

Industrial Products Standards Act (No. 7), B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX.

Given on the 22nd Day of August B.E. 2558 (2015);
Being the 70th Year of the Present Reign.

His majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to amend the law on industrial product standards;

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 "Industrial Product Standards Act (No. 7), B.E. 2558 (2015)"

Section 2. This Act shall come into force on and from the thirtieth day following the date of its publication in the Government Gazette.

Section 3. "Secretary-General" shall be added in between the definition of "Council" and "Competent official" in Section 3 of the Industrial Product Standards Act, B.E. 2511 (1968).

"Secretary-General" means the Secretary-General of Thai Industrial Product Standards Institute."

Section 4. The provision in paragraph (1) of Section 4 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.3), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"Section 40 (1) to examine applications for the use of a standard mark under section 16, applications for license to manufacture or import industrial products under section 20, section 20 bis, section 21 and section 21 bis."

Section 5. The provision in Section 4 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.2), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"Section 4 bis. The Secretary-General of the Industrial Product Standards Institute shall have the duty to supervise and control the administration of the Institute.

Section 6. The provision in second paragraph of Section 7 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.2), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"The Secretary-General of the Institute shall be member and secretary".

Section 7. The provision in Section 8 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.3), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"Section 8. The Council has the power and duties as follows :

(1) to recommend the Minister on the determination, amendment and revocation of standards by means of using or referring foreign or international standards. In the event where there is necessity, the use or reference of the said standards may be in foreign language;

(2) to determine rules and conditions on the manufacture or import of industrial products which are required by the Royal Decree to conform with the standard, or to conform with foreign or international standards under section 20 bis and section 21 bis;

(3) to select and submit qualified persons to the Minister for appointment to the Technical Committees;

(4) to carry out other matters under this Act".

Section 8. The provision in the first paragraph of Section 11 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.4), B.E. 2531 shall be repealed and replaced with the following provision:

"Section 13. The Minister has the power to appoint qualified persons whom the Council submits under section 8 (3) members of one or several Technical Committees".

Section 9. The provision in Section 15 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

“Section 15. For the benefit of industrial promotion, the Minister may notify determination, amendment and revocation of any standards for industrial products by means of using or referring foreign or international standards. In the event where there is necessity, the use or reference of the said standards may be in foreign language according the recommendation of the Council.

The Notifications under first paragraph shall be promulgated in the Government Gazette”.

Section 10. The provision in Section 16 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.5), B.E. 2535 shall be repealed and replaced with the following provision:

“Section 16. Subject to section 25, any person who manufactures industrial products, a standard of which has already been announced, may display the standard mark on his industrial products only after inspection by a competent official and having received a license from the Secretary-General.”

Section 11. The provision in the first paragraph of Section 20 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.5), B.E. 2535 shall be repealed and replaced with the following provision:

“Section 20. Subject to section 25, and person who manufactures industrial products which are required by the Royal Decree to conform with the standard must produce an evidence to a competent official for inspection an receive a license from the Secretary-General.”

Section 12. The provision in the first paragraph of Section 20 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.6), B.E. 2548 (2005) shall be repealed and replaced with the following provision:

“Section 20 bis. Where there is necessity to manufacture for use in the Kingdom for a temporary period industrial products different from the standard, the Secretary-General may, from time to time, permit the licensee under section 20 to manufacture the industrial products which are required by the Royal Decree to conform with the standard in conformity with a foreign or international standard which may be lower or higher than the standard under this Act.”

Section 13. The provision in the first paragraph of Section 21 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.5), B.E. 2535 shall be repealed and replaced with the following provision:

“Section 21. Subject to section 25, any person who imports for sale the industrial products which are required by the Royal Decree to conform with the standard must produce an evidence to a competent official for inspection and receive a license from the Secretary-General.

Section 14. The provision in the first paragraph of Section 21 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.3), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

“Section 21 bis. Where there is necessity to import industrial products for use in the Kingdom for a temporary period industrial products different from the standard, the Secretary-General may, from time to time, permit an importer to import the industrial products which are required by the Royal Decree to conform with the standard in conformity with a foreign or international standard which may be lower or higher than the standard under this Act

Section 15. The provision in Section 21 tri of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.6), B.E. 2548 (2005) shall be repealed.

Section 16. The provision in the first paragraph of Section 23 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

“Section 23. If the license is lost or materially damaged, the licensee shall apply for a substitute of license to the Secretary-General within thirty days from the date of the knowledge thereof.”

Section 17. The provision in the first paragraph of Section 24 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

“Section 24. The moving of the establishment specified in the license shall be made only after having received a license from the Secretary-General.”

Section 18. The provision in Section 25 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.5), B.E. 2535 shall be repealed and replaced with the following provision:

“Section 25. The transfer of a license issued under section 16, section 20 and section 21 may be made only upon receiving the license to transfer a license from the Secretary-General.

After having submitted the application for the transfer of a license under first paragraph, the applicant shall continue to display or use the standard mark, or manufacture or import products which conform with the standard, as the case may be, until the final order or decision refusing to permit the transfer of the licensee is made; provided that, the applicant is deemed to be a licensee who must comply with this Act.

The Secretary-General must consider the application for the transfer of a license and make a decision within thirty days as from the date of receiving the application.

In the case where the Secretary-General does not finish the consideration within the period under third paragraph, it shall be deemed that the said application for the transfer of a license has been

permitted and the Secretary-General must issue the license to transfer a license to the applicant without delay.

The application for the transfer of a license and the issue of the license to transfer a license shall be in accordance with the rules and procedure prescribed in the Ministerial Regulation”.

Section 19. The provision in Section 25 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.4), B.E. 2531 shall be repealed and replaced with the following provision:

“Section 25 bis. In the issue of a license under section 16, section 20, section 21, section 24 and section 25, the Secretary-General may prescribe the conditions in writing requiring the licensee to observe in the following matters:

- (1) procedure for controlling the quality of industrial products to be in conformity with the standards;
- (2) prescription of time for the display of the standard mark;
- (3) prescription of time for the payment of expenses for the inspection of manufacture of industrial products or for the inspection of industrial products.

The conditions so prescribed under first paragraph may be amended by the Secretary-General”.

Section 20. The provision in Section 26 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed.

Section 21. The provision in Section 27 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.4), B.E. 2531 shall be repealed and replaced with the following provision:

“Section 27. A license expires when:

- (1) the licensee ceases his operation;
- (2) the licensee under section 16 notifies the Secretary-General for the cancellation of the display of the standard mark on his industrial products;

(3) the Notification or the Royal Decree determining a new standard, amending or revoking the standard in connection with such kind of industrial products comes into force. In case of determining a new standard or amending the standard, the licensee wishing to comply with the new standard or the amended standard shall submit an application for a license before the date on which the new or amended standard comes into force. After having submitted the application therefor, he shall continue his operation under the previous license and under the previous standard within the period prescribed by the Secretary-General which shall not exceed one year as from the date the new or amended standard comes into force.

Section 22. The provision in Section 28 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

"Section 28. When the licensee ceases his operation, he shall notify the Secretary-General in writing within thirty days from the date of cessation thereof".

Section 23. The provision in Section 33 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.3), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"Section 33. The licensee under section 20 and section 21 shall display the standard mark before taking the industrial products out of the premises where they are manufactured or before receiving them from the Customs Officer. In the latter case, the Secretary-General may permit that the standard mark be exhibited afterwards under the specified conditions".

Section 24. The provision in Section 37 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.4), B.E. 2531 shall be repealed and replaced with the following provision:

"Section 37. The Secretary-General has the power to suspend a license for a period not exceeding three months each time when it is found that the licensee violates or fails to comply with section 24, section 25, section 29, first paragraph of section 33, section 34, section 35 or the Ministerial Regulation issued under this Act or the conditions prescribed by the Secretary-General under section 25 bis".

Section 25. The provision in Section 38 and Section 39 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

"Section 38. If the person whose license has been suspended has complied with this Act, the Secretary-General may cancel the order suspending the license before the end of the suspension period.

Section 39. The Secretary-General has the power to revoke a license when it is found that the licensee whose license has been suspended has committed a similar offence within the past five years".

Section 26. The provision in Section 39 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.3), B.E. 2522 (1979) shall be repealed and replaced with the following provision:

"Section 39 bis. The Secretary-General has the power to revoke the permission given under section 20 bis or section 21 bis, when it is found that the licensee or authorized person, as the case may be, has not complied with second paragraph of section 33 or the rules or conditions prescribed by the Council".

Section 27. The provision in Section 39 tri of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.6), B.E. 2548 (2005) shall be repealed and replaced with the following provision:

“Section 39 tri. The Secretary-General has the power to revoke the receipt of notice given under section 20 tri, when it is found that the notifying person has not exported industrial products manufactured whether in any case or has already exported, but such industrial products were rejected or has not complied with fourth paragraph of section 33 or the rules or conditions prescribed by the Council under section 20 tri”.

Section 28. The provision in Section 40 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

“Section 40. Before suspending a license under section 37 or revoking a license under section 39, the Secretary-General shall give the licensee a written warning to rectify his practice within a specified time, but it shall not relieve him from the liability for the offence committed under this Act. In the case where the said licensee is not found, the written warning shall be posted on the establishment specified in the license, and the licensee shall be deemed to have knowledge of the warning from the date thereof”.

Section 29. The provision in Section 42 of the Industrial Product Standards Act, B.E. 2511 (1968) shall be repealed and replaced with the following provision:

“Section 42. Appealing against the order to the Secretary-General shall be in accordance with the law on administrative procedure”.

Section 30. The provision in Section 57 bis of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.4), B.E. 2531 shall be repealed and replaced with the following provision:

“Section 57 bis. In the case where a juristic person is an offender under this Act, if such offence arising from giving an order or doing any act or not giving an order or omitting to do any act which is the duty of the representative, director, manager and any other person who acts for a juristic person, such person shall be liable to the punishment as specified for such offence”.

Section 31. The provision in the first paragraph of Section 57 tri of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.6), B.E. 2548 (2005) shall be repealed and replaced with the following provision:

“Section 57 tri. All offences under this Act which has a punishment of fine or fine or imprisonment not exceeding one month, the Secretary-General or the competent official entrusted by him shall have the power to settle the offences”.

Section 32. The provision in the first paragraph of Section 58 of the Industrial Product Standards Act, B.E. 2511 (1968) as amended by the Industrial Product Standards Act (No.6), B.E. 2548 (2005) shall be repealed and replaced with the following provision:

“Section 58. The Minister of Industry shall have charge of the execution of this Act and have the power to appoint competent officials, to issue Ministerial Regulations prescribing fees not exceeding the rates attached hereto, to reduce or exempt the fees and to prescribe other matters for the execution of this Act.

Section 33. All licenses issued under the Industrial Product Standards Act, B.E. 2511 (1968) before the date of enforcement hereof remains applicable and shall be deemed as the licenses issued under the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby.

Section 34. Any permissions given under the Industrial Product Standards Act, B.E. 2511 (1968) which are effective on or before the date of enforcement hereof shall be deemed as the permissions given under the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby and under the conditions prescribed for such permissions.

Section 35. All applications submitted before the date of enforcement hereof and under the process of consideration shall be deemed as the applications submitted under the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby and shall be further proceeded under the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby.

Section 36. All Ministerial Regulations and Notifications issued under the Industrial Product Standards Act, B.E. 2511 (1968) applicable before the date of enforcement hereof remains enforceable to the extent of not contrary to or conflict with the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby until there shall be Ministerial Regulations and Notifications issued under the Industrial Product Standards Act, B.E. 2511 (1968) as amended hereby coming into force.

Section 37. The Minister of Industry shall have charge of the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Note:- The reason of promulgation of this Act is as follows: Whereas it is expedient to improve the power and duties on determination of issuance of license and permission, suspension or revocation of license and permission under the law as well as the power on determination of amendment and cancellation of any standards, determination on conditions for licensees to comply with and procedure of appealing an administrative order in order that the said operations shall be made conveniently, rapidly and in conformity with current situation. In addition, it is appropriate to determine the prescription of time for the payment of expenses for the inspection of manufacture of industrial products to cover the operation under the law and to determine the Minister of Industry shall have the power to issue Ministerial Regulations on reduction or exemption of the fees under this Act. It is, therefore, necessary to enacted this Act.