

**THAI VESSEL ACT,
BUDDHIST ERA 2481 (1938)****

In the Name of His Majesty King Ananda Mahidol:
The Council of Regency
(By the Notification of the President of the House of Representatives
Dated 4th August B.E. 2480),
Aditya Dibabha;
General Chao Phya Bijayendra Yodhin;
Given on the 10th Day of March B.E. 2481;
Being the 6th Year of the Present Reign.

Whereas the House of Representatives resolve that it is expedient to have a law on Thai Vessel;

Be it, therefore, enacted by the king, by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act is called the “Thai Vessel Act, Buddhist Era 2481”

Section 2. This Act shall come into force after the lapse of one hundred and eighty days from the date of its publication in the Government Gazette.¹

Section 3. As from the date this Act comes into force, the Act on registration and issuance of license for Thai fishery vessel, Buddhist Era 2477, the

* Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

** As amended up to the Thai Vessel Act (No. 7), B.E. 2550 (2007).

¹ Published in the Government Gazette Vol. 56, dated 10th April, B.E. 2482 (1939).

Act on registration and issuance of license for Thai fishery vessel (No. 2), Buddhist Era 2479, and all other law, rule, or regulation in so far as it is already provided herein, or contrary to or inconsistent with the provisions of this Act shall be repealed.

Section 4. The vessel of Royal Thai Navy is Thai vessel, but not subject to the provisions of this Act.

Section 5. In this Act, unless otherwise provided:

1. "Territorial waters" means all the jurisdictional waters under Thai sovereignty;

2. "Port" means the site or locality where a vessel anchors for loading passenger or goods;

3. "Vessel" means every kind of marine conveyance;

4. "Steamship" means

5. "Seagoing vessel" means a vessel for use in the sea;

6. "Waterway vessel" means a vessel other than seagoing vessel;

7. "Marine commerce in the territorial waters" means passenger or goods transport or towing for seeking profit from one port or locality to another within the territorial waters;

8. "Fishery" means catching all kind of aquatic animals including the use of a vessel to catch aquatic animals or as conveyance in catching aquatic animals;

9. "Vessel controller" means the captain or helmsman or any other person, other than a navigator, whose duty is to control or be responsible for the vessel;

10. "Crew" means all the persons having duty on board the vessel;

11. "Minister" means the Minister having charge and control of the execution of this Act;

12. "Port Officer" means the Director-General of the Marine Department or the person acting for the Director-General of the Marine Department and includes the person appointed by the Minister to be Port Officer or person acting for the Port Officer;

13. "Vessel Registrar" means the person appointed by the Minister

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14.² “Hazardous substance” means oil or any other substance which may, when discharged to the sea, cause damage to the health of human beings or living things in the sea, or may deteriorate natural beauty or disturb other legal exploitation from the sea as announced by the Director-General of the Marine Department.

CHAPTER I REGISTRATION OF THAI VESSEL

Section 6. Registration of Thai vessel under this Act must be applied to the Vessel Registrar.

Section 7.³ The person who is eligible to hold ownership of registered Thai vessel operating marine commerce in the territorial waters under section 47 must possess any of the qualification as follows:

- (1) being a natural person of Thai nationality;
- (2) being an unregistered ordinary partnership having all partners being natural persons of Thai nationality;
- (3) being a State enterprise under the law on budgetary procedure;
- (4) being a juristic person established under Thai law, as follows:
 - (a) a registered ordinary partnership having all partners being natural persons of Thai nationality;
 - (b) a limited partnership having all partners of unlimited liability being natural persons of Thai nationality, and not less than seventy percent of shares were held by persons other than alien;
 - (c) a limited company having not less than half of Directors being of Thai nationality; not less than seventy percent of shares of registered capital fund were held by persons other than alien; and no regulation of the company permits the issuance of share entered in a certificate to bearer;

² Section 5, 14. is added by the Thai Vessel Act (No. 7), B.E. 2550 (2007).

³ Section 7 is amended by the Thai Vessel Act (No. 6), B.E. 2540 (1997).

(d) a public limited company having not less than half of Directors being of Thai nationality, and not less than seventy percent of paid-up stocks were held by persons other than alien.

For the purpose of this section, the term “alien” means an alien under the law on business operation of aliens.

Section 7 bis.⁴ The person who is eligible to hold ownership of registered Thai vessel specifically operating international marine transport, without operating marine commerce in the territorial waters under section 47, must be a juristic person established under Thai law having not less than half of Directors being of Thai nationality, and possess any of the qualification as follows:

(1) a limited company having not less than fifty-one percent of shares of registered capital fund were held by persons other than alien; and no regulation of the company permits the issuance of share entered in a certificate to bearer;

(2) a public limited company having not less than fifty-one percent of shares of registered capital fund were held by persons other than alien.

For the purpose of this section, the term “alien” means an alien under the law on business operation of aliens.

Section 7 ter.⁵ No natural person of Thai nationality and juristic person who is eligible to hold ownership of registered Thai vessel under section 7 shall carry out any activity as follows:

(1) holding ownership of registered Thai vessel under section 7 in place of an alien;

(2) being a partner in place of an alien in a partnership which is juristic person holding ownership of registered Thai vessel under section 7;

(3) holding shares in place of an alien in a limited company or public limited company holding ownership of registered Thai vessel under section 7 or section 7 bis.

⁴ Section 7 bis is amended by the Thai Vessel Act (No. 6), B.E. 2540 (1997).

⁵ Section 7 ter is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

For the purpose of this section, the term “alien” shall include the juristic person ineligible to hold ownership of registered Thai vessel under section 7 or section 7 *bis*, as the case may be.

Section 7 *quater*.⁶ No limited company or public limited company eligible to hold ownership of registered Thai vessel under section 7 or section 7 *bis* shall carry out any activity as follows:

(1) holding ownership of registered Thai vessel under section 7 *bis* in place of an alien;

(2) holding shares in place of an alien in a limited company or public limited company holding ownership of registered Thai vessel under section 7 *bis*.

For the purpose of this section, the term “alien” shall include the juristic person ineligible to hold ownership of registered Thai vessel under section 7 *bis*.

Section 8. Upon registering under this Act, the following vessels shall be deemed Thai vessels:

For operating marine commerce in the territorial waters:

1. A steamship of the size exceeding ten gross ton;
2. A seagoing vessel, other than steamship, of the size exceeding twenty gross ton;
3. A waterway vessel other than steamship, of the size exceeding fifteen gross ton.

For fishery:

1. Every size of steamship;
2. A vessel, other than steamship, of the size exceeding six gross ton.

Section 9. A vessel of the person under section 7 which is not use for the purpose under section 47 even though having the size mentioned in the previous section, and a vessel of the person under section 7 having the size smaller than that mentioned in the previous section using for operating marine

⁶ Section 7 *quater* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

commerce in the territorial waters or for fishery as the case may be, is not required to apply for registration under this Act.

The vessel mentioned in this section shall also be a Thai vessel.

Section 10. In applying for registration of Thai vessel, the applicant shall comply with the following instructions:

1. submit the evidence of ownership in the form prescribed by the Marine Department;
2. make a document verifying that the condition required for holding ownership under section 7 has been fulfilled, together with the evidence thereof; if the applicant is a partnership or limited company, the certificate of registration of such partnership or limited company must be submitted;
3. submit a certificate of vessel inspection issued by the vessel inspector of the Marine Department under section 12;
4. make a statement, as much as he or she knows, indicating date, month, year and address of the dockyard where such vessel was built;
5. if such vessel was formerly owned by an alien, the former name of such vessel shall be informed;
6. state the name of vessel controller.

Section 11. The vessel applying for registration of Thai vessel shall have clearly visible permanent signs fixed at the hull of vessel as prescribed in the Ministerial Regulation.

Upon registering of Thai vessel and in so far as the registration is still valid, the vessel controller has the duty to maintain such sign in permanent condition, without changing or concealing, except for compliance with this Act or other law.

Section 12. The vessel applying for registration of Thai vessel must submit to the Vessel Registrar a certificate of vessel inspection accurately inspected and issued by the vessel inspector of the Marine Department under the law on navigation in the territorial waters.

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Section 13. In accepting registration of Thai vessel, the Vessel Registrar shall retain the certificate of vessel inspection, and if there is a certificate of the builder of the vessel, or certificate of transfer, it shall also be retained.

Section 14. Thai vessel register shall be made in the printed form of the Marine Department, and shall contain the following particulars:

1. name of the vessel, the port where such vessel is registered and name of vessel controller;
2. category of vessel, name of dockyard and the owner of dockyard where such vessel is built;
3. list of inspection of vessel;
4. list of facts on acquiring ownership as appeared in the document of verification;
5. names, address, and occupation of the persons registered as holders of ownership;

As for partnership and limited company, there shall also be included the names and address of manager and Directors.

Section 15. Any vessel registering as Thai vessel at any specific port, such port shall be port of registration of such vessel.

CHAPTER II

THAI VESSEL CERTIFICATE OF REGISTRATION

Section 16. Upon vessel registration, the Vessel Registrar shall issue a certificate of registration in the form of the Marine Department to be given to the applicant. Such certificate shall be called the “certificate of registration”.

Section 17. During the time of using the vessel, the certificate of registration shall be vessel identity document to be kept by the vessel controller in the vessel all the time. No one shall remove it from the vessel, except for compliance with this Act or other law. And upon request by the competent official, the vessel controller must immediately produce it to him or her.

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Section 18. If the certificate of registration is lost, or endangered in any way, or essentially damaged, the vessel controller shall apply for a substitute for replacing the original one from the Vessel Registrar of the port of registration of such vessel.

If such incident takes place outside the port of registration of such vessel, the vessel controller shall apply for a temporary substitute at the first arriving port having Vessel Registrar or Thai consular officer, as the case may be.

When the vessel arrives at the port of registration of such vessel, the vessel controller shall deliver the temporary substitute of registration to the Vessel Registrar of the port of registration of such vessel within ten days from the date of arrival, in order for the Vessel Registrar to issue a new certificate of registration to replace the original one.

In the case where there is no vacancy to fill any more particulars in the certificate of registration, the Vessel Registrar or Thai consular officer, as the case may be, shall issue an attachment thereto as prescribed in the Ministerial Regulation.

Section 19. After the issuance of a new certificate of registration replacing the original one, if the original one is still exists in case of essentially damaged, or finally found in case of lost, the vessel controller shall urgently deliver it to the Vessel Registrar of the port of registration of such vessel for arrangement as prescribed in the Ministerial Regulation.

Section 20. In case of changing the vessel controller, the new vessel controller shall submit the certificate of registration and his or her certificate or personal license to the Port Officer, or Vessel Registrar, or Thai consular officer, as the case may be, before departure from the port.

Upon satisfaction with the document thereof, there shall be recorded the change of vessel controller into the certificate of registration and signed the endorsement thereof.

In case of changing the vessel controller outside the port of registration of such vessel, the official who records the incident shall urgently report to the Vessel Registrar of the port of registration of such vessel.

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The Minister has the power to exempt certain size of registered Thai vessel from compliance with the provisions of this Act by issuance of a Ministerial Regulation.

Section 21. In case of changing the ownership of the vessel, the Vessel Registrar of the port of registration of such vessel shall record it into the certificate of registration.

In case of changing the ownership of the vessel outside the port of registration of such vessel, the Vessel Registrar, or Thai consular officer of the port of changing the ownership or the port of first arrival, as the case may be, shall record it into the certificate of registration; provided that the Vessel Registrar of the port of registration of such vessel shall be informed and prior approval of the Vessel Registrar is required.

Section 22. In the case where a registered Thai vessel is lost, kidnapped by an enemy, damaged by fire, wrecked, destroyed or abandoned, the owner of the vessel shall inform the Vessel Registrar of the port of registration of such vessel within thirty days from the date of knowledge of the incident, and such Vessel Registrar shall record the statement informed into the register as evidence.

In the case aforementioned in the previous paragraph, if the certificate of registration is not lost or destroyed, the vessel controller shall return it to the Vessel Registrar, or Thai consular officer of the port where the incident takes place, or the first port he or she arrives, as the case may be.

Section 23. The Vessel Registrar or Thai consular officer, as the case may be, shall deliver the certificate of registration received under previous section to the Vessel Registrar of the port of registration of such vessel.

Section 24.⁷ If the ownership of the vessel is changed or the vessel is reconstructed outside the Kingdom of Thailand, and the vessel is owned by the person who is eligible to hold ownership of registered Thai vessel under section 7, Thai consular officer, or vessel inspector of the Marine Department may issue a

⁷ Section 24 is amended by the Thai Vessel Act (No. 3), B.E. 2521 (1978).

temporary certificate of registration to the vessel controller, and the Thai consular officer, or vessel inspector of the Marine Department who issue the temporary certificate of registration shall urgently deliver a copy of the temporary certificate of registration to the Vessel Registrar of the port where the vessel is intended to be registered.

The temporary certificate of registration must contain the following particulars:

1. name of the vessel and former name, if any;
2. name of the vessel controller;
3. name of owner of the vessel and name of the former owner, if any;
4. reason of acquiring ownership of the vessel;
5. date, month, year and town of acquiring ownership;
6. particulars on the size, construction of the vessel and other particulars known to him or her;
7. name of the port where the vessel is intended to be registered as Thai vessel.

Section 25.⁸ The temporary certificate of registration issued by the Thai consular officer or vessel inspector of the Marine Department under section 24 shall be valid as a certificate of registration as may be used until reaching the port where the vessel is intended to be registered; provided that it shall not be used for longer than six months from the date of issuance of such temporary certificate of registration.

The vessel controller shall submit the temporary certificate of registration to the Vessel Registrar within seven days from the date of reaching the port where the vessel is intended to be registered.

Section 26. When any vessel wishes to sail to any certain port, within the territorial waters, for Thai vessel registration and wishes to seek benefit under this Act during the journey, the vessel controller shall apply for a temporary port transit from the Port Officer of the locality where the vessel departs.

⁸ Section 25 is amended by the Thai Vessel Act (No. 3), B.E. 2521 (1978).

This temporary port transit shall, subject to the condition indicated therein, be valid as a certificate of registration.

In applying for a temporary port transit, the Port Officer may not permit if he or she considers it inappropriate.

CHAPTER III TRANSFER OF OWNERSHIP OF A REGISTERED THAI VESSEL

Section 27. The ownership of a registered Thai vessel shall be transferred by a juristic act upon filing an application with the Vessel Registrar of the port of registration of such vessel for rendering transfer to be recorded in the register.

Vessel ownership transferring contract under this section shall be made in writing in the form of the Marine Department before the aforementioned Vessel Registrar.

If the vessel ownership transfer takes place outside the port of registration of such vessel, the Vessel Registrar or Thai consular officer of the port where ownership transfer takes place, as the case may be, shall act as the Vessel Registrar of the port of registration of such vessel in recording it into the certificate of registration, and urgently send a copy thereof including the certified correct translation, if necessary, to the Vessel Registrar of the port of registration of such vessel. After having received and satisfied with such document, the Vessel Registrar shall record the transfer in the register.

Section 28. In the case mentioned in the previous section, when it appears that the transferee is not of the nature eligible to hold ownership of Thai vessel under section 7:

1. if the transfer takes place in the port of registration of such vessel, the Vessel Registrar of the said port of registration of such vessel shall demand the certificate of registration to be returned, and revoke such vessel registration;

2. if the transfer takes place outside the port of registration of such vessel, the Vessel Registrar or Thai consular officer, as the case may be, shall demand the certificate of registration to be returned, and send a report on the

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incident and the certificate of registration as well as various documents indicated in paragraph three of the previous section to the Vessel Registrar of the port of registration of such vessel for revoking vessel registration of such vessel.

Section 29. When the ownership of a registered Thai vessel is vested in any person by any means other than juristic act, such person shall deliver the certificate of registration including the verification and evidence concerning his or her nationality to the Vessel Registrar of the port of registration of such vessel within ninety days from the date the vessel is vested in such person.

For the purpose of the case, the Vessel Registrar has the power to summon any person and demand other concerning evidence for investigation.

Section 30. When the ownership of a registered Thai vessel is vested in a person eligible to hold ownership of Thai vessel under section 7 by any means other than juristic act, such vessel ownership holder shall file an application in writing to the Vessel Registrar of the port of registration of such vessel for vessel registration under his or her name within the period prescribed in the previous section, as well as submit the evidence showing his or her ownership and eligibility to hold ownership of a Thai vessel.

Upon receiving the aforementioned application and evidence, if it is well-grounded to believe within seven days, the Vessel Registrar shall render an announcement to be posted in the port of registration of such vessel and an advertisement in a newspaper, the expenditure of which shall be borne by the applicant at the rate prescribed in the Ministerial Regulation.

After the lapse of thirty days after posting the announcement without any protest to the Vessel Registrar, the Vessel Registrar shall ask for the certificate of registration from the applicant, and after being satisfied with the evidence the Vessel Registrar shall record in the register and certificate of registration as requested.

If there is a protest within such thirty days, the Vessel Registrar shall inform the protester to file an action with the court within fifteen days, and during these fifteen days the Vessel Registrar shall suspend the record in the register or the certificate of registration. If the protester fails to take action to the court within such period, the Vessel Registrar shall carry out the act mentioned in the previous

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paragraph. If the protester files an action with the court, the Vessel Registrar shall postpone the performance of the act until the adjudication is final, and then he or she shall perform the action in accordance with the judgment.

Section 31. In the case where the ownership of a registered Thai vessel is vested in a person ineligible to hold ownership of Thai vessel under section 7 by any means other than juristic act, or in case the owner lacks such eligibility for whatever reason, if the vessel owner wishes to sustain the character of Thai vessel, he or she shall transfer the ownership to the person eligible to hold ownership of Thai vessel under section 7 within ninety days from the date the vessel is vested in him or her, or the date of lacking such eligibility, as the case may be. On the contrary, if the vessel owner does not wish to sustain the character of Thai vessel any more, he or she shall also file an application for revoking the registration with the Vessel Registrar of the port of registration of such vessel within the aforementioned ninety days.

After the lapse of the said ninety days, if the owner fails to do any thing, it shall be deemed that the vessel owner wishes to sustain the character of Thai vessel. And upon the request of the Marine Department, the public prosecutor shall have power to file an application with the Court, within thirty days from the lapse of the said ninety days, for requesting the Court to issue an order of selling such vessel by auction to the person eligible to hold ownership of Thai vessel under section 7. The net amount left from the proceeds of sale after deducting the fee and expense thereon shall be paid to the person entitled thereto.

Pending the said transferring process, such vessel shall be deemed Thai vessel. But in case there is no transfer under paragraph two, it shall not be Thai vessel after the lapse of one hundred and eighty days from the date the vessel is vested in a person ineligible to hold ownership of Thai vessel. And after the lapse of such one hundred and eighty days, the Vessel Registrar shall revoke vessel registration of such vessel.

Section 32. When the shares in a partnership or limited company which is the owner of a registered Thai vessel are vested in any other person by a juristic act or any means other than juristic act, the Managing Partner or Managing

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Director, as the case may be, shall inform the Vessel Registrar of the port of registration of such vessel within thirty days from the date known to him or her that the shares are vested in such other person, as well as submit a report on nationality of the person who becomes the owner such shares.

For the purpose of the case, the Vessel Registrar has the power to summon any person and demand other concerning evidence for investigation.

Section 32 bis.⁹ In case there is a violation of section 7 *ter* (2) or (3), or section 7 *quarter* (2), the juristic person who holds ownership of a registered Thai vessel having such violation shall act as follows:

(1) send a written statement to the Vessel Registrar of the port of registration of such vessel on such violation within seven days from the date he or she knows or ought to know such violation;

(2) stop using the Thai vessel owned by such juristic person under the rule and condition as follows:

(a) in case the vessel is registered as Thai vessel under section 7, if the juristic person is unable to hold ownership of such vessel any more, but still be able to hold ownership of Thai vessel under section 7 *bis*, shall immediately stop using such vessel for marine commerce in the territorial waters; provided that if such juristic person is unable to hold ownership of registered Thai vessel under section 7 *bis* any more, it shall also immediately stop using such vessel for transport or towing which is required by law, resolution of the Council of Ministers, or international agreement to be transported or towed by Thai vessel, except in case the violation is known during the journey of transporting or towing, such vessel shall be permitted to be used for transport or towing further until it reaches the port or destination agreed upon with the employer;

(b) in case the vessel is registered as Thai vessel under section 7 *bis*, if the juristic person is unable to hold ownership of such vessel under section 7 *bis* any more, it shall immediately stop using such vessel for transport or towing which is required by law, resolution of the Council of Ministers, or international agreement to be transported or towed by Thai vessel, except in case the violation is known during the journey of transporting or towing, such vessel shall be

⁹ Section 32 *bis* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

permitted to be used for transport or towing further until it reaches the port or destination agreed upon with the employer;

Section 33. If the shareholder in a partnership which is the owner of a registered Thai vessel lacks the eligibility to hold ownership of Thai vessel under section 7, the Vessel Registrar of the port of registration of such vessel shall revoke the registration of such vessel unless the shares of such shareholder are transferred to the person eligible to hold ownership of Thai vessel within sixty days from the date of lacking such eligibility.

Section 34. When the amount of shares in a limited company which is the owner of a registered Thai vessel decreases to the extent that the company lacks the eligibility to hold ownership of Thai vessel under section 7, the interested party or public prosecutor shall file an application with the Court requesting for an order of sale by auction the shares which the transfer or succession causes the company to lack the eligibility to the person eligible to hold ownership of Thai vessel under section 7 within ninety days from the date the interested party or public prosecutor, as the case may be, knows about such eligibility.

In deciding which amount of shares causes the company to be ineligible to hold ownership of registered Thai vessel for the purpose of requesting the Court to order the sale by auction of such amount of shares, the transfer of the amount of shares which causes the ineligibility to the company shall be the ones to be sold by auction. If there are surplus shares than the amount necessary to be sold by auction, the first priority shall be the least number of shares to be sold up until the rest of amount left cause the company to be eligible to hold ownership of Thai vessel under section 7, and there is no need to sell the rest any more.

Sale by auction shall be finished within ninety days from the date of the first announcement. If the full amount of shares which cause the company to be eligible to hold ownership of Thai vessel are not sold out within such period, the Vessel Registrar of the port of registration of such vessel shall revoke the registration of such vessel.

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Section 35. If the number of directors of a limited company which is the owner of a registered Thai vessel does not reach the majority prescribed in section 7, the managing director of the company shall inform the Vessel Registrar of the port of registration of such vessel within thirty days from the date he or she knows such incident. And if the number of directors has not been filled up accurately under section 7, the Vessel Registrar shall revoke vessel registration of such vessel.

For the purpose of the case, the Vessel Registrar has the power to summon any person and demand other concerning evidence for investigation.

Section 35 bis.¹⁰ In case of violation of section 7 *ter* (2) or (3) or section *quarter* (2) without knowledge or consent of the juristic person who holds ownership of a registered Thai vessel, the following act shall be carried out:

(1) if such juristic person is the one who holds ownership of a registered Thai vessel under section 7 and lacks the eligibility to hold ownership of the registered Thai vessel any further, but still be eligible to hold ownership of a registered Thai vessel under section 7 *bis* the provisions of section 34 shall apply *mutatis mutandis*; otherwise the provisions of section 33 or section 34, as the case may be, shall apply *mutatis mutandis*;

(2) if such juristic person is the one who holds ownership of a registered Thai vessel under section 7 *bis* and lacks the eligibility to hold ownership of the registered Thai vessel any further, the provisions of section 34 shall apply *mutatis mutandis*.

CHAPTER IV
MORTGAGE AND PRIVILEGE
CONCERNING REGISTERED THAI VESSEL

Section 36. Registered Thai vessel mortgage contract shall be made in writing in the printed form of the Marine Department and registered before the Vessel Registrar of the port of registration of such vessel.

¹⁰ Section 35 *bis* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

In respect of the privilege prescribed in section 273 to section 276 of the Civil and Commercial Code, the aforementioned vessel shall be immovable property and section 285 to section 289 of such Code shall apply thereto, and in respect of the privilege registration, the Vessel Registrar of the port of registration of such vessel shall be competent official.

The registration mentioned in the previous two sections shall be recorded in the register and the certificate of registration.

Section 37. In complying with the provisions of previous section outside the port of registration of such vessel, the Vessel Registrar or Thai consular officer of any port, as the case may be, shall urgently act as the Vessel Registrar of the port of registration of such vessel by recording in the certificate of registration and send a copy thereof to the Vessel Registrar of the port of registration of such vessel. Upon receiving such copy, the Vessel Registrar of the port of registration of such vessel shall record such incident in the register.

CHAPTER V
NAME OF VESSEL, MODIFICATION OF VESSEL,
CHANGE OF PORT OF REGISTRATION, REGISTRATION OF MODIFICATION,
AND RENEWAL OF REGISTRATION

Section 38. No registered Thai vessel shall use a name other than that already registered.

The name of a registered Thai vessel may be changed only upon approval of the Director-General of the Marine Department.

Application for changing the name of vessel shall be in accordance with the Ministerial Regulation.

Section 39. Upon having been permitted to change the name of the vessel, such name appearing on the hull of vessel, in the register, the certificate of registration, all other documents as considered appropriate shall be changed, and the advertisement concerning the change of name shall be made, as prescribed in the Ministerial Regulation.

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Section 40. When the hull or other part of a registered Thai vessel is modified so as to be different from that appearing in the certificate of registration, the vessel controller shall urgently inform the Vessel Registrar or Thai consular officer of the port where such modification takes place. If there is no such officer at such port, the information on modification must be made at the first arriving port having the aforementioned officer.

Section 41. In informing the modification to the Vessel Registrar under the previous section, the vessel controller shall also submit the certificate of vessel inspection inspected and issued by the vessel inspector of the Marine Department.

If the Vessel Registrar receiving information on modification under the previous section is not the Vessel Registrar of the port of registration of such vessel, such Vessel Registrar shall record the particulars on the modification in the certificate of registration and sign the endorsement thereof, and shall urgently report on such modification to the Vessel Registrar of the port of registration of such vessel.

Section 42. In informing the modification to the Thai consular officer under section 40, the vessel controller shall also submit the certificate of vessel inspection inspected and issued by the vessel inspector of the Marine Department, or otherwise the certificate of vessel inspection inspected and issued by the person specified by the Marine Department, or the person of closely equivalent knowledge or position.

The Thai consular officer shall record the particulars on the modification in the certificate of registration and sign the endorsement thereof, and shall urgently report on such modification, and also send a certified copy of the certificate of vessel inspection, to the Vessel Registrar of the port of registration of such vessel.

Section 43. Upon receiving the report and document concerning the modification, the Vessel Registrar of the port of registration of such vessel shall render the registration on such modification and issue a new certificate of registration.

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If the vessel is not at the port of registration, the Vessel Registrar of the port of registration of such vessel shall send the new certificate of registration to the Vessel Registrar or Thai consular officer receiving the information on modification, as the case may be.

Upon receiving the new certificate of registration, the vessel controller shall return the former certificate of registration which is to be sent to the Vessel Registrar of the port of registration of such vessel for further operation prescribed in the Ministerial Regulation.

Section 44. A registered Thai vessel may apply for transferring the vessel registration to another port within the Kingdom of Thailand. The application shall be made in writing and filed with the Vessel Registrar of the port of registration of such vessel by all the persons appeared in the register to be the persons interested in the vessel.

Upon having an application for transferring the vessel registration under the previous section, the Vessel Registrar of the port of registration of such vessel shall inform the approval of transfer and send various copies of document concerning vessel and list of names of persons appeared in the register to be the persons interested in the vessel to the Vessel Registrar of the port where the vessel registration is intended to be made.

Upon receiving the aforementioned document, the Vessel Registrar of the new port of registration shall record the particulars of such document and list of names of such persons in the register and issue a new certificate of registration, and demand the former certificate of registration to be returned. This new port shall be the new port of registration of such vessel, and the name of this new port shall appear on the hull of vessel instead of the former one.

Section 45. The Thai vessel registration shall be revoked upon various causes referred in section 22.

After the Thai vessel registration has been revoked upon loss, burning, sinking, destruction, or abandonment, the renewal of Thai vessel registration may be applied for only by compliance with the provisions of section 12, and in such case the registration fee shall be collect upon new registration.

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The vessel inspection fee under this section shall be fully or partly collected upon the circumstances prescribed in the Ministerial Regulation.

Section 46. An application for Thai vessel registration of a vessel never having been registered as Thai vessel before must be applied for in the name of the vessel at the time of application. While a re-application for Thai vessel registration of a vessel having been registered as Thai vessel before must be applied for in the name of the vessel at the time of application; provided that in the application the applicant must disclose the name of vessel used last time when Thai vessel registration expired.

CHAPTER VI SPECIAL RIGHT AND DUTY OF THAI VESSEL

Section 47. Unless otherwise agrees upon with a foreign country, only the Thai vessel registered under this Act and the vessel of the size smaller than that prescribed in section 8 used for marine commerce in the territorial waters by the person under section 7 may operate marine commerce in the territorial waters.

The provisions of the aforementioned paragraph shall not apply to the vessel of the size smaller than that prescribed in section 8 of a natural person used for marine commerce in the territorial waters.

Section 47 bis.¹¹ In the case where the Minister is of the opinion that there is not enough Thai vessel operating under section 47 for supplying the demand of the country in any part of the territorial waters, the Minister has the power to permit the vessel of the person ineligible to hold ownership of Thai vessel under section 7 to operate under section 47 for a term not exceeding one year each time; provided that the condition prescribed by the Minister must be complied therewith.

¹¹ Section 47 bis is added by the Announcement of the National Revolution Council No. 162, dated 5 June B.E 2515 (1972).

Section 48. No person ineligible to hold ownership of Thai vessel under section 7 shall rent or acquire by other means the Thai vessel of the size under section 8 registered under this Act for operating marine commerce in the territorial waters, and use it for operating marine commerce in the territorial waters.

Section 49.¹² A registered Thai vessel shall, during the time of using the vessel, maintain the following documents in the vessel all the time:

1. a certificate of registration or temporary certificate of registration, as the case may be;
2. various certificates of vessel inspection;
3. vessel personnel contracts;
4. rent of vessel contract, if any;
5. a bill of lading, if any;
6. a vessel goods inventory, if any;
7. a log book;
8. vessel launching certificate and port departure permit, if any.

The Minister has the power to exempt the maintenance of document under paragraph one other than certificate of registration or temporary certificate of registration, as the case may be, in the vessel by publication in the Ministerial Regulation.

Section 50.¹³ Every vessel personnel in a registered Thai vessel under section 7 capable of operating marine commerce in the territorial waters must be person of Thai nationality.

As for a registered Thai vessel under section 7 *bis* specifically used for international transport, there must be vessel personnel of Thai nationality in the proportion prescribed in the Ministerial Regulation.

Section 51. Only Thai vessel is entitled to use Thai national flag.

Any vessel other than Thai vessel using Thai vessel for misleading to be Thai vessel shall be deemed in violation of this Act.

¹² Section 49 is amended by the Thai Vessel Act (No. 3), B.E. 2521 (1978).

¹³ Section 50 is amended by the Thai Vessel Act (No. 4), B.E. 2528 (1985).

Section 52. The vessel controller of a registered Thai vessel must render Thai national flag to be flied upon:

1. a Royal Thai Navy or official vessel performing the duty under this Act, or the authorized person sending signal ordering such vessel to fly national flag;
2. passing by a Thai warship or foreign warship;
3. arriving or departing Thai port and foreign port;
4. during 8 o'clock until sunset while the vessel is in the Thai port.

The Minister has the power to exempt certain size of vessel from compliance with the provisions of this Act by publication in the Ministerial Regulation.

Section 53. No vessel controller or owner of any vessel shall intentionally carry out any act in order to mislead the competent official authorized to inspect the vessel that such vessel is a foreign vessel.

Section 53/1.¹⁴ No vessel controller or owner of Thai vessel shall dispose of or leave any hazardous substance or anything composing of hazardous substance out of the vessel into the sea, notwithstanding in any area, in excess of the standard prescribed in section 53/2 no matter for whatever reason, except the disposal from the survey, exploitation or process concerning mineral resources on the offshore seabed, or leaving for the purpose of legal scientific research concerning reducing or controlling pollution.

The disposal under paragraph one shall also include leaking out, getting rid of, spillage, seepage, sucking, spreading and pouring hazardous substance or anything composing of hazardous substance.

The provisions of paragraph one shall also apply to the vessel controller or owner of either fixed or floating platform in the sea constructed for exploring or producing petroleum, or supporting petroleum exploration or production, or exploring or exploiting natural resources in the sea.

¹⁴ Section 53/1 is added by the Thai Vessel Act (No. 7), B.E. 2550 (2007).

Section 53/2.¹⁵ The Director-General of the Marine Department, with the approval of the Minister, has the power to publish in the Government Gazette prescribing the class and list of names of hazardous substances, controlling standard, disposal of hazardous substance, and treatment of hazardous substance.

Section 54. A vessel of the person under section 7 eligible to be registered as Thai vessel under this Act, but either still not having been applied for registration, or having been registered but the registration expires for whatever reason as enumerated in section 22, shall not be entitled to any benefit eligible under this Act; provided that in respect of the payment of fee, it must be fined, seized, and liable to any penalty occurred from the vessel, or vessel personnel shall be treated as if it were a registered Thai vessel.

CHAPTER VII MISCELLANEOUS PROVISIONS

Section 55. In respect of the offence under this Act or the offence occurring in a Thai vessel, the following officers shall be deemed the administrative officer, or high ranking police officer under the provisions of the Criminal Procedure Code when implementing under section 78 and section 92 of such Code:

1. the Port Officer or the person acting for the Port Officer;
2. the commissioned officers acting under the following duties, i.e., commanding officer of a fort, shipmaster, or commanding officer of the Royal Thai Navy;
3. the fishery officer or excise officer from the rank of section chief or upward;
4. other officers appointed by the Minister for this purpose.

For the purpose of this section, the fishery officer or excise officer lower than the rank of section chief shall be deemed the administrative officer, or police officer.

¹⁵ Section 53/2 is added by the Thai Vessel Act (No. 7), B.E. 2550 (2007).

Section 56.¹⁶ Subject to the provisions of section 57, the officer has the power to detain a vessel or seize the document concerning the vessel in the following cases:

(1) when there is a violation of the provisions of section 7 *ter*, section 7 *quarter*, section 11, section 20 paragraph one, section 29, section 30, section 38 paragraph one, section 40, section 41 paragraph one, section 47, section 47 *bis*, section 48, section 49, section 50, section 51 or section 53;

(2) when there is another offence occurring in the vessel and such offence is liable to an imprisonment of ten years or more or a capital punishment.

Section 57. The following officers shall have power to detain and seize under the previous section:

1. an administrative officer, or high ranking police officer under the provisions of the Criminal Procedure, and sub-section 1, sub-section 2 and sub-section 4 of section 55;

2. an excise officer of the rank of chief of section or upward.

No detention or seizure shall be longer than two days without permission of the Court. In counting the period of time, if the vessel is in Thai port, the period of vessel detention or seizure of document shall commence from such date. But if the vessel is not in Thai port, it shall be urgently brought back to Thai port and the period of vessel detention or seizure of document shall commence from the date the vessel arrives at Thai port.

If the officer deems it expedient to extend the period of two days detention or seizure, he or she shall file a request with the Court within such period. In this case, the officer shall have power to continue the detention or seizure until the Primary Court gives a decision. Such decision shall be deemed final.

The officer or the Court, upon request of the officer, shall detain the vessel or seize the document until the violated provisions of this Act is rectified, or on demand of other law.

¹⁶ Section 56 is amended by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

Section 57 bis.¹⁷ In case of violation of section 7 *ter* (1), or section 7 *quarter* (1), or in case of violation of section 7 *ter* (2) or (3), or section 7 *quarter* (2) with the knowledge or consent of the juristic person holding ownership of a registered Thai vessel, the Vessel Registrar of the port of registration of such vessel shall revoke the registration of such vessel.

Section 58. In registering, recording, modifying or revoking the registration required by this Act, the person concerned shall, upon request of the Vessel Registrar, produce the document concerned to the satisfaction of the Vessel Registrar that various conditions prescribed in this Act and the Ministerial Regulation issued under this Act has already been complied.

Section 59. During regular working hours, any interested person may, upon paying fee at the rate prescribed in the Ministerial Regulation, inspect the particulars in the Thai vessel register of any port of registration of such vessel, or inspect the evidence concerned therewith, or other evidence which the Director-General of the Marine Department deems expedient, or may request for copying all or some part thereof with true copy certification.

Section 60. The Director-General of the Marine Department shall expeditiously summarize the particulars of Thai vessel registration or revocation thereof to be occasionally published in the Government Gazette.

Section 61. The Port Officer has the power to settle the case of the offence under this Act which is punishable by fine only.

Section 62.¹⁸ The Minister of Transport shall have charge and control of the execution of this Act, and shall have power to appoint competent officials and issue a Ministerial Regulation prescribing fee not exceeding the rate attached hereto, and determine other affairs for the implementation of this Act.

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

¹⁷ Section 57 *bis* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

¹⁸ Section 62 is amended by the Thai Vessel Act (No. 3), B.E. 2521 (1978).

CHAPTER VIII
PENALTY PROVISIONS

Section 62 *bis*.¹⁹ Any natural person of Thai nationality, juristic person eligible to hold ownership of registered Thai vessel under section 7 or section 7 *bis*, or limited company or public limited company eligible to hold ownership of registered Thai vessel under section 7 *bis* who violates section 7 *ter* or section 7 *quarter* shall be liable to an imprisonment for a term not exceeding five years and to a fine not exceeding five thousand Baht.

An alien who renders or agrees to the violation under paragraph one shall be liable to the same penalty as such violator.

Section 62 *ter*.²⁰ In the case where a juristic person commits an offence under section 62 *bis*, the managing partner, managing director, manager, or representative of such juristic person shall also be liable to the penalty prescribed in section 62 *bis* unless he or she is able to prove that he or she does not know or give consent to the commission of offence of such juristic person.

Section 63. Any person who violates the provisions of section 11, section 17, section 18 paragraph one, paragraph two, paragraph three, section 19, section 20 paragraph one, section 22, section 25 paragraph two, section 26 paragraph one, section 29 paragraph one, section 30 paragraph one, section 32 paragraph one, section 35 paragraph one, section 38 paragraph one, section 40, or section 52 shall be liable to a fine not exceeding two hundred Baht.

Section 63 *bis*.²¹ Any juristic person holding ownership of registered Thai vessel who fails to comply with section 32 *bis* (1) shall be liable to a fine not exceeding two hundred thousand Baht.

¹⁹ Section 62 *bis* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

²⁰ Section 62 *ter* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

²¹ Section 63 *bis* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

Section 63 *ter*.²² Any juristic person holding ownership of registered Thai vessel who violates section 32 *bis* (2) shall be liable to a daily fine, all the time of violation, at the rate of three Baht of every gross ton of the size of vessel.

Section 64. The vessel controller who violates the provisions of section 49 shall be liable to a fine not exceeding five hundred Baht.

If such offence concerns with certificate of registration or temporary certificate of registration, he or she shall be liable to a fine not exceeding two thousand Baht, or to an imprisonment for a term not exceeding one year, or to both.

Section 65.²³ In case of violation of the provisions of section 47, the condition prescribed by the Minister under section 47 *bis*, section 50, or section 51, the vessel controller shall be liable to a fine not exceeding two thousand Baht, or to an imprisonment for a term not exceeding one year, or to both.

Section 66. The violator of the provisions of section 48 shall be liable to a fine not exceeding two thousand Baht, or to an imprisonment for a term not exceeding one year, or to both.

Section 67. The violator of the provisions of section 53 shall be liable to a fine not exceeding two thousand Baht, or to an imprisonment for a term not exceeding one year, or to both.

Section 67/1.²⁴ Any person who violates the provisions of section 53/1 shall be liable to a fine not exceeding sixty thousand Baht, or to an imprisonment for a term not exceeding three year, or to both, and must reimburse the expense for disposal or treatment of hazardous substance, the compensation for the occurring damage, as well as the expense for recovery of natural environment.

²² Section 63 *ter* is added by the Thai Vessel Act (No. 5), B.E. 2534 (1981).

²³ Section 65 is added by the Announcement of the National Revolution Council No. 162, dated 5 June B.E 2515 (1972).

²⁴ Section 67/1 is added by the Thai Vessel Act (No. 7), B.E. 2550 (2007).

In case of the commission of an offence under section 53/1, the competent official appointed by the Minister shall have power to collect the evidence concerning the commission of offence, and send it to the inquiry official authorized under the Criminal Procedure Code for further proceeding.

In the case where the offender has disposed of or treated hazardous substance and recovered the natural environment by himself or herself within the period close to the occurring incident, he or she shall not be liable to the penalty and compensation for the expense and damage under paragraph one.

Section 68. In case of violation of the provisions of section 47 and section 51, the Court may order the seizure of vessel, component parts, benefit accruing from the vessel, and the objects used for such violation.

CHAPTER IX TRANSITIONAL PROVISIONS

Section 69. Within the period of three years from the date this Act comes into force, a seagoing vessel of the size under section 8 using for marine commerce in the territorial waters owned by the person ineligible to hold ownership of registered Thai vessel under section 7 which has been registered and licensed by the Marine Department before the date this Act comes into force shall be entitled to the right given under section 47 and section 51 paragraph one; provided that it must be subject to the provisions of this Act except section 7, section 8, and the provisions concerning such sections.

Waterway vessel of the size under section 8 using for marine commerce in the territorial waters owned by the person ineligible to hold ownership of registered Thai vessel under section 7 which has been licensed by the Marine Department before the date this Act comes into force shall, within the period of two years from the date this Act comes into force, be entitled to the right given under section 47; provided that it must be subject to the provisions of this Act except section 7, section 8, and the provisions concerning such sections.

After the lapse of three years or two years, as the case may be, if the Minister is of the opinion that there is not enough Thai vessel operating under

section 47 for supplying the demand of the country in any part of the territorial waters, he or she has the power to permit the vessel of the person ineligible to hold ownership of Thai vessel under aforementioned section 7 to operate under section 47 for a term not exceeding two years each time; provided that the condition prescribed as the Minister deems appropriate must be complied therewith.

Within the period of three years or two years, as the case may be, of three years or two years, as the case may be, either the vessel mentioned in this section which change the rate of freight without approval of the Minister, or the vessel having been permitted by the Minister to further the operation under section 47 after the lapse of such period which violate the condition prescribed by the Minister, shall not be entitled to the benefit under this section.

Section 70. Within the period of five years from the date this Act comes into force, if it appears that there is not enough person enable to be employed as vessel personnel for supplying the demand of the country, or there is another ground appropriate for provisionally lessening the enforcement, the Director-General of the Marine Department, with the approval of the Minister, has the power to permit the lessening of number, qualification, basic knowledge, and proportion of vessel personnel prescribed in section 50.

In applying for such permission, the vessel controller, owner, or representative, shall file an application in writing with the Director-General of the Marine Department and, pending the decision on permission, the provisions of section 50 shall not apply to such vessel.

The permission shall be given by issuing a certificate indicating the category of vessel personnel, level of education, number of person, permission period, etc., to be given to the applicant for producing to the competent official when required.

Countersigned by

Phibunsongkhram

Prime Minister

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LIST OF MAXIMUM RATES OF FEE²⁵

No.	Category	Amount Baht Stang
1. Thai vessel registration fee:		
	(a) vessel of the size not exceeding 10 gross ton	20
	(b) vessel of the size exceeding 10 gross ton but not exceeding 50 gross ton	200
	(c) vessel of the size exceeding 50 gross ton but not exceeding 100 gross ton	500
	(d) vessel of the size exceeding 100 gross ton but not exceeding 200 gross ton	1,000
	(e) vessel of the size exceeding 200 gross ton but not exceeding 1,000 gross ton	10 Baht for each gross ton
	(f) vessel of the size exceeding 1,000 gross ton or more	20 Baht for each gross ton
2. The fee for transfer of ownership or mortgage:		
	(a) vessel of the size not exceeding 10 gross ton	20
	(b) vessel of the size exceeding 10 gross ton but not exceeding 50 gross ton	200
	(c) vessel of the size exceeding 50 gross ton but not exceeding 100 gross ton	500
	(d) vessel of the size exceeding 100 gross ton but not exceeding 200 gross ton	1,000
	(e) vessel of the size exceeding 200 gross ton	10 Baht for each gross ton but not exceeding 20,000 Baht for each vessel
3. Fee for recording the modification of content of contract:		
	(a) no increase of capital fund	20 Baht each time
	(b) increasing capital fund: First ten thousand Baht or less	50

²⁵ List of maximum rate of fee is amended by the Thai Vessel Act (No. 2), B.E. 2517 (1974).

