for preventing of vessel collision B.E.2456 come into force not only Thai ship (Rua Khampan) but also all steam ships navigating in all harbor limits and anchoring area of Kingdom of Thai without conflicting to this Act. When there are some conflicts of law occur, the regulation in this Act shall be applied as stated in the regulation number 30, and the owner and the master must respect and obey such regulation.¹⁰

Section 11. The imprison penalty or fine, if the wrong-doer is the foreigner who is from the country that the consular office, with juristic authority of such country, located in Kingdom of Thai. The wrong-doer shall be brought to the consular court.
(At present, there is no consular court. The wrong-doer must be brought to the Thai court as Thai people)

TITLE I

General Regulation.

“CHAPTER I

The Fairways, the Limits of Harbor and Anchorage.”

“Section 12.¹¹ The Minister of Communications shall have power to issue the Ministerial Regulation as follows:

- (1) To prescribe any river/canal or sea to be harbor limits and anchorage limits.
- (2) To prescribe general fairways and fairways in harbor limits, except in the limits of the harbor of Bangkok.”

“Section 13.(Repealed).....”

⁶ Section 7 was repealed by the Act (No.13) B.E.2525 (1982), Section 4.

⁷ Section 8 was repealed by the Act (No.13) B.E.2525 (1982), Section 3.

⁸ The Ministerial Regulation under Section 8, see the fee in the Ministerial Regulation (No.18).

The Ministerial Regulation under Section 8, in case of dredging, see the Ministerial Regulation(No.22).

The license, under Section 8, of building construction, anchoring, moving, transferring, see the Ministerial Regulation No.39 B.E.2533.(1990).

⁹ Section 9 was amended by the notification of the Navigation Act B.E. 2456 (1913).

¹⁰The Ministerial Regulation under Section 10, see the Ministerial Regulation No.19.

¹¹Section 12 was amended by the Act (No.10) B.E.2510 (1967), Section 5.

Title I, Chapter I was amended by the Act (No.13) B.E.2525 (1982), No.5.

- “Section 14.(Repealed).....”
 “Section 15.(Repealed).....”
 “Section 16.(Repealed).....”¹²

“CHAPTER II”¹³
Duties of Masters

When Vessel Enter to or Leave from Thai Waters.

Section 17. Any master of Rua Khampan shall hoist her colors on entering Thai waters, and shall keep such colors flying during daylight until the ship shall have been boarded by the Harbor Master.

Section 18. The mechanically propelled vessel that is a sea-going vessel and is Thai vessel, size of sixty ton gross up and foreign Rua Khampan. When, enter to any harbor limits of Thai waters, The master must report, according to report form, to the Harbor Master within 24 hours after anchoring time.

Section 19. The mechanically propelled vessel that is a sea-going vessel and is Thai vessel, size of sixty ton gross up and foreign Rua Khampan prepares to leave from any harbor limits in Thai waters. The master must fly a flag for leaving (flag that is called “Blue Peter”). If the vessel has a leaving schedule in the afternoon, then the flag must be flew in the morning. If the vessel has a leaving schedule in the morning, then flag must be flew in the afternoon of the day before.

Section 20. Foreign Rua Khampan, when enters to the Sea-port of Thailand where is not prescribed as the harbor limits. The master must report, the entering to and leaving from, to the Harbor Master within 24 hours after entering to and before leaving from, and must follow the command of the Harbor Master

Section 21. The mechanically propelled vessel that is a sea-going vessel and is Thai vessel, size of sixty ton gross up, when it is leaving from any harbor limits in Thai waters. The master must notify a leaving schedule to the Harbor Master, for checking the operation that is followed the law or not, not less than six hours before schedule. When it is considered that they follow the law, then they are allowed to leave.

Section 22. Any Rua Khampan, used for international navigation, that must have a certificate as prescribed in the rules of Survey under Section 163. When it is leaving from any harbor limits in Thai waters, the master must notify a leaving schedule to the Harbor Master at least six hours before leaving, for checking using license and the said certificate including equipment and tools that are usable condition.

Section 23. The mechanically propelled vessel that is a sea-going vessel and is Thai vessel, and the foreign Rua Khampan that must have a certificate as prescribed in the rules of Survey under Section 163. When it is leaving from any harbor limits in Thai waters to foreign Sea-port, the master must receive the leaving license from the Harbor Master.

“Section 24.”¹⁴ Any person dose not follow Section 17, Section 18, Section 19, Section 20, Section 21, Section 22 or Section 23 shall be punished with a fine from five hundred Baht to five thousand Baht”

¹²Section 13 - 16 were repealed by the Act (No.10) B.E.2525 (1967), Section 6.

¹³ Title I, Chapter II: Section 17-24 were amended by the Act (No. 13) B.E. 2525(1982).

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

- “Section 25.(Repealed).....”
 “Section 26.(Repealed).....”
 “Section 27.(Repealed).....”
 “Section 28.(Repealed).....”¹⁵

CHAPTER III Anchorage.

Section 29. Within the limits of the harbor of Bangkok any Rua Khampan not made fast alongside a wharf or landing shall be moored by two anchors midstream with efficient chain on each to prevent her from dragging.

Section 30. Hulks, flats and any vessels having a stationary berth, shall be moored with a substantial swivel, fully in proportion to their chain cables.

Section 31. On no account shall and Rua Khampan, hulk or flat anchor or moor in the fairways.

Section 32. A vessel made fast alongside a wharf or a landing or the bank of the river shall not place its anchor further out into the stream than thirty meters from the stem of the vessel.

Section 33. A vessel, the license of which has been refused or withdrawn or which is detained by the Harbor Master on account of her unseaworthy condition shall be moored in the place allotted to her by the Harbor Master.

Section 34. Lorchars, lighters, junks, cargo-boats, Rua Pet Talay, etc., and other boats shall moor in the middle of the river or when possible may moor to the West-ward provided that a clear passage of not less than one hundred meter shall always be left open between them and the West bank of the river, or the vessels made fast to the West bank of the river, or the floating houses made fast along the West bank of the river.

Section 35. Laid-up lorchas, lighters, junks, cargo-boats, rua pet taly, etc., and other boats shall move to such anchorage within the harbor limits as the Harbor Master shall from time to time appoint by notification in the Government Gazette and in two or more local papers.

Section 36. No Rua Khampan for sea-going shall anchor in the space of the river comprised between Klong Sapan Han and Klong Banglumpu Bon except in case of emergency. This space of the river shall at all times be reserved for Thai vessels of war. It shall not be lawful for Rua Khampan for sea-going or foreign vessels of war to navigate or be towed up the river beyond Klong Tapan Han without special permission granted by the Harbor Master, upon such conditions as he may deem proper.

“**Section 37.**¹⁶ Except in cases of emergency no Rua Khampan shall anchor between Wat Bukalo and a point two hundred meters below the mouth of Klong Bang Pa Kaew and between the mouths of Klong Padunag and Klong Sampeng, which parts of the river are reserved for purposes of navigation.

Section 38.¹⁷ All Rua Khampan that carry passenger or things from a Sea-Port or any Sub-District in the foreign country enter to the Chao Phraya river; or any vessels that enter to the Chao Phraya river transferring the passenger or thing from a vessel that come from foreign

¹⁵Section 25 - 28 was repealed by the Act (No.13), B.E.2525 (1967), Section 5.

¹⁶Section 37 was amended by Notification of its Amendment B.E.2456 (1913).

¹⁷Section 38 was amended by the Act (No.10) B.E.2510 (1967).

country. When pass the checkpoint at Samutprakan, if transfer passenger or things to land, must anchor at the anchorage area or anchor alongside the quay of the Harbor Authority of Thailand, except the parking area or the quay are not sufficient to park or to park alongside, or due to other necessary case, if accordingly the rules prescribed by the Committee and the approval of the Director-General of the Harbor Department, shall enter to anchor or park alongside of the allowed place.

The Committee under paragraph one consists of five members, they are the Director-General of the Harbor Department as chairman, the Director-General of Customs Department and the Director of the Harbor Authority of Thailand as member, and other two members appointed by the Minister of Communications.”

Section 38 bis. In the meeting of the Committee according to Section 38. the presence of not less than half of the total number of member shall constitute a quorum.

In case the chairman is not present at the meeting, the member present shall elect one among themselves to preside over the meeting.

The decision of the Committee shall be taken by a majority vote. In case of a tie, the chairman of the meeting shall have an additional vote as casting vote.

“Section 38 ter.”¹⁸ Under Section 38, the Harbor Master shall have power to prescribe the berth for all Rua Khampan and boats; and the master must anchor at the place as indicated by the Harbor Master, and do not allow to move a vessel from that place, or move to anchor other place without the permission from the Harbor Master, except necessary case which shall be approved by the Harbor Master.”

“Section 38 quarter.”¹⁹ Any master or the person in charge of the vessel dose not follow Section 38 paragraph one or Section 38 ter shall be punished with a fine from three thousand Baht to thirty thousand Baht, and daily fine of one thousand Baht a day until the right operation shall be done.”

Section 39. If Rua Khampan after arrival in harbor limits has not been loading or discharging cargo for ten days or over and a berth occupied by her is required for a vessel in active trade, the laid-up vessel shall remove to a berth pointed out by the Harbor Master within the harbor limits.

“Section 40.”²⁰ A Rua Khampan wishing to change her berth or a vessel lying alongside a wharf or landing which wants a berth in the river shall hoist the Signal Flag “B.A.Z.” of the international Code: the Harbor Master shall then proceed on board and point out a berth.

“Section 41.”²¹ A Rua Khampan wishing the assistance of the Police shall hoist the Signal Flag “S.T.” of the International Code. If there should be mutiny on board, the Signal Flag “R.X.” shall be hoisted.

Section 42. The launches or boats belonging to the Harbor Department, to the Navy Department, if on special duty, to the Health Officer, to the Customs and to the Pilot are the only ones allowed to go alongside any sea-going steam or sailing vessel before she is properly moored or made fast.

¹⁸Section 38 bis. and Section 38 ter were amended by the Act (No.9) B.E.2493 (1950), Section 5.

¹⁹Section 38 quarter. was amended by the Act (No.14) B.E.2535 (1992), Section 4.

²⁰Section 40 was amended by the Act B.E.2477 (1934), Section 9.

²¹Section 41 was amended by the Act B.E.2477 (1934), Section 10

Rua Chang (hiring boat), cargo-boats or boat and other vessels are on no account to hock fast to the ship's side when she is moving up or down the river except with the special permission of the master.

Section 43. When mooring, the master or pilot in charge of a Rua Khampan shall moor her in such a way that she takes up the least possible space. The Harbor Master shall see that this Regulation is always carried out.

Section 44. In a small rivers and canals all boats shall moor on either side of the river or canal so as not to obstruct navigation in the middle of the stream. They shall not be moored one abreast of another nor athwart the river or canal, nor in the middle of the stream.

Section 45. Rua Khampan, boat and rafts mooring alongside of the bank of a river or alongside a wharf or landing shall not moor athwart the river. They shall moor in such a way that their bow and stern are in a line with the stream.

Section 46. At any wharf and landing on the banks of the River Chao Phaya, or on each side of any Rua Khampan no cargo-boats, launches, Rua Pet Talay, etc., shall make fast abreast of one another to a greater number than two and not more than one shall make fast abreast of any floating house.

Section 46 bis.²² The Harbor Master shall have power to prohibit and improve a ferry port, a ferry port, cargo port, quay and raft in a river, canal, swamp reservoir, lake which is the traveling way of the people, or the people jointly use, or the sea within Thai waters which is unsafe for use or may be dangerous to people or to navigation; by notifying the owner or the possessor in letter. In case, the owner or the possessor is not present, the order shall be made and putting up at the ferry port, cargo port, quay or raft, and it shall be considered that the owner or the possessor has received the said order.

The owner or the possessor, who has received the Harbor Master's order as state in paragraph one, shall have the right to appeal to the Minister of Communications within fifteen days after the day of receiving order. The decision of the Minister shall be final. But during the Minister has not yet decided, the said prohibition order has come into force. In case of no decision of appeal or the Minister repeal the appeal, and the owner or the possessor does not follow the order within the period prescribed by the Harbor Master or within 15 days after the day of receiving the decision. The Harbor Master shall have power to improve it and it shall be according to the order and charge the expense from the owner or the possessor.

When the owner or the possessor has improved according to the order, the Harbor Master shall repeal the prohibition order. In case the Harbor Master improved by himself, it shall wait for cancellation of prohibition order until the owner or the possessor pay the expense to the Harbor Master.

"The owner or the possessor use by himself or allow other persons to use the ferry port, cargo port, quay or raft that the Harbor Master order the prohibition of use, and not yet canceled the said order, it shall be fined from three thousand Baht to thirty thousand Baht, and daily fine, one thousand Baht per day until it shall have the right operation"²³

Section 47. No raft of a greater width than twenty logs abreast shall make fast on each side of any vessel or alongside any wharf or landing and not more than one lorcha, lighter or junk abreast shall make fast on each side of any vessel and not more than two alongside any wharf or landing.

²²Section 46 bis. was amended by the Notification of the Revolution Group (No.50) B.E.2515 (1972),No.3

²³Section 46 bis. paragraph 4 was amended by the Act (No.14) B.E.2535 (1992), Section 5.

Section 48. Lorchas, lighters, junks, cargo boats, launches and other boats and rafts shall not make fast to the bank of the river in such numbers or in such a manner as to project into the fairway and cause obstruction to navigation.

Section 49. Any Rua Khampan or boat moored to a greater number than two in the river outside the line of other vessels or outside the line of the floating houses in the same vicinity shall be considered as vessels or boats projecting into the fairway.

Section 50. The restrictions in Section 46 and Section 47, may be relaxed by special permission of the Harbor Master.

“Section 51.”²⁴ Any master or the person in charge of the vessel or raft offending against any of the provisions of Section 29, Section 30, Section 31, Section 32, Section 33, Section 34, Section 35, Section 36, Section 37, Section 39, Section 42, Section 44, Section 45, Section 46, Section 47, Section 48, Section 49, if it is a Rua Khampan, it shall be punished with a fine from one thousand Baht to ten thousand Baht, and daily fine, five hundred Baht per day until it shall have the right operation. If it is boat or raft, it shall be punished with a fine from one hundred Baht to one thousand Baht, and daily fine, ten Baht per day until it shall have the right operation.”

CHAPTER 4

Fairways.

Section 52. There shall be two fairways within the limits of the harbor of Bangkok as state in Section 52 bis - 54”²⁵“Than” 32 - 34.”

The eastern way called main fairway, comprising the space of the river between vessels anchored midstream and the East bank of the river or the vessels made fast to East bank of the river or the floating houses made fast along the East bank of the river as state in Section 55 - 56 “Than 35”.

The western fairway comprising the space of the river between the vessels anchored midstream and the West bank of the river or the vessels made fast to the West bank of the river, or the floating houses made fast along the West bank of the river as state in Section 57 - 60 “Than 36 - 38”

The reserved fairway for boat as state in Section 61 - 67 “Than 39 - 43”

The fairway in various canals as state in Section 68 - 69 “Than 44 - 45”

“Section 52 bis.”²⁶ When necessary, for navigation safety, the Harbor Master shall have power to notify the prescribed the fairway and to control the navigation in the limits of the harbor of Bangkok and in a river, a canal for temporary.

The master or the person in charge of the vessel or any person offending against any of the provisions of the notification of prescribed the fairway or notification of navigation control

²⁴Section 51 was amended by the Act (No.14) B.E.2535 (1982), Section 6.

²⁵It is difficult to define this term, because it is the old style of Thai word. According to the discussion with the legal officer of the Harbor Department, “Than” might means the reference point for navigation in the former time.

²⁶Section 52 bis., paragraph 1 was amended by the Act (No.11) B.E.2520 (1977) , Section 3.

Section 52 bis, paragraph 2, paragraph 3-ter was amended by the Act (No.14) B.E.2535 (1992), Section 7, Section 8.

under paragraph one shall be punished with a fine from five hundred Baht to five thousand Baht, and the Harbor Master shall have power to seize the certificate of vessel control but not exceeding six months.

The master or a person in charge of the vessel who is seized the certificate of vessel control under paragraph two, has the right to appeal to the Minister of Communications within one month after the day of knowing the order. The decision of the Minister shall be final. During the period that the Minister has not decided yet, the order has legal force."

"Section 52 *ter*. Any master or a person who is seized the certificate of vessel control perform his duty during period that his certificate was seized under Section 52 bis, paragraph two, shall be punished with a fine from two thousand Baht to twenty thousand Baht.

Section 53. The space of the river within thirty meters from each bank, or from the Rua Khampan made fast to each bank, or from the floating houses made fast to each bank, is set apart for the fairway of boats.

No Rua Khampan shall navigate within such distance, except when necessary in order to avoid collision, or for purposes of manoeuvring.

"Section 54.²⁷ Any master or the person in charge of the vessel dose not follow Section 53 shall be punished with a fine from five hundred Baht to five thousand Baht"

(a) Eastern or Main Fairway.

Section 55. All steam-vessels of any tonnage (with the exception mentioned in Section 58), and sailing-vessels of all descriptions exceeding fifty tons shall, when navigating, keep to the Eastern fairway except in case of emergency, or in order to proceed to or from any wharf or bank of the river.

All such vessels shall proceed at the lowest speed consistent with the most prudent navigation due regard being had to the vessel's own safety, and to the possible injury done by the wash of the vessels.

"Section 56.²⁸ Any master or the person in charge of the vessel dose not follow Section 55 shall be punished with a fine from five hundred Baht to five thousand Baht

(b) Western Fairway.

Section 57. All sailing vessels under fifty tons and generally vessels of all descriptions not provided for by Section 55 shall keep to the Western fairway.

"Section 58.²⁹ All steam-vessels towing more than one other ship or boat under thirty-five tons shall keep to the Western fairway.

No steam-vessel shall tow within the limits of the harbor of Bangkok a greater number of ships or boats than shall enable such steam-vessel to proceed at a rate of at the least two miles an hour over the ground, and such steam-vessel shall not proceed at a higher rate of speed than six miles an hour over the ground when going against the tide, and four miles an hour through the water when going with the tide.

The number of boats towed shall in no case exceed thirty-two and there shall not be more than four boats towed abreast.

²⁷Section 54 was amended by the Act (No.14) B.E.2535 (1992), Section 9.

²⁸Section 56 was amended by the Act (No.14) B.E.2535 (1992), Section 10.

²⁹Section 56 was amended by its amendment B.E.2456 (1913), Section 2, paragraph 2.

Section 59. Steam tugs or launches towing paddy boats shall not linger in the fairway while paddy boats are being fastened to the tow line. When using the fairway for towing they shall continually be on the move and shall not proceed at a less rate than two miles an hour over the ground.

“**Section 60.**³⁰ Any master or the person in charge of the vessel offending against any of the provisions of Section 57, Section 58 or Section 59 shall be punished with a fine from five hundred Baht to five thousand Baht.”

(c) Part of Either Fairway Reserved for Boats.

Section 61. All boats may navigate in either fairway.

Section 62. Except in case of emergency or in order to cross over to any wharf or bank of the river, all boats shall navigate within a distance of thirty meters from the bank of the river or from the ship made fast to the bank of the river, or from the floating houses made fast along the bank of the river.

• **Section 63.** Paddy boats shall navigate in the part reserved for boats in the Western fairway: they shall not be allowed to navigate in any part of the Eastern fairway.

Section 64. When in case of emergency or in order to cross over to any wharf or bank of the river, any paddy-boat or boat shall depart from the above rule provided by Section 62 and Section 63, such paddy-boat or boat shall take all precautions in order not to obstruct navigation.

Section 65. Paddy-boats or boats shall not pass within one hundred meters of the bows of steamships going up or down the river, nor shall they cross the river unreasonably far above the wharf or mill to which they are proceeding.

Section 66. Motor-boats of not more than six meters in length may navigate in the part of either fairway reserved for boats, but in navigating within thirty meters from the banks such vessels shall proceed at the lowest speed consistent with the most prudent navigation, due regard being had to the safety of boats propelled by oars.

“**Section 67.**³¹ Any master or the person in charge of the vessel offending against any of the provisions of Section 62, Section 63, Section 64, Section 65 or Section 66 shall be punished with a fine from five hundred Baht to five thousand Baht.”

(d) Klongs and Canals.

“**Section 68.**³² In rivers and canals outside harbor limits, all vessels going with the tide shall keep the middle of such rivers or canals: when going against the tide, they shall keep close to the bank. If the said alternatives prove impracticable, they shall keep to the middle of the channel and shall further comply with the rules of local navigation laid down for controlling navigation in such rivers or canals.³³”

³⁰ Section 60 was amended by the Act (No.14) B.E.2535 (1992), Section 11.

³¹ Section 67 was amended by the Act (No.14) B.E.2535 (1992), Section 12.

³² Section 68 was amended by its amendment B.E.2477 (1934).

³³ The regulation under Section 68 see the regulation of the Harbor Department, page 224.

The Harbor Master, or, in a locality where there is no Harbor Master, the Commissioner of Province shall have power to issue rules for the control of navigation in any river and canal within his area. Such rules shall be enforceable after permission of the Competent Minister of State has been obtained and they are published in the Government Gazette."

"**Section 69.**³⁴ Any master or the person in charge of the vessel offending against any of the provisions of Section 68 or the rules issued under Section 68 shall be punished with a fine from five hundred Baht to five thousand Baht.

CHAPTER V

Rafts, Floating Houses, etc.

(a) Rafts.

Section 70. All rafts shall be manned with a crew sufficient to keep them under due and proper control, and all possible precautions shall be taken by the crew not to obstruct navigation and to avoid collision with floating houses or vessels anchored in the river. Each raft shall fly a flag showing the ownership of the raft, house flags for this purpose shall be registered at the Harbor Department. Notification of the number of logs in a raft and of its probable date of arrival within the limits of the Harbor of Bangkok shall be given to the Harbor Master by the owners.

Section 71. No raft shall make fast to any Rua Khampan, post or floating house without the consent of the owner or the master thereof.

Section 72. Within the limits of the Harbor of Bangkok all rafts shall be floated or towed down in the Western fairway. They may proceed in the Eastern fairway only when towed. No raft of timber shall contain more than two hundred logs or exceed twenty meters in breadth.

Section 73. No raft shall be allowed to float up or down the river between sunset and sunrise.

Section 74.³⁵ In the canal, do not allow to float the floating log consisting of more than 4 logs and the length is longer than 2 time of the log length and the floating bamboo is not longer than 16 meter and its width dose not obstruct the navigation in the canal.

"However if the Commissioner of province considers that, in any canal or part thereof, rafts above the dimensions fixed in the preceding paragraph may be towed by steam-vessels or motor-boats without causing danger to traffic by water, he may, in mitigation, allow a length of the rafts, not exceeding 30 meters, to be towed.

After a mitigation has been allowed as provided in the foregoing paragraph, if it subsequently appears to be a danger to traffic by water, the same may be withdrawn."

"**Section 75.**³⁶ Any person offending against any of the provisions of Section 70, Section 71, Section 72, Section 73 or Section 74 shall be punished with a fine from one hundred Baht to one thousand Baht."

³⁴Section 69 was amended by the Act (No.14) B.E.2535 (1992), Section 13.

³⁵Section 74 , paragraph 2 - 3 was amended by the Act (No.3) B.E.2477 (1934), Section 14.

³⁶Section 75 was amended by the Act (No.14) B.E.2535 (1982), Section 14.

(b) Floating houses.

Section 76. No floating house shall be placed in any river at a further distance from the bank of the river than is necessary to allow such floating house not to touch the ground at low water spring tides.

Section 77. The mooring posts of a floating house shall not be placed at a distance further than one and a half meters from the front lone of the floating house.

Section 78. No house built on posts along the bank of the river shall project in the river at a further distance from such bank than will allow the water of the river to recede entirely from under such house at low water spring tides.

Section 79. Within the limits of the harbor of Bangkok, no floating house shall have a width or length exceeding sixteen meters, dependencies of such floating house being included.

Section 80. In canals, no floating house shall exceed a width of twelve meters; nor shall any floating houses made fast to the bank project into the canal in such a way as to cause obstruction to the traffic.

Section 81. Below the Northern limits of the harbor of Bangkok, no floating house shall be towed up or down the river between sunset and sunrise.

Section 82. Floating houses shall be towed or floated up or down in the Western fairway. In case of emergency only may the Eastern fairway be used.

Section 83. No floating house shall be made fast along the bank of the River Chao Phya within the limits of the harbor of Bangkok without the permission of the Harbor Master.

Section 84. Within the limits of harbor of Bangkok may order any floating house projecting in the river in such a way as to be dangerous for navigation at night to show between sunset and sunrise a bright white light in a conspicuous place in order to prevent vessels or boats from running against it.

Section 85. On and from the coming into force of this Law, no floating house or house on posts shall be erected along the river within the limits of the harbor of Bangkok or along the klongs and canals in the Muang of Bangkok, unless permission to build has been first obtained from the Harbor Master.

Section 86. The application for permission shall be made in writing and shall be accompanied by a plan showing the bank of the river the position of the adjoining houses on posts and floating houses, and the position of the house and mooring posts to be erected.

Section 87. The application shall be answered by the Harbor Master within one month from the day when it is received: permission may be granted whenever the provisions of Sections 85 and 86 have been complied with.

Section 88. No building operations shall be commenced before permission has been granted.

Section 89. The Harbor master within the limits of the harbor of Bangkok and the local Authorities outside those limits shall have the power to order the removal of any floating house or mooring post or house on posts erected contrary to the provisions of Section 76 to 79, whether such floating house, posts or house on posts have been erected before or after the promulgation of this Law, and also to order the removal of any floating house or mooring post or house on posts erected or moored without proper permission being first obtained or contrary to the terms of such permission.

“Section 90.³⁷ Any person not complying with the order of the Harbor Master or the competent officer under Section 89 shall be daily fined, from one hundred Baht per day until the right operation shall be done, and the Harbor Master or the competent officer under Section 89 order to demolish the floating house or the house that planted its columns into the river shore, the expense for demolition shall be borne by the owner.

In case of the owner dose not demolish within the period of time prescribed by the Harbor Master or the competent officer under Section 89. The Harbor Master shall request the court to order that the Harbor Master is the manager of demolition.

In case of the Harbor Master is the manager of demolition according to the order of the court under paragraph two, the Harbor Master shall manage carefully the demolition. The owner shall have no right to request for any damages from the Harbor Master and the expense for demolition shall be borne by the owner.

In case of the owner dose not compensate the expense of demolition under paragraph three within the period of time prescribed by the Harbor Master as the proper time. The Harbor Master shall , with the permission from the Minister of Communications, take the demolished material including the things taken from the floating house, the house that planted its columns into the river shore, the part that was demolished to sell by auction or sell by other means. The money obtained from the auction or other means of selling, it shall be compensated the demolished management and if there is some amount of money remaining from the said compensation, it shall be kept by the Harbor Master, if the owner dose not request for the remaining amount of money within 1 year after the day that the Harbor Master has kept it, then the money shall belong to the government.

Section 91. Any person offending against any of the provisions of Section 81, Section 82, Section 83 or Section 84 shall be punished with a fine from five hundred Baht to five thousand Baht.”

(c) Fishing Boats and Buoys Athwart the River.

Section 92. Net fishing by means of several boats anchored in a line together athwart any river and fastened one to the other, or fishing by means of buoys or stakes fixed in a line extending from the bank to the middle of the river, shall not be lawful within the limits of the harbor of Bangkok, and outside such limits it shall be lawful on permission being granted by the authorities.

Section 93. The owner of such fishing boats or buoys or stakes shall from sunset to sunrise keep a blazing fire on the shore opposite to the said boats or stakes; he shall also keep a light on the boats or buoys or stakes the furthest from the shore, and shall blow a horn to warn any passing vessel of the presence of such an obstacle in the river. Fishing stakes erected along the coast at or near the entrance to a river shall between sunset and sunrise show bright white light at the two extremities of each line of stakes.

Section 94. Fishing buoys or stakes shall not be connected together by means of bamboo poles but only by ropes as is the custom; neither shall they be fastened to the shore by means of ropes or poles so as to obstruct the passage for other boats.

“Section 95.³⁸ Any person does not follow to Section 92, Section 93 or Section 94 shall be punished with a fine from one thousand Baht to ten thousand Baht.”

³⁷Section 90 - 91 were amended by the Act (No.14) B.E.2535 (1992), Section 15.

³⁸Section 95 was amended by the Act (No.14) B.E.2535 (1992), Section 16.

CHAPTER VI

Miscellaneous.

(a) Cables and Ropes.

Section 96. In rivers or harbor limits no vessel shall fasten cables or ropes to the banks; except such vessels as shall be fastened along side a wharf or landing or alongside the bank, when no passage is left between such vessels and the shore.

Section 97. No hawser, warp or line shall be run of from any vessels alongside a wharf to any hauling off buoy in rivers or harbors until such time as the vessel is ready to leave the wharf.

“**Section 98.**³⁹ Any person does not follow to Section 97 shall be liable to a fine from one thousand Baht to ten thousand Baht.”

(b) Speed of Vessels, Accident, Light.

Section 99. Masters shall not swing any Rua Khampan in rivers, channels, passages or fairways unless such river, channel, passage or fairway be clear of vessels passing or about to pass in or out, and masters of vessels lying alongside a wharf or landing shall not leave the wharf of landing unless the river, channel, passage or fairway be clear of vessels passing or about to pass in or out.

Section 100. Masters of any Rua Khampan proceeding into, or out of harbors or narrow channels shall cause the speed of such vessel to be kept as low as is consistent with the most prudent navigation due regard being had to the vessel's own safety.

Section 101. Vessel that is coming alongside of or anchor at the harbor, the Master or the person in charge of the vessel shall carefully use a low speed. The vessel that navigate in the river or canal shall use speed not exceeding the speed prescribed by the Harbor Master and do not allow to pass in front within the distance of two hundred meters of any mechanically propelled vessel that navigate up and down journey. Any person offending against shall be punished with a fine from five hundred Baht to five thousand Baht and the Harbor Master shall seize the license of vessel using or certificate of a vessel control not exceeding six months.”

The owner or the holder of certificate of vessel control, who is seized the license, shall have the right to appeal to the Minister of Communications within one month after the day of knowing the order. The decision of the Minister shall be final. But during the period of time that the decision has not been made yet, the said order shall come into force.”

Section 102.⁴⁰ Every master who possesses a certificate of competency shall use his utmost care in taking charge of a vessel to avoid any accident or danger, and if accident occurs while he is in charge of the vessel, he shall report it to the Competent Official as follows:

1. For a vessel not leaving harbor limits for the sea immediately after the accident, the report shall be made within twenty four hours to the Harbor Master. But if the vessel is about to leave harbor for the sea, the report shall be sent by registered post at the first opportunity, or an information of the accident shall be made to any District Board or police authority of the neighboring locality, or the report shall be entrusted to the Customs Officer of the neighborhood to be forwarded to the Harbor Master.

³⁹Section 98, Section 101, paragraph 1 were amended by the Act (No.14) B.E.2535 (1992), Section 18.

⁴⁰Section 102 was amended by its amendment B.E.2477 (1934), Section 3.

Such report shall state clearly:

- (1) The place where the accident occurred, with a sketch plan, if possible;
- (2) The date of the accident;
- (3) The name of the owner of the vessel or his agent and the registration number of the vessel;
- (4) The cause of the accident and the circumstances thereof;
- (5) The damage caused thereby;
- (6) In case of a vessel with a log-book, a copy of the daily entries in both the ship and engine log-books shall be annexed.

2. For vessels other than that mentioned in Sub-Section 1, the report of the accident shall be made to the Harbor Master, or information thereof made to the District Board of police authority of the neighboring locality within forty eight hours.

3. Upon receiving the information, the District Board or local police authority shall make an investigation and proceed with their duty and shall forth with forward a copy of the record of investigation to the local Harbor Master or the Harbor Department for information."

"Section 103.⁴¹ Any master or the person in charge of the vessel offending against any of the provisions of Section 99, Section 100 or Section 102 shall be punished with a fine from two hundred Baht to two thousand Baht."

Section 104. All launches and motor boats under way shall carry a green light on the right gunwale, a red light on the left gunwale and a bright white light at such a height above the deck as shall be fixed by the rules of Survey.

Section 105. All boats and rafts, either at anchor or made fast to stakes or under way shall exhibit a bright a bright white light visible all around at the place where it can best be seen. When such boats or rafts shall be made fast to the bank of the river the exhibition of such light shall not be compulsory.

Section 106. All lighters and lorchas shall exhibit, if propelled by steam, the same lights as prescribed by law for steam-vessels and if under sail and not under steam the same lights as prescribed by law for sailing-vessels under way.

Section 107. All boats in a tow, whether under way or at anchor shall between sunset and sunrise exhibit white lights in such a manner as to indicate clearly the length and breadth of the tow.

Section 108. Whenever two Rua Khamfans are approaching the sunken junks at the mouth of the River Chao Phya, in opposite directions in such a manner that they are likely to pass one another abreast or nearly abreast of the Sunken Junks light-ship, the vessel going against the tide shall stop or slacken her speed until the other has safely passed the said light-ship.

Section 109. Lorchas and sailing vessels of any description, when beating up or down rivers or narrow channels, shall not cross close to the bow of any steamer of tack close ahead of it, provided such steamer is on her proper side of the river or channel and as near the shore as her safety will allow.

In rivers and narrow channels steam launches and motor boats shall not attempt to cross the bow of sea-going steam-vessels in such a way as to involve risk of collision.

Section 110. Any master or the person in charge of the vessel offending against any of the provisions of Section 104, Section 105, Section 106, Section 107, Section 108 or Section 109 shall be punished with an imprisonment not exceeding six months or with a fine from one hundred Baht to ten thousand Baht or boht.

⁴¹Section 103 was amended by the Act (No.14) B.E.2535 (1992), Section 19.

(c) Undocking Vessels.

Section 111. In the portions of the River Chao Phraya which are navigable by seagoing vessels, when a vessel, is being undocked or is leaving a slipway during the daytime, a black ball shall be hoisted at a mast or other conspicuous place at the dock or slipway entrance clearly visible to vessels going up or down the river. The ball shall be hoisted half-mast for half an hour before the vessel is leaving the dock or slipway, and at the top when the vessel is actually leaving the dock or slipway. At night time a red light shall be shown in the same manner instead of a black ball.

Section 112. Any person does not follow to Section 111 shall be punished with a fine from five hundred Baht to one thousand Baht”

(d) Buoys and Moorings.

Section 113. No person shall keep or place moorings or buoys in the waters of any river or anchorage except with the sanction of the Harbor Master or other competent authority and except upon such conditions and subject to the payment of such fees as the Harbor Master or other competent authority may direct. This provision shall not apply to temporary moorings or buoys or marks of the Navy Department for survey purposes.

Section 114. No person shall moor or anchor permanently hulks or vessels of like description used as pontoons or for storing goods in the waters of any river or anchorage without sanction of the Harbor Master or other competent authority and except upon such conditions and subject to the payment of such fees as the Harbor Master or other competent authority may direct.

Section 115. Moorings or buoys sanctioned under Section 113 shall not be made use of by any vessel other than the vessels of the person to whom such sanction has been granted, except with the consent of such person.

“**Section 116.**⁴² Any person offending against any of the provisions of Section 113, Section 114 or Section 115 shall be punished with a fine from one thousand Baht to ten thousand Baht and daily fined, five hundred Baht per day until the right operation shall be done, and the Harbor Master or the competent officer shall order to demolish or remove the buoy or moorings.”

(e) Encroaching on the River.

“**Section 117.** No person shall construct a building or other things trespass onto the water, into the water, under the water of the river, canal, swamp, reservoir, lake that is the traveling way of the people or the people jointly use, or the sea within Thai waters or on the beach of the said sea without the permission of the Harbor Master.

The rules and procedure of application for permission shall be followed the prescription in the Ministerial Regulation. The said Ministerial Regulation shall define clearly the characteristic of building and the trespassing that can be permitted, including the period of time for considering the permission.

⁴²Section 116, Section 117 and its amendment Section 117 bis by the Act (No.14) B.E.2535 (1992).

When the applicant submitted the request as prescribed in the Ministerial Regulations concerning the rule and procedure and characteristic under paragraph two. The Harbor Master shall permit within the prescribed period of time in the said Ministerial Regulations.”

“**Section 117 bis.** A person who receive a permission to construct a building or other things under Section 117 shall pay an annual compensation according to the procedure and tariff as prescribed by the Ministerial regulations which is not less than 50 bath per square meter, and if it is a building or other things that has characteristic or business purpose, it shall be charged two time of the said tariff. In case of the said building or other things, to be constructed without the permission or not follow as received the permission, it shall be charged three time of the said tariff.

The prescription of compensation under paragraph one, it shall be considered the local condition and the benefit that the constructor or the possessor shall obtain.

The compensation that collected under paragraph one, it shall belong to the Bangkok Metropolis, the City of Pattaya, Municipality, Provincial Administration Organization, Sanitary District or other Local Administration Organizations established by the law as the case may be, where the building or other things is located.

In case of appropriate event, it shall issue the Ministerial Regulations to except or to reduce the compensation for any organization or person.

“**Section 118.**⁴³ Any person does not follow to Section 117 or any person receiving the permission under Section 117 then construct a building or other things that is not followed the permission shall be punished with a fine depending on an area of the building or other things with the rate not less than five hundred Baht per square meter but not exceeding ten thousand Baht per square meter.”

“**Section 118 bis.** In case not of transgression of Section 117 or a person who receive the permission under Section 117 construct the building or other things that is not followed the permission, an order in letter shall be made by the Harbor Master to notify the owner or the possessor of the said building or other things to demolish or improve the building or other things completely within the prescribed period of time but not less than 30 days. In case the owner or the possessor is not present , the Harbor Master shall put the order at that building or other things, and do not allow the owner using or permit any person to use the whole building or other things or partly until the completed demolition or improvement is undertaken.

If there is no operation as the order of the Harbor Master under paragraph one or the owner or the possessor is not present and the Harbor Master has put the order at the building or other things for fifteen days. The Harbor Master shall request the court to issue an order for demolition of that building or other things. If it was found that there is transgression of Section 117, in case the owner is present or the possessor or other things, the court shall issue an order the owner or the possessor to be a person who demolish in case the owner or the possessor dose not demolish within the prescribed period of time. In the court's order or in case the owner or the possessor is not present, the court shall issue an order that the Harbor Master is the demolition manager.

In case the Harbor Master is the demolition manager according to the court's order under paragraph three, the Harbor Master shall do it carefully under circumstances. The owner or the possessor shall not request any damages from the Harbor Master, and the owner or the possessor of that building or other things shall pay for this expense.

In case the owner or the possessor of the building or other thing dose not pay the expense under paragraph four within the period of time as prescribed by the Harbor Master as the case

⁴³Section 118 amended Section 118 bis by the Act (No.14) B.E.2535 (1982), Section 25 - 26.

may be or in case the owner or the possessor is not present, the Harbor Master, with approval from the Minister of Communications, shall bring the demolished material including the things taken from the building to sell by auction or other means of selling. Money that obtained from the auction or other means of selling shall be used for compensation of the expense for demolition management and incentive under Section 118, and if there is some amount of money remaining after paying the said compensation, the Harbor Master shall keep that amount of money for giving back to the owner or the possessor. In case the owner or the possessor is not present or the owner or the possessor does not receive the money back within one year, it shall belong to the government.

In case the Harbor Master shall undertake under paragraph one and the said building or other things has the characteristic that may permit and the owner or the possessor agree to pay the fine as prescribed by the Harbor Master according to the tariff under Section 118. The Harbor Master shall issue the permission to either the owner or the possessor and when, receive the permission, it shall charge two times of the compensation under Section 117 bis."

"Section 118 ter.⁴⁴ In case, do not pay the compensation as prescribed in the Ministerial Regulations issuing under Section 117 bis., it shall be fined equally the compensation that is in arrears with one payment."

(f) Throwing Ballast into Navigable Rivers, Harbors Limits and Anchorages Limits.

"Section 119.⁴⁵ No person shall pour, drop, or do anything, the rock/stone, gravel, sand, mud, ballast, articles or any waste articles, except oil and chemical product into river, canal, swamp, reservoir, or lake that is used for traveling by the people, or that is jointly used by the people; or the sea within Thai waters causing shallow, sedimentation, dirty without the permission of the Harbor Master. Any person offending against any of the provisions of this clause shall be punished with an imprisonment not exceeding six months or with a fine not exceeding ten thousand Baht or both, and shall repay any expense which may be incurred in removing the same."

"Section 119 bis.⁴⁶ No person shall pour, drop, or do anything, the oil and chemical product or anything into river, canal, swamp, reservoir or lake that is used for traveling by the people, or that is jointly used by the people; or the sea within Thai waters, it shall be poison to living things or environment or danger to navigation in the said river, canal, swamp, reservoir or lake. Any person offending against any of the provisions of this clause shall be punished with an imprisonment not exceeding three years or with a fine not exceeding sixty thousand Baht or both, and shall repay any expense which may be incurred in improvement the poison or compensated the damages."

"Section 120 The Harbor Master shall have functions to supervise, maintain and dredge the channel, fairway, river, canal lake and the sea within Thai waters.

No person shall dredge, improve or do anything that shall change the navigation channel, river, canal, lake or the sea within Thai waters without the permission of the Harbor Master. Any person does not follow of this clause shall be punished with a fine from five thousand Baht to fifty thousand Baht, and the Harbor Master shall order to stop the said doing."

⁴⁴Section 118 bis. was amended by the Act (No.14) B.E.2535 (1982), Section 26.

⁴⁵Section 119 was amended by the Act (No.14) B.E.2535 (1982), Section 27.

⁴⁶Section 119 bis. was amended by the Act (No.14) B.E.2535 (1982), Section 28, 29.

(g) Wrecks, etc.

“Section 121.⁴⁷ When a Thai vessel, foreign vessel or other things is sunk or having the condition that may cause danger to the navigation in Thai waters, the owner or the representative of the owner of the sunken vessel or other things, shall immediately put the dangerous sign that is judged it fit by the Harbor Master or the competent officer, it shall be noticeable in both day time and night time until the owner or the representative of the owner of the sunken vessel or other things, shall salvage, demolish, transport, destroy or to do something or other thing with the vessel or other things that has sunk and its condition may be dangerous to the navigation; it shall be undertaken within the period of time prescribed by the Harbor Master.

If do not make the dangerous sign, or to salvage, demolish, transport, destroy, or do something completed within the period of time as prescribed by the Harbor Master under paragraph one. The Harbor Master or the competent officer shall have power to make dangerous sign, or to salvage, demolish, transport, destroy or do something with the vessel or other thing and the property in a vessel or other thing to escape the condition that may be dangerous to navigation. The expense shall be charged from the owner or the representative of the owner of vessel or other things.

If Thai vessel, foreign vessel or other things under paragraph one have something that pollute or may pollute the environment. The owner or the representative of the owner of a vessel or other things get rid of it, or protect the pollution within the period of time prescribed by the Harbor Master. If it is not completed within the said period of time, the Harbor Master or the competent officer shall have functions to do something to get rid of it or protect that pollution. The expense shall be charged from the owner or the representative of the owner of vessel or other things.

In case the owner or the representative of the owner of vessel or other things dose not pay for the said expense under paragraph two or paragraph three within the period of time that is judged it fit by the Harbor Master, or the owner or the representative of the owner of vessel or other things is not present, the Harbor Master, with approval from the Minister of Communications, shall bring vessel or other things and property in vessel to auction or sell by other means.

If the money obtained from the auction or other means of selling dose not sufficient to compensate the expense. the owner or the representative of the owner of vessel or other things shall compensate the remaining portion. If the money obtained from the auction or other means of selling when subtract by the expense, it shall give back to the owner or the representative of the owner of vessel or other things or the owner of the property, except the owner or the representative of the owner of vessel or other things or the owner of the property shall give the remaining money to the government.”

(h) Steam Whistles.

Section 122. No steam-vessel or launch either at anchor or under way shall use her whistle except for the purpose of navigation and to avoid collision; nor shall the signal be unduly or want only prolonged. The same rule shall apply to the sound signal of motor-boats.

Section 123. The use of the siren whistle or horn is forbidden within the limits of the harbor of Bangkok, except for foreign vessels that have no other whistle.

⁴⁷Section 121 was amended by the Act (No.12) B.E.2522 (1979), Section 3.

Shooting.

Section 124. No person shall without a permit from the competent authority fire any guns from any Rua Khampan or boat in the harbor of Bangkok except for the purpose of making a signal of distress.

Drum, Gongs and Fireworks.

Section 125. No person shall without a permit from the competent authority beat any drum or gong or discharge, kindle or let off any fireworks, within the limits of the harbor of Bangkok between the hours of 10 p.m. to 6 a.m.

Section 126.⁴⁸ Any person does not follow to Section 122, Section 123, Section 124 or Section 125 shall be punished with a fine from one hundred Baht to one thousand Baht.

(i) Property left in Boats or Vessels, Property Adrift on the River.

Section 127. Whenever any property belonging to passenger or others is left in any Rua Khampan or boat and the master of such boat or vessel is unable to return it to its owner, he shall deliver it to the nearest Police Station, making a report of the circumstances connected with it.

Section 128. Any person finding property lost in the river such as teak logs, boards belonging to rafts, boats or any other property shall deliver it to the nearest Police Station.

Section 129. The Police shall restore the property to the real owner, if the latter be known. In the event of the owner not being found, the property may, after the lapse of three months, be sold by public auction. On sale ten per cent of the proceeds shall be paid to the finder and the balance credited to the government, provided that the police shall ascertain before restoring or selling any such property whether it is liable to any charge for Customs duties.

Section 130.⁴⁹ Any person does not follow to Section 127 Section 128 or Section 129, shall be punished with a fine from one hundred Baht to one thousand Baht".

(j) Caution to Masters of Rua Khampan.

Section 131. Masters of vessels are requested to inform their crews, when granting them leave, that they are not to come on shore with sheath knives or other dangerous weapons, such as stung shots, etc.

Under the provisions of Section 335 (2) of the Penal Code⁵⁰, any person found in any public way or place with any of the above on his person, may be punished with a fine not exceeding twelve Baht and the weapon shall be forfeited.

⁴⁸Section 126 was amended by the Act (No.14) B.E. 2535 (1992), Section 30.

⁴⁹Section 130 was amended by the Act (No. 14) B.E. 2535 (1992), Section 31.

⁵⁰It was repealed, compare to Section 370 of Penalty Code, fine is not over 100 baht and the court shall have power to confiscate that weapon.

Section 132. Masters of Rua Khampan shall obey all reasonable orders or instructions from the Harbor Master regarding movements of vessels under their charge.

Section 133. No corpse may be imported into Thai Waters from a foreign Sea-Port unless such corpse be enclosed in a hermetically sealed coffin or other receptacle, and unless a certificate accompanies it showing the cause of death, duly certified by a qualified medical person and attested by the Thai Consul at the Sea-Port of departure or in his absence by a magistrate. On arrival in Thai Waters the master shall at once notify the Pilot, Harbor Master or Health Officer of the presence of such corpse.

TITLE II

Regulations for the Licensing.

Management and Control of Rua Khampan or Boats.

CHAPTER I

General.

“Section 134.(Repealed).....”

“Section 135.(Repealed).....”

“Section 136.(Repealed).....”⁵¹

“Section 137.”⁵² Applications for licenses or for renewal of licenses shall be delivered to Harbor Masters or to officials appointed for the purpose of registration, and shall be made on official forms. Every applicant shall deposit with his application not less than one half of the license fee.

In the case of steam-vessels or motor-boats intended for transporting passengers or goods or towing for hire, the applicant shall state such facts clearly. If they are to run as packet-boats on any specified route, he shall also state localities between which they are to ply.

For the purpose of this Section, a steam-vessel or motor-boat regularly plying for hire between any localities for a period of three months or longer shall be deemed a packet-boat.

For the purpose of this Section, a steam-launch or motor-boat regularly plying for hire between any localities for a period of three months or longer shall be deemed a packet-boat.

For a steam-launch or motor which has been licensed for hire for the transportation of passengers or goods or for towing under the foregoing paragraph, a later application may be made for a new entry in the register changing the purpose for which it has been originally authorized.”

Section 138. The licensing officer is authorized to refuse a license or, if a license has been granted, to withdraw the same and cause it to be forfeited in respect of any Rua Khampan or boat which he has reason to consider as not being, as regards repairs and cleanliness, in a state fit for the service for which it is used or intended to be used or for any misconduct on the part of the licensee, or of any of the crew of the vessel or boat.

“Section 139.”⁵³ When the Harbor Master found that any Rua Khampan be used in the sea or vessel that is used in the river having the unsafe condition or unsuitable for use. The Harbor shall have power to issue the order letter to the master in order to prohibit the use of that

⁵¹Section 134-135-136 was repealed by the Act (No.6) B.E.2481 (1938), Section 3.

⁵²Section 137 was amended by the Act B.E.2477 (1934), Section 3.

⁵³Section 139 was amended by the Act (No.13) B.E.2525 (1982), Section 6.

vessel and order to improve or repair until having the safety condition or suitable condition for use.

If the master bring a vessel under paragraph one to use without following the order of the Harbor Master that ordered under paragraph one. The Harbor Master shall have power to detain that vessel until the right action following the order has been done."

"Section 140.⁵⁴(Repealed)....."

"Section 141.⁵⁵(Repealed by the Act No.13 (B.E.2525) under Section 7)....."

"Section 142.⁵⁶ The Minister of Communication shall have power to issue the Ministerial Regulations prescribing the license form for use of vessel including rules, means and conditions for license application for use of vessel and issuing the license for use of vessel.

Such Ministerial Regulation shall become effective upon their publication in the Government Gazette."

"Section 143.⁵⁷ License issuing or renewal of license that expired as provided in Chapter III, Chapter IV and Chapter V under Title II, the fee can be collected as prescribed in the Ministerial Regulation, but not exceeding two thousand Baht per one license.

The Minister of Communication shall have power to prescribe the vessel that is to be excepted from the fee collection prescribed in the Ministerial Regulation under paragraph one"

"Section 144.⁵⁸(Repealed by the Act No.6 (B.E.2481) under Section 3)....."

"Section 145.⁵⁹ The license can not be changed for use, if during the validity of license, the owner of vessel was changed, it shall be transferred the ownership. But it shall inform the Harbor Master to correct the license by changing the name in registration list for reference, it shall be charged a fee for 2 Baht, if it is boat, cargo-boat or sea dugout vessel (Rua Pettalay), etc., if it is other vessel it shall be charged for 20 Baht."

Section 146. Until the entry provided in the preceding Section is made, the transferor remains responsible under Sections 298 and 299 and the transfer is in valid as regards third persons who had no knowledge of it.

Section 147. If during the continuance of a license the license-paper itself becomes so defaced as to be illegible or is lost the vessel or boat shall not be used until a duplicate license has been issued by the Harbor Master. In case of the loss of a license-paper, the application for a duplicate must be in writing.

Section 148. A duplicate license shall bear the word "DUPLICATE" on it. It shall be valid only for the unexpired period of the old license.

"Section 149.⁶⁰ The issuing of a duplicate license, it shall be charged half of fee that issue of license, but not exceeding one hundred Baht."

⁵⁴Section 140 was repealed by the Act (No.13) B.E.2525 (1982), Section 7.

⁵⁵Section 141 was repealed by the Act (No.13) B.E.2525 (1982), Section 7.

⁵⁶Section 142 was amended by the Act (No.13) B.E.2525 (1982), Section 8.

⁵⁷Section 143 was amended by the Act (No.10) B.E.2510 (1967), Section 9.

⁵⁸Section 141 was repealed by the Act (No.13) B.E.2525 (1982), Section 7.

⁵⁹Section 145 was amended by the Act (No.8) B.E.2490 (1947), Section 4.

⁶⁰Section 149 was amended by the Act (No.14) B.E.2510 (1967).

Section 150. Every person in charge of a licensed Rua Khampan or boat shall keep the license on board such vessel or boat.

Section 151.⁶¹ Every person in charge of a Rua Khampan or boat subject to license must show her license when required to do so by the licensing officer or by any officer of the police or of the Harbor Department, of the hirer of such vessel or boat.

Section 152. Every person in charge of a Rua Khampan or boat whether licensed or not, knowingly producing or otherwise using as if it pertained to his vessel or boat the license of any other vessel or boat shall be punished with an imprisonment for a period not exceeding six months or a fine from one thousand to ten thousand Baht or both."

Section 153. Any Rua Khampan shall not use the registered name of another vessel. Should a vessel for which an application for a license is made bear the name of another vessel, the Harbor Master shall request the applicant to change the name and shall withhold the license till the name has been changed.

Section 154.⁶² When an owner changes the registered name of Rua Khampan he shall at once register the new name and pay a fee of fifty Baht per time.

Section 155.⁶³ No steam-vessel or motor-boat shall carry more passengers than the number stated in her license.

Section 156. No Rua Khampan shall fly a private house-flag, or display a funnel mark, unless the same be registered at the office of the Harbor Master and described in the license.

Section 157. The size of the figures and letters of the names and numbers by the present Law ordered to be painted, affixed or carved on Rua Khampan or boats shall be left to the discretion of the Harbor Master.

Section 158. Any Harbor Master and any officer of the Police or of the Harbor Department is hereby empowered to board and examine any Rua Khampan or boat in order to ascertain whether such vessel or boat is licensed or whether any provisions of this Law or any of the Rules or Regulations lawfully issued by the Harbor Master have been broken.

Section 159. Dangerous goods of any description, in however small a quantity, shall not be carried at the same time as passengers; provided that petroleum and benzine may be so carried if the Rua Khampan or boat be provided with a special place below deck, set apart for that purpose, to be approved by the Harbor Master. Nothing herein contained shall prevent a passenger from carrying his own fire arms and a moderate quantity of ammunition for his own use.

Section 160. When there is Thai vessel that received the license for use of vessel having equipment and tools in vessel that are not correct or in the unusable condition according to the certificate issued under rules of Survey under Section 163, the Harbor Master shall have power to issue the order letter to the master to improve correctly them within the prescribed period of time.

If the master bring a vessel under paragraph one to use without following the order of the Harbor Master issued under paragraph one, the Harbor Master shall have the right to hold over the use of license till the correct action is done.

An example of law action under Section 150, see d.2007/2492 page 503

⁶¹*An example of law action under Section 151 d.2007/2492 page 403*

⁶²*Section 154 was amended by the Act (No.10) B.E.2510 (1867), Section 11.*

⁶³*Section 152 and 155 was amended by the Act (No.14) B.E.2535 (1992), Section 32,33*

When it follow the order under paragraph one, the Harbor Master shall order to repeal immediately the holding over for use of license

When the Harbor Master inspect and find that the foreign vessel that enter to Thai harbor limits having equipment and tools in a vessel that are not correct or in the unusable condition according to the certificate issued under the rule for rules of Survey under Section 163, the Harbor Master shall have power to issue the order letter to the mater to correctly improve them, when it is found that it is correct then that vessel is allowed to navigate.”

“**Section 161.**⁶⁴ Any person offending against any of the provisions of Section 145, Section 147, Section 150, Section 151, Section 156, Section 157, Section 159, Section 162 bis, Section 162 ter, Section 166, Section 167, Section 168, Section 171 or Section 173 shall be punished with a fine from one hundred Baht to one thousand Baht.”

“**Section 161 bis.** Any master or the person in charge of the steam-vessel or motor-boat does not follow to Section 155 shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both.”

CHAPTER II

Survey⁶⁵

“**Section 162**⁶⁶ The license issuing officer shall issue the license for use of vessel or change the license instead of the old one for any vessel, it shall be done when there is the letter of recommendation of vessel inspector under the rules of Survey, and it was found that it has the safety condition and suitable for use for the period of 12 months or less.”

Section 162 bis.⁶⁷ A vessel that navigate in the international sea, it shall have the letter of recommendation concerning the safety life in the sea under Section 163 (3), except:

- (1) Military vessel that is belong to Thailand or foreign country, or Rua Lamliang Tahan(soldier carrying vessel) that is belong to Thailand or foreign country.
- (2) Freight boat (Rua Sinkha) with the size less than 500 ton gross.
- (3) Vessel that is not mechanically propelled vessel.
- (4) Wooden boat which construct in old style.
- (5) Pleasure Steamer (Rua Samran & Kila).
- (6) Fishing Boat.

Section 162 ter. All vessel must have the letter of recommendation of water line loading under Section 164 (4), except:

- (1) Military vessel that is belong to Thailand or foreign country.
- (2) Vessel that place the keel of the boat on or after the day of 21st July B.E.2511 having the normal length less than 24 meter.
- (3) Vessel that place the keel of the boat before the day of 21st July B.E.2511 having the size less than 150 tonnage gross.
- (4) Pleasure Steamer.
- (5) Fishing Boat.

⁶⁴Section 161 was amended Section 161 bis by the Act (No.14) B.E.2535 (1992), Section 34, Section 35

⁶⁵The present regulations of survey inspection of Rua consist 16 copies, come into force only 3 copies:
No.13, No.15 and No.16 as presented in annexes.

⁶⁶Section 162 was amended by the Act (No.13) B.E.2525 (1982), Section 10.

⁶⁷Section 162 bis-ter was amended by the Act (No.13) B.E.2525 (1982), Section 10

"Section 163.⁶⁸ The Harbor Master with the approval from the Minister of Communication shall have power to issue the rules of Survey in order to prescribe the regulations, means and conditions for the following certificates:

- (1) Certificate of recommendation of inspection of vessel for permission to use a vessel.
- (2) Certificate of showing the vessel survey for legislation Thai vessel.
- (3) Certificate of recommendation relating to life safety in the sea.
- (4) Certificate of recommendation of water line loading.
- (5) Certificate of recommendation of vessel survey for other purposes.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette."

"Section 164.⁶⁹ The applicant for the certificate under Section 163 must prepare his vessel for the vessel inspector to survey the vessel according to the rules of Survey."

"Section 164 bis.⁷⁰ An applicant under Section 164 wants to have the vessel inspector to survey any vessel outside of the official office whether in or out of official hours. It shall be charged the fee for the survey under Section 165, and also traveling cost and the fee for traveling to survey any vessel outside of the official office, whether in or out official hours as prescribed in the Ministerial Regulations.

The Minister of Communication shall have power to issue the Ministerial Regulations prescribing the rate of traveling cost and the fee for traveling cost to survey a vessel whether inside or outside of the official office.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette."

Section 165. The fee for survey it shall be in accordance with the rates set forth in the rules of Survey.

CHAPTER III **Steam-Vessels of Every Description.**

Section 166. Every steam-vessel shall have her name affixed conspicuously on both bows in Thai and European letters; and in the case of a sea-going steam-vessel on the stern together with the name of her Sea-Port of registry. Should such vessel bear no name, the number of the license, in Thai and European figures, shall be affixed on both bows. Such names and numbers shall not be concealed.

Section 167. In the case of steam-vessels plying for hire, the license and a copy of the rules contained in this Chapter and in Chapter I. shall be framed and hung up in some conspicuous part of the vessel, where the same can be easily read.

⁶⁸Section 163 was amended by the Act (No.13) B.E.2525 (1982), Section 12.

"Letter of recommendation" under section 163 (1) see the regulation of survey inspection of Rua No.13 on page 323, inspection of Rua No.15 on page 325, fee from the owner of Rua No.16 on page 445.

⁶⁹Section 164 was amended by the Act (No.13) B.E.2525 (1982), Section 13

⁷⁰Section 164 bis was amended by the Act (No.13) B.E.2525 (1982), Section 14.

Section 168. Steam-vessels plying for hire, save and except sea-going steam-vessels, shall have the number of the license printed on the bows in Thai and European figures, on each side of the name of the vessel. The number of passengers allowed shall be fixed on some conspicuous place on each side of the vessel clearly visible from the outside. Such names and numbers shall not be concealed.

Section 169. The space allowed for each passenger shall be fully set forth in the rules of Survey and number of passengers a vessel is allowed to carry shall be stated in the license.

"Section 170."⁷¹ When the Harbor Master find that vessel, received the license for carrying the passengers, used to load goods, or to carry passengers and load goods, is in the unsafe condition for passengers and is unsuitable for use. The harbor Master shall have power to order to prohibit that vessel for use till the owner of vessel or the possessor shall improve it."

"Any person use such vessel that is prohibited by the Harbor Master under paragraph one shall be punished with a fine from one thousand to ten thousand Baht."^{72,}

Section 171. One passenger shall be deducted for every allowed passenger's space occupied by goods or luggage.

Section 172. The license shall state the maximum steam pressures which the boiler or boilers on the vessel is or are allowed to carry. Every owner, engineer or master of a steam-vessel using a greater steam pressure than the maximum allowed or placing an undue weight or pressure on the safety-valve or valves shall be punished with a fine not exceeding five hundred Baht.

Section 173. Accidents occurring on any steam-vessel whether to hull, boiler or machinery, or to any passenger or other person, and accidents caused by such vessel shall be at once reported to the Harbor Master.

"Section 174."⁷³(Repealed)....."

"Section 175."⁷⁴ Any person use a vessel out of the condition or prescription in the license for use of vessel shall be punished with a fine from one thousand to ten thousand Baht."

Section 176. Any vessel carry anything more than the load prescribe in certificate of recommendation of water line loading. The Harbor Master shall have power to detain that vessel and order the master or controller of such vessel to manage that vessel carry correctly within the prescribed period of time.

Any master or the person in charge of the vessel does not follow the order of the Harbor Master under paragraph one shall be punished with a fine from one thousand to ten thousand Baht.

CHAPTER IV

Sailing -Vessels, Lorchars, Lighters,

Rua Pet Talay, ect. and Junks.

⁷¹Section 170 paragraph 1 was amended by the Act (No.13) B.E.2525 (1982), Section 15.

⁷²Section 170 paragraph 2 was amended by the Act (No.14) B.E.2525 (1982), Section 36.

⁷³Section 174 was repealed by the Act (No.13) B.E.2525 (1982), Section 7.

⁷⁴Section 175, 176 were amended by the Act (No.14) B.E.2535 (1982), Section 37.

"Power of the Harbor Master" transfer to all provincial governor according to the order No. 720/2530 on page 312.

Section 177. The license for a sailing-vessel, lorcha, lighter, Rua Pet Talay, etc. and junk shall state the length, breadth, depth and dead-weight capacity of the said vessel.

Section 178. Every such vessels shall carry on each bow and on its stern, legibly painted boat in European and Thai figures, the number of its license and no other number. Such number shall not be concealed.

Section 179. No lorcha, lighter, Rua Pet Talay, etc. and junk shall have a false bottom, or any secret compartment for the concealment of goods or persons.

“**Section 180.**⁷⁵(Repealed).....”

CHAPTER V

Cargo-Boats and Boats.

“**Section 181.**⁷⁶(Repealed).....”

“**Section 182.**(Repealed).....”

Section 183. If on the application for a license or for the renewal of a license for any boat or cargo-boat, a Harbor Master has reason to suspect that any offence has been committed, whether with respect to the vessel itself or to any license therefor, he may delay the issue of the license and detain the boat or cargo-boat pending further enquiries. In the event of an ultimate refusal of the license, the boat or cargo-boat shall be considered as property found within the meaning of Section 129 of this Act.

Section 184. The license for a cargo-boat shall state the length, breadth, depth and dead weight capacity of the boat.

Section 185. The license for a boat plying for hire for passengers shall state the number of passengers for which it is licensed.

If the boat be used both as a cargo-boat and as a boat plying for hire for passengers, the license shall state the length, breadth depth and deadweight capacity of the boat and the number of passengers for which it is licensed.

Section 186. Every cargo-boat and every boat plying for hire for which a license has been granted shall carry legibly painted on each bow in Thai figures, the number of its license and no other number. The same figures shall be carved in a conspicuous place inside the cargo-boat or boat. In the case of boats plying for hire for passengers the number passengers shall be painted inside the boat in conspicuous place in Thai and European figures. Such numbers shall not be concealed.

Section 187. No cargo-boat or boat shall have a false bottom or any other secret compartment for the concealment of goods or persons.

“**Section 188.**⁷⁷(Repealed).....”

TITLE III

Special Regulations

CHAPTER I

Regulations for Rua Khamfans and Boats

⁷⁵Section 180 was repealed by the Act (No.10) B.E.2510 (1967), Section 12.

⁷⁶Section 181-182 were repealed by the Act (No.6) B.E.2481(1938), Section 3.

⁷⁷Section 188 was repealed by the Act (No.10) B.E.2510 (1967), Section 12.

Carrying Anything That Cause Danger

“Section 189. The Harbor Master with the approval of the Minister of Communication shall have power to announce in the Government Gazette to classify the things and the thing that may cause danger.”

Section 190.⁷⁸ The Minister of Communication shall have power to issue the Ministerial Regulations prescribing the rules and means concerning the packing, storing, classifying, providing and showing the sign, preparing the necessary document, and transshipment the things that may cause danger during transportation under this chapter.

Such Ministerial Regulations shall become effect upon their publication in the Government Gazette.”

Section 191. The transshipment of anything that may cause danger from vessel to vessel, transferring from vessel to land, or transferring from land to vessel. The master or the representative of vessel must inform the harbor Master least 24 hours before transferring, and do not transfer until receive the permission from the Harbor Master.

The Harbor Master with the approval of the Minister of Communication shall have power to announce in the Government Gazette to except the what type of vessel or what type of transferring that is not in force of provision under paragraph one.

Section 192.⁷⁹ The Harbor Master with the approval of the Minister of Communication shall have power to announce in the Government Gazette, what type of vessel that carry things that may cause danger must fly the flag or show the sign or give any warning as prescribed.

Section 193. The sending of things that may cause danger by ship, the sender must prepare the sticker showing clearly the dangerous condition of that things on the box, and notify by letter concerning the dangerous condition of that things including the name and address of sender to the master for information while or before bringing that things to the vessel.

No person shall send or carry the thing that may cause danger by ship that does not follow paragraph one or follow but there is message that is not true.

Section 194. The master must check carefully, do not allow to bring the thing that may cause danger to vessel with the offense to the Ministerial Regulation issued under Section 190.

In case any doubt concerning the hiding the thing that may cause danger to a vessel, the master may deny to receive that box, except the owner or the possessor allow to open that box for inspection.

Section 195. Any person offending against any of the provisions of Section 192 or Section 194 paragraph one shall be punished with an imprisonment not exceeding three months or with a fine not exceeding ten thousand Baht or both.

Section 196. Any person offending against any of the provisions of Section 190, Section 191 or Section 193 paragraph two shall be punished with an imprisonment not exceeding six months or with a fine not exceeding twenty thousand Baht or both.

CHAPTER II

Regulations in Relation to Petroleum in Bulk.

“Section 197.⁸⁰(Repealed).....”

⁷⁸Section 190, 191 were amended by the Act (No.14) B.E.2535 (1982), Section 38

⁷⁹Section 192-196 were amended by the Act (No.14) B.E.2535 (1992), Section 38.

“Section 198.(Repealed).....”

Section 199. Every tank ship arriving at a Thai harbor limits or river, having on board petroleum in bulk shall proceed at once to the wharf licensed for landing petroleum in bulk, and she shall not remove from such position without the permission of the Harbor Master.

Section 200. During the time that any tank ship having on board petroleum in bulk is within a Thai harbor limits or river no fires or lights except electric light shall be used on board or in the immediate vicinity of the ship, while the tanks or petroleum compartments are open or are discharging or receiving petroleum, or when the hatches are off, and no person on board shall smoke or carry matches. But this regulation shall not be deemed to prohibit galley fires and engine room fires necessary to get up steam to move to or from the said wharf, or from the said wharf to go to sea, or to get up steam for discharging the petroleum on board.

“Section 201.(Repealed).....”

“Section 202.(Repealed).....”

“Section 203.(Repealed).....”

Section 204.⁸¹ Any person pour, drop or release the petroleum or the oil mixed with water to the harbor limits, river, canal, lake or the sea within Thai waters shall be punished with an imprisonment not exceeding one year or with a fine from two thousand to twenty thousand Baht or both.”

Section 205. Not more than one tank ship shall go or be alongside the wharf at any time; nor when a tank ship is discharging or shipping petroleum shall any other ship, vessel or junk of any description whatever, be alongside the said wharf or tank ship.

Section 206. No tank ship having on board petroleum in bulk or which has recently been discharge thereof shall without the permission of the Harbor Master alter her position. If the Harbor Master is satisfied that a tank ship has no petroleum on board and that her tanks have been thoroughly cleaned and ventilated, he may allow her to take up such position as he may assign.

“Section 207⁸²(Repealed).....”

Section 208.⁸³ Any person offending against any of the provisions of Section 199, Section 200, Section 205 or Section 206 shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both.”

CHAPTER III⁸⁴

Regulations for Anchoring Nearby or Dragging of Anchor Crossing Pipe Cable Pipe or Construction Thing Under Water

“Section 209.”⁸⁵ Telegram, telephone, electric light cables or other cable or pipe or construction thing under water , in river, canal, pond, reservoir, lake that is the traveling way of

⁸⁰ Section 197, 198, 201-203 were repealed by the Act No.14, B.E.2535, Section 39, 40, 41.

⁸¹ Section 204 was amended by the Act (No.14) B.E.2535 (1982), Section 42.

⁸² Section 207 was repealed by the Act (No.14) B.E.2535 (1982) Section 43.

⁸³ Section 204 was amended by the Act (No.14) B.E.2535 (1982), Section 44.

⁸⁴ The name of Chapter III of Title III was amended by the Act (No.14) B.E.2535 (1992), Section 45.

people or the people jointly use or the sea within Thai water, the Harbor Master shall provide the sign showing the cable of pipe or construction thing under water. That sign shall be made as high post with the big white plate at the top of post by writing the message both in Thai and English that "CABLE, PIPE OR CONSTRUCTION THING UNDER WATER-DON'T DROP OR DRAG ANCHOR", and in case it is suitable to put additional sign, the Harbor Master shall provide the buoy or other signs.

Do not allow any vessel to anchor within 100 meter of each side of the cable, pipe or construction thing under water or scratch of anchor crossing the pipe cable, pipe or construction thing that is placed under water."

"**Section 210.** The master or the person in charge of the vessel anchor within the limits forbidden by this Chapter or dragging his anchor, or to pull fishnet or ring net, equipment for catching aquatic animal or any equipment across the limits forbidden shall be punished with a fine from three hundred Baht to three thousand Baht, and such action also causes any damage to the cable, pipe or any construction thing that is placed under water, it shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both and must compensate for the damage or repairing cost of pipe cable or construction thing under water damaged due to the dropping or dragging of anchor or pulling anything cross the cable, pipe or construction thing.

During the legal action process concerning the offense under paragraph one, the Harbor Master shall have power to detain concerned vessel until the deposit is paid for the fine or damage cost or repairing cost prescribed by the Harbor Master case by case."

Section 211. As far as concerns this Chapter, vessels shall be considered to be dragging their anchors of such anchors are not visible above water at the time such vessels are passing the limits forbidden by this Chapter.

CHAPTER IV Light-Dues.

"**Section 212.**⁸⁶ Subject to Section 213, a sea-going vessel entering Thai waters or running from one harbor to another shall pay light-house, buoy and beacon dues according to rates and in the manner to be prescribed from time to time by Ministerial Regulations, to officials appointed for the purpose."

"**Section 213.**⁸⁷ The following vessels shall be exempted from the payment of light-house, buoy and beacon dues under Section 212, namely:

- (1) Vessels belonging to the Thai Government,
- (2) Private yachts,
- (3) Vessels belonging to foreign Governments,
- (4) Vessels used only for conveying goods or passengers within the limits of the same harbor, or between the harbor and anchorage outside such harbor.
- (5) Coasting-trade vessels under 800 piculs burthen,
- (6) Navigating vessels loaded with ballast without freight and passengers.
- (7) Vessels entering only for fuel, stores or provisions for their own requirement.

⁸⁵ Section 209-210 was amended by the Act (No.14) B.E.2535 (1982), Section 46.

⁸⁶ Section 212 was amended by the Amendment Act B.E.2477 (1934), Section 3.

⁸⁷ Section 213 was amended by the Amendment Act B.E.2477 (1934), Section 3.

(8) Vessels entering on account of storm or for repair or after being damaged, provided that they must not discharge or ship goods except those necessarily discharged for such repair and subsequently reshipped.”

“Section 214.⁸⁸(Repealed).....”

“Section 215.⁸⁹ If any vessel liable to the payment of light-house, buoy and beacon dues requests for a clearance certificate, the Harbor Master or Customs Officer or other clearing officer shall require to inspect the receipt for such dues before issuing a clearance certificate which shall be issued if it appears that the dues have been paid.”

Section 216.⁹⁰ The master or the person in charge of the vessel who shall attempt to depart from Thai Waters, without paying the light dues in accordance with the provisions of Section 212 or who shall refuse to measure the size of vessel that he is the controller for the fee collection shall be punished with a fine from five hundred Baht to five thousand Baht.

CHAPTER V

Quarantine Regulations.

Section 217. Whenever information is received that cholera, smallpox, plague, fever or other contagious or infectious disease of a dangerous nature has broken out or exists at any other Sea-Port or place outside the country of Thailand it shall be lawful for the Minister of Local Government to declare by notification in the “GOVERNMENT GAZETTE” and to the foreign Consuls that such Sea-Port or place is infected, whereupon all vessels arriving from such Sea-Port or place shall be put in quarantine and there detained until released by the Medical Officer of the Local Government or his Deputy, which officers are hereinafter included in the term “The Health Officer.”

Section 218. The following are hereby declared to be the Quarantine Anchorages in Thai Waters:

At the island of Koh Phra-Abreast of the Quarantine Station.

At the island of Koh Si-Chang-Abreast of the Customs Station.

At Anghin-Abreast of the Customs Station.

At Paknam in the River Chao Phya-Abreast of the Customs Station.

At Bangkok in the River Chao Phya-Abreast of the Police Station at Bangkoklem.

Section 219. The Quarantine Station is in the island of Koh Phra, or at such other place as may hereafter be appointed.

Section 220. The master or person in charge of any Rua Khampan arriving in Thai Waters, having on board or having had on board within fourteen days previous to arrival any case or cases of plague, cholera, smallpox, fever or other contagious or infectious disease on a dangerous nature, shall fly the quarantine flag and proceed forthwith to the Quarantine Station and there remain until released by the Health Officer. If any such cases shall occur after a vessel has arrived in Thai Waters, the master or person in charge shall forthwith fly the quarantine flag and remove his vessel to a place approved by the Health Officer.

⁸⁸ Section 214 was repealed by the Amendment Act B.E.2477 (1934), Section 3.

⁸⁹ Section 215 was repealed by the Amendment Act B.E.2477 (1934), Section 3.

⁹⁰ Section 216 was amended by the Act (No.14) B.E.2535 (1982), Section 47.

Section 221. The Health Officer shall forthwith thereupon proceed to such vessel and make enquiry, and if he deems it necessary for the public health that the vessel and the people on board should be placed in quarantine, shall give orders to the master or person in charge of the vessel to place the vessel with the people on board in quarantine.

Section 222. As soon as such orders are given it shall be the duty of the master or the person in charge of such vessel to cause his vessel to be taken to such place as may be pointed out to him and there to remain in quarantine until released under the provision of these regulations.

Section 223.⁹¹ All vessels in quarantine according to the said order. In the day time, it shall fly the quarantine flag, i.e. yellow flag with the lower flag of international sign, and in the night time, it shall fly the red light at the top of the front post."

Section 224. All guard boats shall display a similar yellow flag at the stern by day and from sunset to sunrise a light at bow and stern.

Section 225. Vessels in quarantine shall not be removed therefrom without the written permission of the Health Officer.

Section 226. No boat except that of the Health Officer shall be allowed alongside any vessel in quarantine; no person shall be allowed to communicate with any vessel in quarantine, and no person on board shall be allowed to communicate with the shore, except in either case through the Health Officer.

Section 227. In all cases of vessels arriving at any Sea-Port of Thailand having on board or having had on board within fourteen days previous to arrival and contagious or infectious disease of a dangerous nature, the Post Office packets and mails shall be delivered to the Health Officer, who after subjecting the same to such fumigation or other preventive process as he may judge necessary, shall forward the same to the Post Office of the Sea-Port.

Section 228. It shall be lawful for the Health Officer, under such precaution to prevent contagion as may be from time to time approved for by the Minister of Local Government, to allow any steam-vessel passing through the Harbor to take supplies, coals, water and provisions, and to land cargo.

Section 229. It shall be lawful for the Health Officer to require all or so many of the persons on board any vessel in quarantine as he may think fit to be taken to the Lazaretto or Quarantine Station of Sea-Port, there to be kept and attended to during such length of time as the Health Officer may deem proper, before allowing them to return on board the ship, or be transferred to any other ship, or communicate with the shore.

Section 230. Whenever any persons are detained in quarantine at the Quarantine Station a yellow flag shall be kept hoisted by day at a conspicuous place on the station and by night a red light shall be displayed.

Section 231. No person, except the Health Officer or person authorized by him, shall land at the Quarantine Station when the quarantine flag is flying or quarantine light is shown.

Section 232. The Commissioner of Police shall, on the requisition of the Health Officer, supply the necessary guards required to enforce the Quarantine Regulations in respect to the Quarantine Station.

Section 233. No person who has been detained in quarantine at the Quarantine Station shall, on any pretence whatever, leave such station till he has been admitted to pratique by the Health Officer.

⁹¹Section 223 was amended by the Amendment Act B.E.2436 (1913).

Section 234. Any person going on board any vessel undergoing quarantine or entering or landing at any Quarantine Station without the permission of the Health Officer shall be liable to be detained in quarantine for such period as the Health Officer may deem proper.

Section 235. The master of a vessel in quarantine shall, if required by the Health Officer, furnish the necessary boats and appliances for the landing of the passengers and crew at the Quarantine Station.

Section 236. In case of death happening on board any vessel in quarantine or ordered into quarantine, the body shall be disposed of in such manner as may be ordered by the Health Officer, and the master of the vessel shall carry out such orders as the Health Officer may give him in relation to the disposal of the body.

Section 237. Vessels placed in quarantine shall be thoroughly washed down and disinfected to the satisfaction of the Health Officer after disembarkation of the passengers at the quarantine Station and may then be released.

Section 238. The agents of the vessel shall be held liable to repay the Government the cost of the maintenance of such person or persons as may be landed therefrom at the Quarantine Station and such cost may be recovered on the certificate of the Health Officer; the agents shall also be liable to pay the cost of disinfecting the ship or passengers and effects.

Section 239. The Health Officer shall report without delay to the Minister of the Local Government all cases in which it is found necessary to place the passengers of a vessel arriving at any port in quarantine. He shall also report when a vessel has been detained for inspection, and again when it is released.

Section 240. On any vessel arriving from an infected Sea-Port or place or any vessel arriving with the quarantine flag flying the pilot may board the vessel when necessary for the safe navigation of the ship to the inspection anchorage before pratique has been given but should the Health Officer deem it necessary to put such ship in quarantine, such pilot may be detained as in Section 271 of these Regulations.

Section 241. The master or surgeon of any vessel which arrives from a place where cholera, smallpox, or other contagious or infectious diseases is epidemic, or having on board, or having had on board within fourteen days previous to arrival, any case of disease, shall be bound to make a true declaration thereof to the pilot and the Health Officer who shall come alongside on board such vessel.

Section 242. The Health Officer may board any vessel arriving in Thai Waters and inspect every person in the vessel. He may, if he thinks proper, call for inspection of the ship's books and papers, and he shall use every lawful means which to him may seem expedient for ascertaining the sanitary condition of the vessel and persons therein.

Section 243. Persons landed at the Quarantine Station shall perform, quarantine⁹², for the period stated below.

For plague-For a period not exceeding 10 days from death perfect recovery or isolation of last case.

For smallpox-For a period not exceeding 14 days from death, perfect recovery or isolation of last case.

For cholera-For a period not exceeding 10 days from death, perfect recovery or isolation of last case.

Section 244. No articles, except letters and coins, shall, without permission of the Health Officer, be conveyed out of any place or vessel in quarantine and every article which is

⁹² At present, it is Contagious Diseases Act B.E. 2523-2533 code L. 335

conveyed thereout shall, before being forwarded to its destination, be disinfected in such manner as the Health Officer shall direct.

Section 245. All letters or parcels⁹³ for persons in quarantine shall be sent to the Post Office, and shall be forwarded by the earliest opportunity.

Section 246. The Health Officer shall thoroughly disinfect himself before he returns ashore after having visited either a vessel in quarantine or the Quarantine Station when persons are detained in Quarantine more.

Section 247. Where in any case the Health Officer gives notice to a master of a foreign vessel that he is about to take action under Section 220, Section 221, Section 229, Section 236 and Section 242, the said master shall, before such action is taken, have the right to appeal to the Consular representative concerned, who shall be entitled, (if he thinks it expedient) to be present at the inspection of such foreign vessel and to give or withhold his sanction to such action being taken under the clauses above mentioned.

Section 248. Any person offending against any of the provisions of Section 217, Section 220, Section 222, Section 223, Section 225, Section 226, Section 227, Section 229, Section 231, Section 233, Section 234, Section 235, Section 236, Section 237, Section 238, Section 240, Section 243, Section 244 shall be punished with a fine from one thousand Baht to ten thousand Baht."

CHAPTER VI **Regulations for Pilots**

"Section 249⁹⁴(Repealed)....."

"Section 250 to 276⁹⁵(Repealed)....."

CHAPTER VII **Shipping and Discharging of Seaman.** **Examination for Certificates of Competency.**

Section 277⁹⁶ No person shall take charge of any steam-vessel, motor-boat, sea-going vessel, cargo-boat with a size of one hundred piculs up which communicate with sea-going vessel or vessel that is used for lifesaving attached to sea-going vessel. In the position prescribed by the rules of Survey must hold the certificate, except the holder of certificate certifying the knowledge and capability are allowed to do so.

Section 278⁹⁷ When the above-mentioned certificates are issued to any person to act as a master, mate, sarang, tai-kong, steers-man, coxswain, engineer or engine driver, such persons shall have passed an examination and shown satisfactory evidence, on application for the examination, of his not being of bad character, addicted to liquor or a harmful habit-forming

⁹³ See postal information in an addendum of the Post Act B.E.2477-2532 (1934-1989) code L.256.

⁹⁴ Section 249 was repealed by the Amendment Act (No.2) B.E.2477 (1934), Section 3.

⁹⁵ Section 214 was repealed by the Amendment Act B.E.2477 (1934), Section 3.

⁹⁶ Section 277 was amended by the Act (No.13) B.E.2525 (1902), Section 19.

⁹⁷ Section 278 was amended by the Amendment Act B.E.2477 (1934), Section 3.

drug, as well as of his past experience and general good behavior. If such person is a master, mate, sarang, tai-kong or steersman he shall also show evidence of his good eyesight.

In this Section :

“Sarang” means the person in charge of a lighter.

“Tai-kong” means the person in charge of a sea-going sailing vessel from 800 piculs burthen upwards.

“Coxswain” means the person in control of or who steers or rows at the stern of a cargo boat used in connection with sea-going vessels.”

Section 279.⁹⁸ The Harbor Master, with the approval from the Transportation Minister, shall have power to issue the regulation concerning the knowledge examination of a person who perform duty in Rua as follows:

- (1) Knowledge classification.
- (2) Knowledge examination method.
- (3) Curriculum.
- (4) Qualification of applicant.
- (5) Examination fee.
- (6) Certificate issuing for certifying the knowledge and capability.
- (7) Other details of knowledge examination.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.”

Section 280.¹⁰⁰ That certificate of Competency shall state the name, age and description of the holder as well as other particulars as may be necessary, and a photograph of the holder shall also be affixed to it.

The Certificate for a coxswain shall be valid for three others shall be valid for five years. They shall be submitted for renewal by the holders upon expiration. One half of the original fee shall be charged for renewal of certificates, and the Harbor Master may, if he so desires, require the production of evidence as provided in Section 278.”

Section 281. All certificates of Competency issued before the promulgation of the present act shall remain in force for five years only from their original date.

“**Section 282.**¹⁰¹ Any person takes charge of any vessel that the rules of Survey, he shall hold the certificate certifying knowledge and capability, without receiving the certificate certifying knowledge and capability according to the provision under this act, it shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both. If perform duty during the certificate expired, it shall be punished with a fine not exceeding two thousand Baht.”

Section 283. Any person use the certificate of the others or show that it belong to him or any person provide the certificate for the others to do the said action, it shall be punished with an imprisonment not exceeding one year or with a fine from two thousand Baht to twenty thousand Baht or both.

⁹⁸Section 279 was amended by the Act (No.13) B.E.2525 (1902), Section 3.

⁹⁹“Knowledge examination for perform duty in Rua” under Section 279.

¹⁰⁰Section 280 was amended by the Amendment Act B.E.2477 (1934), Section 3.

¹⁰¹Section 282 was amended by the Act (certifying knowledge and capability) B.E.2535 (1992), Section 49,

“Section 284.¹⁰² Any person takes charge of any vessel that the rules of Survey, he shall hold the certificate certifying knowledge and capability and keep that certificate in a vessel in order to present it to the Harbor Master during performing his duty.

If the Harbor Master or the representative of the owner want to change the person who perform duty in any vessel, the owner or representative of owner bring the license for use that vessel including the certificate of the person who shall perform duty in that vessel submit to the licensing officer to record, the changing of the person who perform duty in vessel, in the license for use of vessel, at the local office of the Harbor Master where that vessel is registered, within 15 days.”

Section 285. No seaman shall, except with the sanction of the Harbor Master, by shipped to do duty on board a Thai ship, or any ship belonging to a foreign nation which is not represented by a Consul, and the Harbor Master shall require such seaman to lodge with him his certificate of discharge from the last ship, and failing the production of such certificate, such seaman shall be bound to give satisfactory explanation to the Harbor Master of the cause of the non-production thereof.

Section 286. Such fees as shall from time to time be fixed by the Thai Government shall be payable upon all engagements and discharges and the Harbor Master shall cause a scale of such fees to be prepared and to be conspicuously placed in his office, and he may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

Section 287. Every owner or master of a ship engaging or discharging any seaman at the Harbor Master’s office shall pay the whole of the fees hereby made payable in respect of such engagement or discharge.

Section 288. Whenever any seaman shall be discharged from any Thai ship in Thai territory, the master of the ship shall give at the time of discharge of the seaman a written certificate of discharge, specifying the time and nature of service, and the time of discharge of the seaman, signed by himself; and if the seaman require it, shall further give him, within twenty four hours after demand a true account in writing of the wages of the seaman, and of all deductions therefrom.

Section 289. No seaman shall be discharged from a Thai ship, or any ship belonging to a foreign nation which is not represented by a Consul, elsewhere than at the Harbor Master’s office.

“Section 290.¹⁰³ Any person offending against any of the provision of Section 284, Section 285, Section 287, Section 288 or Section 289 shall be punished with a fine from five hundred Baht to five thousand Baht.”

CHAPTER VIII

Disciplinary Powers.

“Section 291.¹⁰⁴ Whenever any pilot, master, mate, sarang, tai-kong, steersman, coxswain, engineer or engine driver holding a certificate or license becomes incompetent or misbehaves himself or fails to comply with law or regulation in respect of navigation or of his duties, the Harbor Master shall have power to order his certificate or license to be suspended for

¹⁰² Section 284 was amended by the Act (No.13)-B.E.2525, Section 21.

¹⁰³ Section 290 was amended by the Act (No.14) B.E.2535 (1992), Section 52.

¹⁰⁴ Section 291 was amended by the Act (No.13) B.E.2477 (1934), Section 52.

any period not exceeding two years, without prejudice to other penalties which may be incurred by him.

If the person in question is dissatisfied with the order of suspension of his certificate or license, he is entitled, within one month of his knowledge of the order, to appeal to the competent Minister of State, whose decision shall be final; provided that, pending the decision of the Minister of State, the order of suspension shall be enforceable."

Section 292. Any Harbor Master shall be competent to suspend or withdraw certificates or licenses in pursuance of the provision of Section 291. For such purposes Harbor Masters are hereby empowered to make any enquiries, to summon witnesses and to take any evidence. Witnesses failing to appear or refusing to give evidence shall be liable before the ordinary courts to the penalties provided by law.

For the purpose of any such enquiry the Harbor Master may sit with two assessors, to be selected by the Minister of Local Government from among technical experts in nautical matters.

An action for the revision of any such decision shall lie in the competent court against a Harbor Master at the suit of any person aggrieved.

Section 293. The exercise of the disciplinary powers hereby granted to the Harbor Master is independent of the civil and penal actions which may be entered in the competent courts either for damages or for awarding such penalties as are provided by this act or by any other law.

"Section 294.¹⁰⁵ Every person whose certificate or license is suspended or withdrawn in pursuance of this Act by a Harbor Master, shall upon demand deliver his certificate or license to the Harbor Master and in default shall be punished with a fine not exceeding two thousand Baht.

Section 295. A certificate or license which has been withdrawn shall be cancelled.

Section 296. Suspended licenses or certificates shall be kept in the office of the Harbor Master and shall be restored after the period of suspension has expired. The fact of the suspension shall endorsed on the certificate license.

CHAPTER IX

Penalty and Civil Liability.

"Section 297. Whoever dose not follow the order of the Harbor Master, the officer in performing duty according to functions and powers under this Act. It shall be punished with an imprisonment not exceeding three months or with a fine five hundred Baht to five thousand Baht.

Any person fight or obstruct the Harbor Master or the officer who perform duty according to functions and powers under this Act, it shall be punished with an imprisonment not exceeding one year or with a fine from two thousand Baht to twenty thousand Baht or both.

If the fighting or obstructing is acted by using power to injure, or intimidate that he shall use power to injure, it shall be punished with an imprisonment not exceeding two years or with a fine from four thousand Baht to forty thousand Baht or both."

Section 298. In the case of an offence against the provisions of this Act, if the person in charge of the Rua Khampan or boat or other machinery escapes and is not found, the court may inflict upon the owner or licensee the fines provided by this act for such offence.

¹⁰⁵ Section 294, 297 were amended by the Act (No 14) B.E.2535 (1992), Section 53.

Section 299. The owner or licensee of any Rua Khampan or boat shall be liable for the payment of any fines inflicted upon any master, engineer, mate, or crew of such vessel or boat for any offence against this Act.

Section 300. The owner of any raft shall be liable for the payment of any fines inflicted upon any person in charge of such raft or manning such raft, for any offence against this Act.

Section 301. The penalties provided by this Act are independent of any civil liability to which and offender against the provisions of this Act may be subject.

CHAPTER X

General Rules Regarding Collisions.

Section 302. If a collision be due to a mere accident or to circumstances over which man has no control, each vessel shall bear alone any loss or damage she may have sustained.

Section 303. If a collision be due to fault or neglect, all losses and damages shall be sustained by the vessel to which such fault or neglect is attributable.

Section 304. If some fault or neglect be attributable to both vessels, no compensation shall be due for the losses and damage sustained by one of them or by both of them, unless it be proved that the main cause of the collision is chiefly attributable to one of the vessels, in which case the competent court shall decide the amount of damages to be paid by one of the vessels to the other.

Section 305. Whenever some fault or neglect is attributable to both vessels, they are both together and one for both responsible for the losses and damage suffered by cargo or by persons.

The vessel which shall have paid the total amount of such losses and damages shall have a claim against the other vessel for repayment of one half of the sum paid.

Should a judicial decision have otherwise settled the degree of responsibility of each vessel, the repayment shall be made according to such decision.

Section 306. Any claim for damages may be entered by the captain or master of the ship on behalf of all interested parties.

Section 307. Should any loss of life or wounds result from the collision, any damages allowed on this behalf shall be paid before any other claims.

Section 308. Any claim for damages arising from a collision shall be entered within six calendar months from the day when the collision came to the knowledge of the interested party.

Section 309. When a suit for damages resulting from a collision has been instituted the competent Judge may, at the request of any party concerned, order an attachment on the vessel or vessels to which the collision is imputed.

Section 310.¹⁰⁶ (1) If there is any offense against the regulation for preventing of vessel collision accident due to the neglecting of master, the person in charge of the vessel or the owner of vessel who neglect intentionally, master, the person in charge of the vessel or the owner of

¹⁰⁶Section 310 in (1) was amended by the Act (No.14) B.E.2535 (1992), Section 54.

An infringed accusation validity is 1 year, not 6 month, under Section 308, see D.1198/2499 on page 503 and D.3088/2524.

vessel shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both.

(2) If there is any damage to person or property due to any vessel dose not follow any item of the regulation for preventing of vessel collision. That damage is considered that occurred by intention of the controller on the deck of that vessel, except if, it can be identified in the court that it is necessary to act offensively against such regulation.

(3) In the lawsuit of vessel collision, if it is found in the court that there is any neglecting to any item of the regulation for preventing of vessel collision. It shall be considered that the offense is fallen to the vessel that neglected, except if, it can be identified in the court that it is necessary to act offensively against such regulation.

Section 311. The Harbor Master shall furnish a copy of the Collision Regulations to any master or owner of a vessel who applies for it.

Section 312.¹⁰⁷ When there is any case of two vessels collide each other, the master or the person in charge of the vessel of both side, when it is considered that it can do something without danger to vessel or crew or passengers (if any) in his vessel. It should be the duty of the master or vessel controller to act as follows:

(a) Must help as much as possible to another vessel that is collided and the master, crew and passengers (if any) of that vessel in order to prevent the danger that may occur, and must wait for vessel which is nearby that vessel until it dose not need help anymore.

(b) Must notify to the master or the person in charge of the vessel of another collided vessel in the following: the vessel Name, the name of residential Sea-Port and the city where come from and to.

If the master or the person in charge of the vessel neglect and dose not follow the regulation as mentioned in this section and there is not suitable case to excuse, if there is no evident notifying to be the others, it is considered that the vessel collision occur due to wrong behavior or neglecting or infringing.

“Any master or the person in charge of the vessel neglect or dose not follow the provision under this section without reasonable reason shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both, and the Harbor Master shall have power to order to stop using such certificate for performing duty within the period of two years, or prohibit the use of that certificate forever.”

SCHEDULE I.

Form to be filled by Masters,

On Ship's Arrival.

- (1) Date of Arrival.....
- (2) Name of Vessel.....
- (3) Flag.....
- (4) Rig.....
- (5) Ton.....
- (6) Name of Master.....
- (7) Consignees.....
- (8) Whence.....
- (9) Date of Departure.....
- (10) Nature of Cargo.....
- (11) Quantity of opium

¹⁰⁷Section 312 paragraph 3 was amended by the Act (No, 14) B.E. 2535, Section 55.

- (12) What Mails.....
- (13) Arms.....
- (14) Ammunition and explosives.....
- (15) Infectious disease.....
- (16) Deaths happening on board.....
- (17) Number of crew.....
- (18) Cabin Passengers.....
- (19) Deck Passengers.....
- (20) Remarks.....

SCHEDULE II
Tariff of Pilotage.

“.....(Repealed).....”¹⁰⁸

SCHEDULE III
Table of Light Dues

“.....(Repealed).....”¹⁰⁹

¹⁰⁸ "Tariff of Pilotage" was amended by the Amendment Act (No.2) B.E.2477 (1934).

¹⁰⁹ "Table of Light Dues" was amended by the Amendment Act (No.2) B.E.2477(1934).

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- (13) Arms.....
- (14) Ammunition and explosives.....
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2. WATER TRANSPORTATION

NAVIGATION IN THAI WATERS
AMENDMENT ACT,
B.E.2477

NARISARANUVATIWONGSE
REGENT

(By Royal Decree dated 11th day of January, B.E.2476)

BY THE KING'S MOST EXCELLENT MAJESTY

WHEREAS, the Assembly of the People's Representatives has advised that it is expedient to amend the Navigation in Thai Waters Act B.E. 2456;

IT IS HEREBY ENACTED, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Section 1. This Act shall be called the "Navigation in Thai Waters Amendment Act, B.E.2477."

Section 2. This Act shall come into force on and from the 1st day of November, B.E.2477.

Section 3. Section 214 of the Navigation in Thai Waters Act, B.E.2456 and the scale of fees in Schedule III annexed to the Navigation in Thai Waters Act, B.E. 2456 as amended by the Royal Proclamation Changing the Rates of Light Dues dated 3rd February, B.E. 2474 are hereby repealed.

Section 68, 102,135, 136, 137, 212, 213, 215, 277, 278, 279, 280, 282, 284, 290, and 291 of the Navigation in Thai Waters Act, B.E 2456 shall be repealed and replaced by the following provisions:

.....etc.....

Section 4. An ocean-liner occasionally carrying tourists round the world shall pay one half of the usual rate of light-house, buoy and beacon dues.

Section 5.¹¹⁰ In considering the issuing of licenses for steam-vessels and motor-boats for hire for the transportation of passengers or goods or for towing, in case they are packet-boats, the Harbor Master or Official appointed for the purpose of registration is empowered.

(1) To impose restrictions and conditions concerning limits or routes of navigation of such vessels,

(2) To impose conditions concerning the number, size, kind and machine power of the vessels to be used for navigation from one locality to another, as well as concerning the temporary substitution of vessels,

(3) To impose beginning and ending harbor,

(4) To stop permitting of any vessels or any owner to navigate sufficiently or when consider that if permission is given, then it shall be competitive until it may deteriorate the people safety.

¹¹⁰Section 5 was amended by the Act (No.10) B.E.2510, Section 14.

(5) To set up the committee, by the approval timely of the Communication Minister, for the prescribing the condition of passenger fare, loading cost, tugging cost, other service charge, number of vessel that shall navigate in navigate in departure time and arrival time at ending point, the committee must be included the owner of vessel and the representative as well.

If it is not packet-boat, the Harbor Master and the officer who is appointed shall have power to prohibit or limit the navigation for money in any limit when it is considered that the navigation for money in that limit shall cause an peaceless and damage to the property of people.”

Section 6.¹¹¹ License receiving under Section 5, it shall pay the fee under Section 174, Section 180 and Section 188 of the Navigation in Thai Waters Act, B.E.2456 which was amended by the Navigation in Thai Waters Act (No.8) B.E.2490. But the mechanically propelled vessel size smaller than three gross tonnage and vessel that is specific used for fishery shall pay the fee of license issuing only half of normal rate.

The mechanically propelled vessel of agriculturists that is specific used for their agriculture with the size smaller than three gross tonnage, use engine not over seven horse power, it shall be excepted for the license fee, but it must receive the license.

Section 7.¹¹² If any steam-vessel and motor-boat for hire for the transportation of passengers or goods or for towing acts in contravention of the conditions laid down in Section 5, the Harbor Master or the competent official is empowered to order the temporary suspension of the navigation of such vessel, or seizure of its license, for any period not exceeding six months.

The owner of vessel or the owner of navigation enterprise that was ordered in suspension of the navigation or seizure of its license under paragraph one shall have the right to appeal to the Communicatin Minister within one month from the day that receive the order. The decision of the Minister shall be final, and during waiting for the decision of the Minister, the suspension or seizure order shall come into force.

“If a vessel, of which the license has been seized or the navigation has been suspended, persists in navigation, or if a vessel undertakes the transportation of passengers or goods or towing for hire as packet-boats without a license, the master or the person in charge of such vessel or its owner shall be punished with a fine from one thousand Baht to ten thousand Baht.”

Section 8. The Roman letter G. in Section 27 shall be be substituted by L.U.

Section 9. The Roman letter T. in Section 40 shall be substituted by B.A.Z.

Section 10. The Roman letters Y.N. in Section 41 shall be substituted by S.T., and the letters Y.F. by R.X.

Section 11. The Roman letters T.H.E. in Section 198 shall be substituted by R.K.O., and the following provisions shall be added as second paragraph of Section 198, namely

“.....*The old Act was replaced already, no need to reprint.....*”

¹¹¹Section 6 was amended by the Act (No.8) B.E.2490, Section 10.

"Section 174, 180 and 188" in Section 6, currently were repealed.

¹¹²Section 7 paragraph 1, 2 were amended by the Act (No.10) B.E.2510, Section 15.

Section 7 paragraph 3 was amended by the Act (No.14) B.E.2535, Section 56.

"The execution power of the Harbor Master" under Section 7 is transferred to the provincial governor by the order No. 720/2530 on page 312.

Section 12. Steam-vessels entering the limits of harbors of Thai waters shall comply in all respects with the International Signal Code now in force in respect of signal flags which have not yet been provided for by the Navigation in Thai Waters Act.

Section 13.¹¹³ All offense against the law on the Navigation in Thai Waters that is only punished with a fine not exceeding ten thousand Baht. The Harbor Master shall have power to compare the offender when a person who is damaged and the offender paid for the fine to the Harbor Master, it shall be final according to the law on the consideration mean on criminal case.”

Section 14. The Minister of Economic Affairs shall have charge and control of the execution of the Navigation in Thai Waters Act, B.E. 2456, and subsequent amendments thereto, and shall have power to appoint Officials and to issue Ministerial Regulations determining fees or other matters for carrying out the provisions of this Act.

The Officials appointed under this Section shall be deemed Officers of the Harbor Department, and the appointment of Harbor masters or Officials shall be published in the Government Gazette with their powers and duties clearly specified.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

Given on the 17th day of October, B.E. 2477, being the 10th year of the Present Reign.

Counter signature:

Colonel Phaya Bahol Balabayahasena,
President of the Council of Ministers.

¹¹³Section 13 was amended by the Act (No.14) B.E.2535, Section 57.

3. PILOTING

**NAVIGATION IN THAI WATERS
AMENDMENT ACT,
B.E.2477 (No.II)**

IN THE NAME OF HIS MAJESTY KING
ANANDA MAHIDOL
THE COUNCIL OF REGENCY
(By notification of the President of the Assembly
of the People's Representatives dated 7th March B.E.2477)
ANUVATANA CHATURONTA
ADITYA DIBABHA
CHAO PHYA YOMARAJ
ENACTED on the 20th day of April B.E.2478
Being the 2nd year of the Present Reign.

WHEREAS the Assembly of the People's Representatives has passed a resolution that it is deemed expedient to amend and improve the Law on Navigation in Thai Waters B.E. 2456 in the part concerning piloting and pilots;

BE IT THEREFORE ENACTED BY THE KING, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Section 1. This Act shall be called the "Navigation in Thai Waters Amendment Act, B.E.2477 (No.II)."

Section 2. This Act shall come into force after the expiration of six months from the day of its publication in the Government Gazette.

Section 3. The provisions of the Navigation in Thai Waters Act, B.E. 2456, Title III, Chapter VI, Section 249 to 276 inclusive and the Pilotage Tariff under Schedule II annexed to the law shall be repealed.

Section 4.¹¹⁴ "Piloting shall be within the power and control of the Government. The Minister in charge of Ministry controlling the Harbor Department shall have charge and control the execution of this Act and for that purpose he shall have power to issue Ministerial Regulations for the following matters:

- (1) to determine the qualification of pilots and piloting probationers, to determine the standard of knowledge of pilots, as well as the method of examination and the issuing of licenses to the applicants to act as pilots;
- (2) to determine the duties and conduct of pilots;
- (3) to fix the number of pilots who shall be permitted to do piloting work and the number of piloting probationers for any particular harbor or water;
- (4) to fix the scale of charges for pilots;
- (5) to determine the method of collection and division of the proceeds derived from piloting for example questions as to what share may be allotted to pilots and piloting

¹¹⁴"Pilotage" under Section 4, see the Ministerial Regulation B.E.2478 on page 121.

probationers, what share to a reserve fund or capital, as well as the purposes, place for safe keeping and the amount of such fund;

(6) to determine the limits of any harbor or water within which compulsory pilotage shall be undertaken by officials of the Government, local government, partnership, company or by private individuals, as well as laying down rules in that respect;

(7) to determine the limits of any harbor or water where pilotage is compulsory, as well as to lay down rules regarding the size and kind of vessels which are exempted from compulsory pilotage, the increment or reduction of pilotage fees for certain kinds or vessels;

(8) to determine the size of vessels liable to pilotage fees and pilotage tariff;

(9) to determine the imposition of punishment and the appointment of a committee to consider such punishment to pilots for the infringement of the rules relating to duties and conduct of pilots.

Such punishment may be of two forms:

a. reprimand in writing,
b. fine not exceeding one hundred Baht, or decrease of salary grade, or cut of salary, as the case may be.

(10) to fix the forms of accounts and reports for pilots or partnerships or companies or local governments engaged in piloting, to be submitted to the Harbor Department at such periods as may be deemed suitable.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

Section 5. After the publication of the Ministerial Regulations determining the limits of any harbor or water where compulsory pilotage is required for steam-vessels and seagoing vessels shifting, entering or leaving such harbor or water limits, pilotage shall be compulsory unless otherwise provided by Ministerial Regulations under Section 4.

Section 6. Any person intending to combine labor or capital to establish a partnership or company in order to carry on business in piloting, shall obtain permission to that effect from the Minister in charge of the Ministry controlling the Harbor Department.

Section 7. The Minister in charge of the Ministry controlling the Harbor Department shall appoint one or more officials to observe that activities and conduct of pilot or partnerships or companies formed for the purpose of pilotage or of local governments as far as piloting is concerned.

Section 8. The officials appointed under Section 7 shall be under the orders of the Harbor Department and shall be competent:

(1) to enter premises at any working time and inspect any book, account and document, as well as any implement connected with or used for pilotage;

(2) to summon any pilot or person under the employment of a pilot or official of any partnership or company or local government undertaking piloting work for examination as to the activities, behavior or circumstance of such pilot or person as far as they are connected with piloting;

(3) to order any pilot to undergo the examination of his body or eyesight by naval or public health medical officers from time to time as they may think fit.

Section 9. If the officers, who have duty to observe the activities and conduct of pilots, find that any vessel or implement used for pilotage is damaged and is not safe to be used for such a purpose, they shall have power to order its owner to have it repaired, and pending such repair the said vessel or implement shall not be used for piloting.

Section 10. When it appears that any pilot suffers from a disease or physical infirmity and should not be allowed to act as a pilot or has committed any offence under this Act or

infringed any regulation or rule issued thereunder even though he has been otherwise punished for such offence, the Harbor Department shall have power to order the cancellation of the license of such pilot or to reduce the grade of the license or to order that the license be withheld for such period not exceeding two years as it thinks fit.

If the pilot is dissatisfied with the order of the Harbor Department, he shall be entitled to file an appeal with the competent Minister within one month from the date of receiving such order. The decision of the Minister shall be final, but pending such decision the order of the Harbor Department shall be enforceable.

Section 11.¹¹⁵ An offence or wrongful act committed by a pilot cannot be taken by the owner or master of a vessel as an excuse to relieve him from liability in law for any damage caused by navigation.

However, the owner or master of the vessel is entitled to claim from the pilot a reimbursement of the compensation paid therefore.

Section 12. Persons who shall be liable to pilotage fees according to the tariff are :

1. The owner or master of the vessel ; or
2. The representative of the vessel's owner during piloting.

In case where the pilotage fees have not been paid yet, the Harbor Master may detain the vessel, or the officer who has duty to issue port clearances may withhold such a permit until the pilotage fees have been paid, or sufficient security be given therefore. If there arises an action in which the pilotage fees are claimed, the Court shall have power to order the seizure of the vessel or implements thereof according to the provisions of the Law on Civil Procedure until the said fees have been paid.

Section 13.¹¹⁶ Any pilot perform the pilotage beyond the license or without receiving license for the pilotage during the period of being taken the license back, stop using or confiscated or disagree to perform the pilotage for any vessel that make the signal requesting the pilotage without any reasonable excuse or give up the pilotage from any vessel without the reasonable reason or the master disagree or bring vessel or instrument for pilotage that is to be repaired by the officer's order under Section 9 to use before the repairing finish. It shall be punished with a fine not exceeding five thousand Baht."

Section 14. Any master of a vessel who employs as a pilot on his vessel a person who is not so licensed, or who performs his duty above the conditions in the license, or whose license has been recalled, suspended or withheld, or any master who navigates his vessel within compulsory pilotage limits without a pilot, shall be punished with a fine of double the amount of the pilotage fees payable according to the rate fixed for such vessel.

Provided that if during such performance there is necessity owing to the fact that not properly licensed pilot tenders or signals for employment or the vessel is in danger or difficulty so that the master of the vessel has to seek as good an assistance as can be obtained during such time, both the master and the pilot are not liable to the punishment.

Section 15. Any pilot who demands a higher rate of pilotage fees than that prescribed in the tariff shall be punished with a fine not exceeding fifty Baht. If he received such fees, the sum in excess shall be refunded to the master or owner of such vessel.

Section 16.¹¹⁷ Any person dose not receive the license for pilot presenting himself that he hold the license for performing the pilotage, by using the license of the others, or by using any

¹¹⁵ Section 11 paragraph 2 was repealed by the Act (No.15) B.E.2479, Section 3.

¹¹⁶ Section 13 was amended by the Act (No.14) B.E.2535, Section 58.

¹¹⁷ Section 16 was amended by the Act (No.14) B.E.2535, Section 59.

signal for use in pilotage in order to perform the pilotage, or any person provide the license or signal for the others to use for the said performing, it shall be punished with an imprisonment not exceeding six months or with a fine from one thousand Baht to ten thousand Baht or both.

Section 17. If during the time a pilot is on board any vessel, there is no Customs Officer on board such vessel, such pilot shall be taken as the Customs Officers in the case where an offence under the Custom Act is committed.

If it appears that there is a unlawful loading or unloading of goods on a vessel, the pilot shall inform the master of the vessel of the offence, and if after the information has been so made, the master of the vessel still continues to commit such offence, the pilot shall have power to detain the vessel pending further order of the competent authority.

Counter-signature:
(by resolution of the cabinet)
PHYA NITISASTRA BAISAL
Minister

4. VESSEL USAGE

**NAVIGATION IN THAI WATERS
ACT, (NO.VI)
B.E.2481**

IN THE NAME OF HIS MAJESTY KING
ANANDA MAHIDOL
THE COUNCIL OF REGENCY
(By notification of the President of the Assembly of the People's
Representatives dated 4th, August, B.E.2480)
ADITYA DIBABHA
GEN. CHAO PHYA BIJAYENDRA YODHIN
Enacted on 7th day of April B.E.2482
Being the 6nd year of the Present Reign.

WHEREAS the Assembly of the People's Representatives has passed a resolution that it is expedient suitably to amend certain Sections of the law concerning navigation in Thai waters relating to the issue of licenses;

BE IT THEREFORE ENACTED BY THE KING, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Section 1. This Act shall be called the "Navigation in Thai Waters Act, (No.VI), B.E.2481."

Section 2. This Act shall come into force at the expiration of ninety days from the date of its publication in the Government Gazette.

Section 3. Section 134, Section 144, Section 181 and Section 182 of the Navigation in Thai Waters Act, B.E.2456 and Section 135, Section 136 as amended by Section 3 of the Navigation in Thai Waters Amendment Act, B.E.2477 are hereby repealed.

Section 4.¹¹⁸ In this Act,

"Vessel" means all water vehicles that are used to carry, pull, tow, push, lift, dig, or dredge, including other vehicles that can be used similarly.

"Mechanically propelled vessel" means a vessel propelled by mechanical power, whether any other power is also used or not.

Section 5. Unless agreements are otherwise made with foreign countries, vessels used in Thai waters shall take out license with the exception of :

1. Vessels of the Royal Thai Navy.
2. Vessels of foreign Government temporarily visiting Thai waters;
3. Foreign vessels temporarily visiting Thai waters having licenses which are still valid;
4. Vessels, not mechanically, propelled, of under twenty five piculs burthen.
5. Vessels required as equipment of large vessels by the rules of Survey.

¹¹⁸Section 4 was added "Vessel" by Po.wor 50 B.E.2515, number 1.

Section 6.¹¹⁹ The obtaining of licenses under Section 5 is subject to payment of fees provided in Section 143 of the Navigation in Thai Waters Act B.E.2456 that was amended by the Navigation in Thai Waters Act (No.10) B.E.2510.”

Section 7. A license for using every kind of vessel shall be valid for not more than twelve months from the date of issue. The date of expiration of the license shall be state therein.

Section 8. If the local Registrar of Vessels, or the Registrar of Vessels annually commissioned by the Harbor Department for the purpose of issuing licenses to use vessels in any locality, considers that any cargo-boat or boat can be used for not more than six months, he may, upon the application of its owner, grant an exemption to the owner to obtain a license to use such vessel for a period of not exceeding six months. Such license shall be valid for not more than six months and a fee of only half of the usual rate shall be charged for it.

Section 9.¹²⁰ Whoever uses vessel that dose not receive the license of vessel use or use vessel that the license has been expired or use vessel besides the harbor or place where is prescribed in the license for vessel use, shall be punished with a fine not exceeding ten thousand Baht and the Harbor Master shall order to confiscate the license for vessel use for the period not exeeding six months.

The owner of vessel or the owner of navigation enterprise that is confiscated the license for vessel use under paragraph one shall have the right to appeal to the Communication Minister within one month from the day that he knew the order. The decision of the Minister shall be final. During waiting the decision of the Minister, that order shall come into force.

Any vessel that is confiscated the license, still navigate, the master or the person in charge of the vessel controller, the owner of vessel or the owmer of navigation enterprise shall be punished with a fine not exceeding fifty thousand Baht.

Section 10.¹²¹ The Communication Minister shall have charge and control of the execution of this Act and shall have power to issue Regulation fixing fees under the law concerning navigation in Thai waters.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

¹¹⁹Section 6 was amended by the Act (No.10) B.E.2510, Section 17.

¹²⁰Section 9 was amended by the Act (No.14) B.E.2535, Section 60.

¹²¹Section 10 was amended by the Act (No.10) B.E.2510, Section 19.

Dredging fee, Section 10 see cho.35 B.E.2521.

The execution power of the Harbor Master" under Section 9 is transferred to all provincial governor by the order No. 720/2530 on page 312.

Transitory Provisions

Section 11. If owners of vessels which are required to be licensed before the enforcement of this Act, but are being used without licenses or with expired licenses, apply for licenses or renewal of licenses before the end of August, B.E. 2482, they shall not be liable for the penalty for using vessels without licenses, or without renewal of licenses.

Counter-signature :
PIBULASONGGRAM,
President of the Council of Ministers.