

**WAREHOUSE, SILO AND COLD STORAGE,
B.E. 2558 (2015).**

BHUMIBOL ADULYADEJ, REX.

Given on the 22th August B.E. 2558 (2015)

Being the 70th Year of the Present Reign.

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

Whereas it is expedient to have a law on warehouse, silo and cold storage.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015)”.

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

Section 3. In this Act,
“Warehouse” means the place for maintaining goods excluding the place for dropping or gathering goods waiting for distribution or delivery;
“Warehousing business” means the service of maintaining goods in a warehouse for reward in normal trade, no matter the reward is money, compensation or other benefit;

*Translated by Mr. Panitam 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.

* Published in the Government Gazette, Vol. 132, Part 82 a, dated 27th August, B.E. 2558 (2015).

“Silo” means the place used for maintaining goods having system of humidity control by any means for protection and conservation of quality of goods, excluding the place for dropping or gathering goods waiting for distribution or delivery;

“Silo business” means the service of maintaining goods in a silo for reward in normal trade, no matter the reward is money, compensation or other benefit;

“Cold storage” means the place used for maintaining goods having system of temperature control by any means for protection and conservation of quality of goods, excluding the place for dropping or gathering goods waiting for distribution or delivery;

“Cold storage business” means the service of maintaining goods in a cold storage for reward in normal trade, no matter the reward is money, compensation or other benefit;

“Affiliated company” means parent company, subsidiary, and associated company of a company operating warehouse business, silo business, or cold storage business;

“Parent company” means:

(1) the company which holds fifty percent or more of all the shares having the right to vote in the company which operates warehouse business, silo business, or cold storage business;

(2) the company which holds twenty five percent or more of all the shares having the right to vote in the company under (1); or

(3) the company which holds twenty five percent or more of all the shares having the right to vote in the company under (2);

“Subsidiary” means a company which twenty five percent or more of all the shares having the right to vote are held by the company which operates warehouse business, silo business, or cold storage business;

“Associated company” means:

(1) a company which twenty five percent or more of all the shares having the right to vote are held by a parent company of the company which operates warehouse business, silo business, or cold storage business;

(2) a company having companies hold its shares in not more than two chains commencing from holding shares in the company under (1); provided that

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

each chain of holding shares shall be twenty five percent or more of all the shares having the right to vote;

“Warehouse receipt” means the warehouse receipt under the Civil and Commercial Code, Title 14, on maintaining goods in a warehouse, and includes the silo bill, silo receipt, cold storage receipt, frozen goods receipt, and other document named otherwise of the same nature as warehouse receipt;

“Warrant” means the warrant under the Civil and Commercial Code, Title 14, on maintaining goods in a warehouse, and includes the document named otherwise of the same nature as warrant;

“Warehouseman” means the representative of juristic person operating warehouse business, silo business, or cold storage business, and includes the person authorized by the person who operates warehouse business, silo business, or cold storage business;

“License” means the license for operating warehouse business, license for operating silo business, or license for operating cold storage business;

“Committee” means the Committee for Supervising Warehouse, Silo and Cold Storage;

“Committee Member” means Member of the Committee for Supervising Warehouse, Silo and Cold Storage;

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

“Director-General” means the Director-General of the Department of Internal Trade;

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

Section 4. This Act shall not apply to the Ministry, Sub-Ministry, Department, local government organization, State enterprise, and other State agency.

Section 5. The provisions of the Civil and Commercial Code, Title 14, on maintaining goods in a warehouse shall apply to the operation of warehouse business, silo business, or cold storage business under this Act in so far as they are not contrary to or inconsistent with the provisions of this Act.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 6. The Minister of Commerce shall have charge and control of the execution of this Act, and shall have power to appoint competent officials, issue the Ministerial Regulation prescribing fee not exceeding the rate attached hereto, as well as to reduce or exempt the fee, and issue an announcement for implementing this Act.

The Ministerial Regulation and announcement shall come into force upon their publication in the Government Gazette.

CHAPTER I
COMMITTEE FOR SUPERVISING WAREHOUSE,
SILO AND COLD STORAGE

Section 7. There shall be a committee called the “Committee for Supervising Warehouse, Silo and Cold Storage consisting of the Minister of Commerce as Chairperson, the Permanent Secretary for Commerce as Vice-Chairperson, representative of the Ministry of Finance, representative of the Ministry of Agriculture and Cooperatives, representative of the Ministry of Interior, representative of the Industry, representative of the Office of the National Economics and Social Development Board, representative of the Bank of Thailand, representative of the Board of Trade of Thailand, representative of the Federation of Thai Industries, and four qualified persons appointed by the Council of Ministers from the persons having knowledge and experience concerning warehouse business, silo business, cold storage business, or commercial bank business, one person from each field, as Committee Members.

The Director-General shall be Committee Member and secretary.

Section 8. The Committee shall have power and duties as follows:

(1) to give suggestion to the Minister in issuing the Ministerial Regulation under this Act;

(2) to issue an announcement prescribing rule, procedure, and condition for implementing this Act;

(3) to issue an announcement determining rate of service charge in maintaining goods or rendering service concerning goods in order to keep it not to be

excessively high, as well as to suggest the Director-General in determining the utilization of warehouse receipt and warrant;

(4) to consider appeal prescribed in this Act;

(5) to carry out other activity prescribed by this Act or other law to be power and duty of the Committee.

The issuance of announcement determining rate of service charge under (3) may be done only upon reasonable or necessary ground for maintaining justifiable level of service charge.

The announcement under (2) and (3) shall come into force upon its publication in the Gazette.

Section 9. The qualified Committee Member under section 7 holds office for a term of two years.

In the case where the qualified Committee Member vacates office before the end of term, the Council of Ministers shall appoint another person to replace him or her, except the term of office remain less than one hundred and twenty days there may be no appointment thereof. And the person appointed to replace the vacancy shall hold office for the remaining term of the qualified Committee Member already appointed.

In the case where the qualified Committee Member vacates office before the end of term, the Committee shall consist of the remaining Committee Members until a qualified Committee Member is appointed under paragraph two.

At the end of term of office under paragraph one, if there is no appointment of new qualified Committee Members, the outgoing qualified Committee Members shall remain in office for performing duty until the newly appointed qualified Committee Members assume office.

The qualified Committee Member vacating office at the end of term may be reappointed, but not for more than two consecutive terms.

Section 10. In addition to vacating office at the end of term, the qualified Committee Member vacates office upon:

(1) death;

(2) resignation;

(3) being a bankrupt;

(4) being an incompetent person or quasi-incompetent person;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(5) being imprisoned by a final judgment except for an offence committed through negligence or a petty offence.

(6) being removed by the Council of Ministers due to malfunction or serious misbehavior.

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

At a meeting of the Committee, if the Chairperson is absent or unable to perform the duty, the Vice Chairperson shall perform the duty in place of him or her. If the Vice Chairperson is absent or unable to perform the duty, the presenting Committee Members shall elect one among themselves to perform the duty in place of him or her.

The resolution of the meeting shall be made by the majority of votes. Each Committee Member shall have one vote. In case of equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 12. The Committee may appoint a Sub-Committee for considering and suggesting any matter or carrying out any activity as entrusted and report to the Committee.

The provisions of section 11 shall apply to the meeting of the Sub-Committee mutatis mutandis.

Section 13. The Department of Internal Trade, Ministry of Commerce, shall be functioned as administrative organ of the Committee, and shall have power and duty as follows:

(1) to perform general administrative work and secretarial work of the Committee and Sub-Committee;

(2) to consider giving suggestion to the Committee in respect of the operation of warehouse business, silo business, cold storage business,

(3) to receive petition of interested persons claiming that there is a violation or non-compliance with the provisions of this Act for submission to the Director-General;

(4) to comply with the announcement and rule, and carry out the activity entrusted by the Committee and Sub-Committee.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

The rule, procedure and condition on petitioning under (3) shall be prescribed by the Director-General and published in the Government Gazette.

Section 14. In case of reasonable ground or necessary for the purpose of implementing this Act, the competent official shall have power and duty as follows:

(1) to summon any person to give statement, explain the facts, or submit an explanation in writing, any account, register, or document for examination or supplementing consideration;

(2) to enter the working place, warehouse, silo, cold storage, of the person operating warehouse business, silo business, cold storage business during sunrise and sunset or during working hours of such place for inspecting the compliance of this Act; in this case the competent official shall have power to inquire into facts, demand for relevant account, register, document or evidence;

(3) to sequester an account, register, document or evidence for the purpose of inspection under this Act within the period determined by the Director-General;

(4) to collect or take a reasonable amount of goods as sample for examination in accordance with the rule, procedure, and condition prescribed by the Director-General and published in the Government Gazette.

In the performance of duty of the competent official under paragraph one, the relevant person shall render appropriate facility.

Section 15. In the performance of duty the competent official must produce his or her identity card to the person concerned.

The identity card shall be in the form prescribed by the Minister.

Section 16. The summons under section 14 (1) shall be delivered by the competent official to the domicile or working place of the person specified in the summons during sunrise and sunset or during working hours of such person, or may be sent by delivery recorded registered mail.

Section 17. In the performance under this Act, the Committee Member, Director-General, and competent official shall be an official under the Criminal Code.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

CHAPTER II
WAREHOUSE BUSINESS, SILO BUSINESS,
AND COLD STORAGE BUSINESS OPERATION

PART I
ESTABLISHMENT, APPLICATION FOR LICENSE
AND GRANT OF LICENSE

Section 18. The warehouse business, silo business, or cold storage business shall be operated only by the juristic person of the category of limited partnership, limited company, public company limited, and cooperatives having an objective of operating warehouse business, silo business, cold storage business and having been licensed by the Director-General.

An applicant for a license for operating warehouse business, silo business, cold storage business must not be an operator of warehouse business, silo business, cold storage business whose license has been revoked under section 56, and still be within the period of two years from the date of revocation of the license.

The application for and grant of license under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Section 19. The license under section 18 shall be valid for three years from of its issuance.

In renewal of license, an application for renewal shall be filed not less than thirty days before the license expires. Upon having filed the application, the business operation may be carried on until the Director-General refuses to grant renewal of license.

The application for and grant of renewal of license shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Section 20. In the case where the license is lost, destroyed, or essentially damaged, the operator of warehouse business, silo business, cold storage business shall file an application for substitute of license within fifteen days from the date of knowledge of such loss, destroy, or damage.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

The application for and issuance of substitute of license shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Section 21. The operator of warehouse business, silo business, cold storage business must display the license or substitute of license, as the case may be, in a conspicuous place at the office of warehouse business, silo business, or cold storage business operation.

Section 22. The operator of warehouse business, silo business, or cold storage business may have a branch office, provided that there must be a license for having branch office granted by the Director-General.

The application for and issuance of license for having branch office shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Section 23. The license for having branch office under section 22 shall be valid for the validity of the license. In the case where the license expires without renewal or the Director-General orders the revocation of license, the license for having branch office shall be deemed expires.

In the case where the license expires and the application for renewal has already been filed, the license for having branch office shall continue to be valid until the Director-General refuses to grant renewal of license.

Section 24. The provisions of section 20 and section 21 shall apply to the application for substitute of license for having branch office and display of license for having branch office mutatis mutandis.

PART II
SUPERVISION OF WAREHOUSE BUSINESS, SILO BUSINESS,
AND COLD STORAGE BUSINESS OPERATION

Section 25. The operator of warehouse business, silo business, or cold storage business must give a warehouse receipt to the person who deposits the goods at the warehouse, silo, or cold storage upon depositing each time, while a

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

warrant shall be given to the goods depositor upon request. However, both the warehouse receipt and warrant must be registered and traceable.

Section 26. The warehouse receipt and warrant must bear the same number as the number in the register under section 25, and the signature of the warehouseman.

A warehouse receipt and warrant must at least contain the following particulars:

- (1) name and address of the operator of warehouse business, silo business, or cold storage business;
- (2) name and address of the goods depositor;
- (3) location of the warehouse, silo, cold storage,
- (4) service charge charged for maintaining goods or render service concerning goods;
- (5) nature, kind, volume, weight or size, as well as condition and amount of goods maintained, packaging sign, and statement informing hazardous nature of goods;
- (6) place and date of issuance of warehouse receipt and warrant;
- (7) duration of maintaining goods;
- (8) if the goods maintained is insured, the insured sum, duration insured, and name of insurer shall be indicated;
- (9) standard of service rendered in maintaining goods in the warehouse, silo, or cold storage.

If the duration under (7) is not specified, the date on which the goods depositor comes to retrieve the goods shall be deemed due date.

Section 27. The operator of warehouse business, silo business, or cold storage business must have the capital prescribed by the Committee.

Section 28. A warehouse, silo, or cold storage must be in the nature, condition, and performance procedure in accordance with the rule, procedure and condition prescribed by the Committee.

Section 29. No operator of warehouse business, silo business, or cold storage business shall act as follows:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(1) dishonestly issuing an all new or a part of warehouse receipt or warrant without deleting the original one;

(2) renting out more than fifty percent of total area of the warehouse, silo, cold storage without reporting to the Director-General;

(3) reducing the capital under section 27 without permission of the Director-General;

(4) depositing money any where other than a bank or finance company;

(5) lending money to an affiliated company, manager, director, or partner of the operator of warehouse business, silo business, or cold storage business;

(6) charging the service charge of maintaining goods or rendering service concerning goods in excess of the rate prescribed by the Committee.

The report under (2), and application for and grant of permission under (3) and (4) shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Section 30. When the holder of warehouse receipt or warrant retrieves the goods deposited by returning warehouse receipt or warrant, the operator of warehouse business, silo business, or cold storage business must deliver the goods to the holder of warehouse receipt or warrant, unless it appears that the goods depositor bears the debt accruing from depositing or other service concerning the goods deposited, the goods may be withheld at the amount of debt defaulted.

Section 31. The operator of warehouse business, silo business, or cold storage business must render an inspection of the whole goods maintained in the warehouse, silo, or cold storage at least twice a year within June and December, and must inform in writing about the date of inspection to the competent official, goods depositor, and holder of warehouse receipt and warrant not less than seven days in advance, in order to give such persons the opportunity to participate in the inspection, and the operator of warehouse business, silo business, or cold storage business must render appropriate facility therein.

Section 32. The operator of warehouse business, silo business, or cold storage business must allow goods depositor, or holder of warehouse receipt or

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

warrant to inspect the goods maintained in the warehouse, silo, or cold storage during working hours of such place.

The goods depositor, or holder of warehouse receipt or warrant must inform in writing about the date of inspection to the operator of warehouse business, silo business, or cold storage business not less than seven days in advance, and the operator of warehouse business, silo business, or cold storage business must render appropriate facility therein.

Section 33. The operator of warehouse business, silo business, or cold storage business shall provide an account of all income and expenditure on operation of warehouse business, silo business, or cold storage business and an accurate inventory of goods maintained to be kept at the working office of the operator of warehouse business, silo business, or cold storage business which will always be ready to be examined by the competent official.

Section 34. The operator of warehouse business, silo business, or cold storage business shall submit an annual report, together with a balance sheet and a profit and loss account showing financial status and status of business of the previous calendar year to the Director-General within one hundred and fifty days from the date of ending calendar year in the form prescribed by the Director-General and published in the Government Gazette.

If it appears that the annual report and balance sheet or profit and loss account submitted under paragraph one are incorrect, or contain incomplete particulars, the Director-General shall have power to order their rectification or completion within a determined period.

Section 35. If the Director-General deems appropriate, he or she may order the operator of warehouse business, silo business, or cold storage business to submit any report or document concerning financial status, status of business, or business operation to him or her at any time. Such order shall also indicate duration of time for the operator of warehouse business, silo business, or cold storage business to comply with the order.

In the case where the operator of warehouse business, silo business, or cold storage business is unable to comply with the order within the period specified under paragraph one, he or she may file an application for extending such

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

period with the Director-General. Upon having reasonable ground, the Director-General may order an extension of such period.

Section 36. In the case where the warehouseman, working place, or nature, condition, number or size of the warehouse, silo, or cold storage is changed, the operator of warehouse business, silo business, or cold storage business shall inform the Director-General within fifteen days from the date of change.

Section 37. The operator of warehouse business, silo business, or cold storage business who wishes to cease the business operation licensed shall inform the Director-General in advance for not less than sixty days before the date of cessation of business.

If there are deposited goods remain in possession on the date of cessation of business operation, the operator of warehouse business, silo business, or cold storage business shall return the goods to the goods depositor or holder of warehouse receipt or warrant by informing in advance for not less than ninety days before the date of cessation of business in accordance with the rule, procedure and condition prescribed by the Committee.

PART III

LIABILITY OF THE OPERATOR OF WAREHOUSE BUSINESS, SILO BUSINESS, AND COLD STORAGE BUSINESS

Section 38. The operator of warehouse business, silo business, or cold storage business must be liable to the goods depositor or holder of warehouse receipt or warrant for damage resulting from loss, adulteration or change of volume, weight, size, quality, or standard of deposited goods from that specified in the warehouse receipt or warrant, unless it is proved that such damage results from force majeure, nature of deposited goods, or fault of the goods depositor.

Section 39. The operator of warehouse business, silo business, or cold storage business must be liable to the goods depositor or holder of warehouse receipt or warrant for damage resulting from failure to inform such person

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

immediately after knowing or should know that the goods deposited in the warehouse, silo, or cold storage becomes deteriorated.

Section 40. The operator of warehouse business, silo business, or cold storage business must be liable to the goods depositor or holder of warehouse receipt or warrant for damage resulting from issuance of more than one copy of warehouse receipt or warrant.

Section 41. The goods depositor must record, make or put up a sign if the goods to be deposited in the warehouse, silo, or cold storage is in the condition potential to be dangerous, such as inflammable, poisonous, explosive, or may be dangerous whatsoever, in order to inform the operator of warehouse business, silo business, or cold storage business about such potentially dangerous condition.

If the goods depositor fails to comply with paragraph one, and the operator of warehouse business, silo business, or cold storage business does not know or is unable to know of such dangerous condition of such goods, the operator of warehouse business, silo business, or cold storage business shall be exempted from liability for the damage that may occur to the goods deposited.

PART IV APPEAL

Section 42. The operator of warehouse business, silo business, or cold storage business who is dissatisfied with the order of the Director-General under section 18, section 19, section 22, or section 29 (3) or (4) has the right to appeal against such order to the Committee.

Section 43. The appeal shall be made in writing and submitted to the Committee within thirty days from the date of receipt of the order of the Director-General.

The submission, acceptance, procedure, and procedural period of appeal shall be in accordance with the rule, procedure and condition prescribed by the Committee.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

The appeal shall not suspend the execution of the order of the Director-General unless the Committee orders otherwise for the time being before decision of appeal.

The decision of the Committee shall be final.

CHAPTER III
WAREHOUSE, SILO, AND COLD STORAGE
SPECIFICALLY FOR MAINTAINING GOODS OF SUBSIDIARY

Section 44. Any person who own a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade must give information on his or her own name and address, including the deposited place, area, size, and capacity of the warehouse, silo, or cold storage, as well as the name and working office of the subsidiary depositing goods to the competent official within thirty days from the date of commencing the business operation.

The competent official receiving the information under paragraph one shall immediately issue a certificate of information as evidence of information to the informer.

Section 45. In case of change of information given under section 44, or wishing to cease or transfer the business to other person, the person who own a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade must inform the competent official within thirty days from the date of changing information, cessation or transfer of business.

Section 46. In case the competent official finds that the information given under section 44 or section 45 is inaccurate or incomplete, the competent official has the power to order the person who own a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade to rectify or complete it and inform the competent official within thirty days from the date of receiving the order.

Section 47. The form and detail to be informed, procedure, and certificate of information under section 44, section 45 and section 46 shall be in

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

accordance with the rule, procedure and condition prescribed by the Director-General and published in the Government Gazette.

Section 48. The person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade shall provide an accurate inventory of goods maintained to be kept at his or her own working office.

In case there is reasonable ground or necessity, the Director-General may order the person who own a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade to send the information containing in the inventory to him or her within the period he or she deems appropriate.

Section 49. The person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade shall submit an annual report on information of goods maintained in accordance with the form, procedure and within the period prescribed by the Director-General and published in the Government Gazette.

Section 50. No person shall issue a warehouse receipt and warrant for goods maintained in a warehouse, silo, or cold storage under this chapter, unless it is made as evidence in the service of deposition of goods; and such evidence, no matter it is named the same, coherent, or similar, shall not be deemed a warehouse receipt under this Act.

CHAPTER IV PENALTY PROVISIONS

PART I ADMINISTRATIVE PENALTIES

Section 51. Administrative penalties shall be as follows:

- (1) administrative fine;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(2) suspending license

(3) revoking license.

The Director-General shall be empowered to impose administrative penalties.

Section 52. In the case where the Director-General imposes administrative fine and the offender refuses to pay the administrative penalty fine, the provisions on administrative enforcement under the law on administrative procedure shall apply mutatis mutandis. And in the case where the competent official is unable to carry out the administrative execution, the Director-General shall have power to bring an action to the Administrative Court for enforcing payment of fine. In such case, if the Administrative Court is of the opinion that the order demanding payment of fine is lawful, the Administrative Court has the power to deliver a judgment and execution of seizure or sequestration of property to be sold by auction for payment of penalty fine.

Section 53. In respect of any operator of warehouse business, silo business, or cold storage business who violates or fails to comply with section 25, section 29 (2) or (6), section 30, and section 34 paragraph two, the Director-General shall have power to order such person to cease the violation or to rectify or accurately comply therewith within the determined period.

Failure to comply with the order of the Director-General under paragraph one shall be liable to an administrative fine not exceeding twenty thousand Baht, and an additional daily fine of ten thousand Baht at all time of failure to comply with the order of the Director-General.

Section 54. In respect of any operator of warehouse business, silo business, or cold storage business who violates or fails to comply with section 26, section 28, section 31, section 33, section 34 paragraph one, section 35, section 36 and section 37, the Director-General shall have power to order such person to cease the violation or to rectify or accurately comply therewith within the determined period.

Failure to comply with the order of the Director-General under paragraph one shall be liable to an administrative fine not exceeding twenty thousand Baht.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 55. When it appears that any operator of warehouse business, silo business, or cold storage business is under unstable financial status, or operating the business in the manner potentially causing damage to goods depositor, or violates or fails to comply with section 29 (5), the Director-General shall have power to order such person to cease the violation or to rectify or accurately comply therewith within the determined period.

In respect of any operator of warehouse business, silo business, or cold storage business who fails to comply with the order of the Director-General under paragraph one, the Director-General shall have power to order suspension of license for not exceeding ninety days each time.

In suspending the license under paragraph two, the Director-General shall have power to impose the condition to be complied by the operator of warehouse business, silo business, or cold storage business during suspension of license.

Section 56. The Director-General shall have power to revoke the license upon any act of the operator of warehouse business, silo business, or cold storage business as follows:

(1) failing to operate the business within ninety days from the date of receiving the license, or cessation of business continuously for more than one hundred and eighty days without informing the Director-General in accordance with the rule, procedure and condition prescribed by the Director-General;

(2) being suspended the license twice or more;

(3) violating or failing to comply with the order suspending the license under section 55 paragraph two.

The revocation of license under paragraph one does not release the operator of warehouse business, silo business, or cold storage business from administrative penalty in other case.

Section 57. The order suspending the license or order revoking the license shall be made in writing, sent to inform the operator of warehouse business, silo business, or cold storage business, and posted in a conspicuous place at the working office of the operator of warehouse business, silo business, or cold storage business.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 58. Any person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade who violates or fails to comply with section 45, section 46 or section 48 shall be liable to an administrative fine not exceeding twenty thousand Baht.

Section 59. In respect of any person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade who violates or fails to comply with section 49, the Director-General shall have power to order such person to cease the violation or to rectify or accurately comply therewith within the determined period.

Any person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade who fails to comply with the order of the Director-General under paragraph one shall be liable to an administrative fine not exceeding twenty thousand Baht.

Section 60. The person suffering administrative penalty who dissatisfies with the order imposing administrative penalty of the Director-General under the provisions of this part has the right to appeal against the order to the Committee.

The provisions of section 43 shall apply to the appeal under paragraph one mutatis mutandis.

PART II CRIMINAL PENALTY

Section 61. Any person who fails to comply with the summons of the competent official without reasonable excuse shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding five thousand Baht, or to both.

Section 62. Any person who obstructs the performance of duty of the competent official under section 14 (2), (3) or (4) shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding twenty thousand Baht, or to both.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 63. Any person who fails to render facility to the competent official under section 14 paragraph two shall be liable to an imprisonment for a term not exceeding one month, or to a fine not exceeding two thousand Baht, or to both.

Section 64. Any operator of warehouse business, silo business, or cold storage business who violates or fails to comply with section 18 shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both, and an additional daily fine of ten thousand Baht at all time of violation.

Section 65. Any operator of warehouse business, silo business, or cold storage business who violates or fails to comply with section 22 shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both, and an additional daily fine of five thousand Baht at all time of violation.

Section 66. Any operator of warehouse business, silo business, or cold storage business who violates section 29 (1), (3) or (4) shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Section 67. Any person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade who violates or fails to comply with section 44 shall be liable to a fine not exceeding twenty thousand Baht.

Section 68. any person who owns a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade who violates or fails to comply with section 50 shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Section 69. In the case where the offender is a juristic person, if the offence of such juristic person commences from the direction or action of any

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

person, or failure to direct or act in the duty required to be done by the Managing Director or any person who is responsible for the performance of such juristic person, such person must also be punishable under the provisions prescribed for such offence.

Section 70. In respect of the case concerning the offence under section 61, section 62, section 63, or section 67, the Committee shall have power to settle the case. In exerting such power, the Committee may entrust the Director, Deputy Director-General, or competent official to act in its place.

The entrustment under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Committee.

Upon payment of the fine by the offender in the amount and within the period determined, the case shall be deemed settled in accordance with provisions of the Criminal Procedure Code.

TRANSITIONAL PROVISIONS

Section 71. If the person permitted under the Announcement of the Revolutionary Council, No. 58 dated 26th January, Buddhist Era 2515 (1972), and the cooperatives which operates warehouse business, silo business, or cold storage business before the date this Act comes into force wishes to continue the operation of business, an application for license for business operation shall be filed within one hundred and twenty days from the date this Act comes into force. And after having filed the application, the warehouse business, silo business, or cold storage business may be continued to operate until there is an order refusing to grant a license to operate the business under this Act.

Section 72. The person permitted under the Announcement of the Revolutionary Council, No. 58 dated 26th January, Buddhist Era 2515 (1972) who operates warehouse business, silo business, or cold storage business before the date this Act comes into force, and the operation is in the condition of a warehouse, silo, or cold storage specifically for maintaining goods of subsidiary for reward in normal trade under section 44, such person shall inform the competent official within one hundred and twenty days from the date this Act comes into force.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

After having received the information, the competent official shall immediately issue a certificate of information as evidence of information to the informer, and such person shall be deemed to be receiver of certificate of information under this Act.

Section 73. Pending the appointment of the qualified Members under section 7, the Committee shall consist of the Minister of Commerce as Chairperson, the Permanent Secretary for Commerce as Vice-Chairperson, representative of the Ministry of Finance, representative of the Ministry of Agriculture and Cooperatives, representative of the Ministry of Interior, representative of the Industry, representative of the Office of the National Economics and Social Development Board, representative of the Bank of Thailand, representative of the Board of Trade of Thailand, representative of the Federation of Thai Industries and the Director-General for performance of duty for the time being until the appointment of qualified Members under section 7 of this Act is completed.

Countersigned by

General Prayut Chan-o-cha
Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

RATE OF FEE

(1) License	2,000 Baht each.
(2) License for having branch office	1,000 Baht each.
(3) Substitute of license	200 Baht each.
(4) Substitute of license for having branch office	200 Baht each.
(5) Renewal of license	1,000 Baht each.

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE