

ALCOHOL CONTROL ACT,
B.E. 2551 (2008)

BHUMIBOL ADULYADEJ, REX.

Given on the 6th Day of February B.E. 2551;
Being the 63rd 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 alcohol control;

This Act contains certain provisions in relation to the restriction of the rights and liberties of a person, in respect of which section 29 in conjunction with section 41, section 43 and section 45 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

Section 1. This Act is called the “Alcohol Control Act, B.E. 2551”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette¹.

Section 3. In this Act;

“Alcohol” means liquor (*surā*) under the law on liquor, but not including drugs, psychotropic substances and narcotics under the law concerning therewith;

“Alcoholic” means a person who drinks alcohol in a manner such that his or her physical or mental condition has been affected adversely, the demand for drinking is increasing continuously, and alcohol withdrawal syndrome will become evident when he or

*Translated by Mr. Tohpong Smiti, and reviewed by Associate Professor Pisawat Sukonthapan under contract for the Office of the council of State of Thailand’s Law for ASEAN project. –Tentative version –pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 125, Part 33 Kor, dated 13rd February B.E. 2551 (2008).

she stops drinking;

“Sell” includes dispose of, distribute, disperse, exchange or give for commercial purposes;

“Advertise” means any act which enables the public to see, hear or know of information for commercial purposes, including marketing communication;

“Marketing communication” means any activity organised for the selling of goods, providing services, creating images, public relations, distribution of information, sales promotion, product exhibition, organising or providing support to organise any special events and direct marketing;

“Message” includes any act which displays letters, illustrations, films, lights, sounds or symbols or any act which enables an individual to understand the meaning thereof;

“Label” means a picture, created mark, paper or any other thing which displays information on goods as affixed to the goods or their container or parcel or inserted in or combined with the goods or their container or parcel, including any document or manual for use with the goods and any tag posted or presented on the goods or their container or parcel;

“Committee” means the National Alcohol Policy Committee;

“Control Committee” means the Alcohol Control Committee;

“Office” means the Office of the Alcohol Control Committee;

“Competent official” means a person appointed by the Minister for the execution of this Act;

“Director” means the Director of the Office of Alcohol Control Committee;

“Director-General” means the Director-General of the Department of Disease Control;

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

Section 4. The Prime Minister shall have charge and control of the execution of this Act and shall have the power to appoint the competent officials, to issue Ministerial Regulations, Rules (*rabīep*) and Notifications for the execution of this Act.

Such Ministerial Regulations, Rules and Notifications shall come into force upon their publication in the Government Gazette.

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CHAPTER I
National Alcohol Policy Committee

Section 5. There shall be a “National Alcohol Policy Committee” consisting of the Prime Minister or Deputy Prime Minister entrusted by the Prime Minister as Chairperson, the Minister of Public Health as the first Vice-Chairperson, the Minister of Finance as the second Vice-Chairperson, the Minister of Tourism and Sports, the Minister of Social Development and Human Security, the Minister of Interior, the Minister of Justice, the Minister of Education, the Minister of Industry and the Permanent Secretary of the Office of the Prime Minister as members.

The Permanent Secretary of the Ministry of Public Health shall be the secretary and the Director-General and Director of Fiscal Policy Office shall be assistant secretaries.

Section 6. There shall be advisors to give advice and suggestions to the Committee on executing its powers and duties; the advisors consist of:

(1) a representative of the Tourism Council of Thailand, a representative of the Federation of Thai Industries and a representative of the Thai Chamber of Commerce;

(2) one representative selected from and by the juristic organisations with the aim to run campaigns to reduce or stop alcohol consumption, one representative selected from and by the juristic organisations with the aim to promote child development, and one representative selected from and by the juristic organisations with the aim to protect consumers;

(3) qualified persons appointed by the Committee from the persons having knowledge and experience in social science, law, information science, one from each field.

An election and appointment of the advisors under (2) and (3) shall be in accordance with the Rules laid down by the Committee.

The provisions of section 11, section 12, section 13 and section 14 shall apply *mutatis mutandis* to the holding of, and vacating from, the office of the advisors under (2) and (3). However, the power of the Minister under section 13 (3) shall be the power of the Committee.

Section 7. At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

The Chairperson shall preside over the meeting. In the case where the

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Chairperson does not attend the meeting or is unable to perform his or her duty, the first Vice-Chairperson shall preside over the meeting. If the first Vice-Chairperson does not attend the meeting or is unable to perform his or her duty, the second Vice-Chairperson shall preside over the meeting. If the second Vice-Chairperson does not attend the meeting, or is unable to perform his or her duty, the members present shall select one from among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 8. The Committee shall have the following powers and duties:

(1) to lay down and submit to the Council of Ministers policy, work plans and measures for controlling alcohol through taxation and other controlling measures as well as treatment and rehabilitation measures for alcoholics;

(2) to monitor, evaluate and inspect the execution of the duties mentioned in (1);

(3) to perform any other acts prescribed in this Act or by other laws or as entrusted by the Council of Ministers.

Section 9. The Committee has the power to appoint a sub-committee or working group for the execution of any matter as may be entrusted by the Committee.

The provisions of section 7 shall apply *mutatis mutandis* to the meeting of the sub-committee or the working group.

CHAPTER II

Alcohol Control Committee

Section 10. There shall be an “Alcohol Control Committee” consisting of:

(1) the Minister of Public Health, as Chairperson;

(2) the Permanent Secretary of the Ministry of Public Health as the first Vice-Chairperson, the Permanent Secretary of the Ministry of Finance as the second Vice-Chairperson and the Permanent Secretary of the Ministry of Interior as the third Vice-Chairperson;

(3) *ex officio* members, i.e. the Permanent Secretary of the Office of

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the Prime Minister, the Permanent Secretary of the Ministry of Tourism and Sports, the Permanent Secretary of the Ministry of Social Development and Human Security, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Culture, the Permanent Secretary of the Ministry of Education, the Permanent Secretary of the Ministry of Industry, the Commissioner-General of the Royal Thai Police, the Permanent Secretary for the Bangkok Metropolitan Administration and the Manager of the Health Promotion Fund;

(4) three representatives selected from the following non-governmental organisations and appointed by the Minister; the organisations are those carrying out activities not for profit in the following fields: to support and run campaign for alcohol consumption reduction; to protect children, youth or women; and, to protect consumers; not more than one representative from each field; this shall comply with the Rules prescribed by the Minister;

(5) three qualified members appointed by the Minister from persons having knowledge and experience in: medicine, psychology or public health; social work, social sciences, economics or mass communications; education, religions or cultures; not more than one member from each field.

The Director-General shall be a member and the secretary. The Director-General of the Excise Department shall be a member and an assistant secretary. The Director shall be an assistant secretary.

Section 11. The members under section 10 (4) and (5) shall have qualifications and not be under the prohibitions, as follows:

- (1) possessing Thai nationality;
- (2) not being an incompetent or *quasi* incompetent;
- (3) not having been sentenced by a final judgment to imprisonment, except where the punishment has been concluded for at least two years or where the offence committed through negligence or a petty offence;
- (4) not having been adjudicated by a judgment for the commission of an offence relevant to alcohol, except where the punishment has been concluded for at least five years;
- (5) not being a person holding political position, a member of local assembly or local administrator, a director or a person holding any position responsible for the administration of a political party or an advisor or official of a political party;
- (6) not being an operator in any alcoholic beverage business or being an

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interested party in any alcoholic beverage business;

(7) not being an alcoholic.

Section 12. A member under section 10 (4) and (5) shall hold office for a term of three years, and may be reappointed for no more than two consecutive terms.

In the case where a member vacates office at the end of the term under paragraph one, a new member shall be appointed to fulfil the vacancy within ninety days. If a new member has not yet been appointed, the member whose term of office has expired shall be in office to continue to perform his or her duties until a new member assumes his or her duties.

Section 13. In addition to vacating office upon the expiration of term, a member under section 10 (4) and (5) vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) being disqualified or being under any of the prohibitions under section 11.

In the case where a member under section 10 (4) and (5) vacates office before the expiration of the term, a new member shall be appointed to fulfil the vacancy, except where the remaining term of the members is less than ninety days. While the vacancy has not yet been fulfilled, the remaining members shall continue to perform their duties.

Section 14. In the case where there is an appointment of a member under section 10 (4) and (5) while the appointed members under section 10 (4) and (5) are still in office, whether it is the appointment of an additional member or of a new member to fulfil the vacant position, the appointee shall be in office for the unexpired term of office of the qualified members already appointed.

Section 15. The provisions of section 7 shall apply to the meeting of the Control Committee *mutatis mutandis*.

Section 16. The Control Committee shall have the following powers and duties:

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(1) to propose to the Committee policy, work plans and measures for controlling alcohol through taxation and other controlling measures as well as treatment and rehabilitation measures for an alcoholic;

(2) to lay down rules (*lakken*), procedure and conditions relating to containers (*banjuphan*), labels and warning messages for manufactured or imported alcohol;

(3) to make recommendations to the Minister on the determination of the period for selling alcohol, prohibited places for selling alcohol, prohibited practices or manners for selling alcohol, prohibited places or areas for consuming alcohol, and any things to be used for the advertisement of alcohol;

(4) to promulgate rules, procedures and conditions relevant to the treatment and rehabilitation of an alcoholic;

(5) to give recommendations to the Committee or the Minister for the issuance of Notifications or Rules, as the case may be, for the execution of this Act;

(6) to give advice and recommendations to, and coordinate with, State agencies and private organisations in relation to the control of alcohol and to propose preventive measures against the effects of alcohol consumption including the treatment and rehabilitation of an alcoholic;

(7) to provide or promote and support any dissemination of academic (*wichākān*) knowledge concerning danger and toxicity of alcohol to youths and the public;

(8) to invite government officials, officers or employees of any government agency, State agency, State enterprise or local government or any individual to give statements or opinions or to submit any documents or information for consideration in executing this Act;

(9) to perform any other acts prescribed in this Act or pursuant to the resolution of the Committee.

Section 17. The Control Committee has the power to appoint a sub-committee or working group for the execution of any matter as may be entrusted by the Control Committee. The provisions of section 7 shall apply *mutatis mutandis* to the meeting of the sub-committee or working group.

Section 18. There shall be a Bangkok Metropolis Alcohol Control Committee consisting of the Bangkok Governor as Chairperson, the Permanent Secretary for the Bangkok

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Metropolitan Administration (BMA) as Vice-Chairperson, a representative of the Metropolitan Police Bureau, a representative of the Government Public Relations Department, a representative of the Excise Department, the Chief of the Bangkok Metropolis Fire and Rescue Department, the Director of Social Development Department, the Director of Office of Educational Service Area in the Bangkok Metropolis appointed by the BMA Governor, the Director of the Education Department, the Director of the Medical Service Department, and the Director as a member. In addition, there shall be four qualified members appointed by the BMA Governor from persons having knowledge and experience in social work, medicine, psychology and law, one from each field.

The Director of the Health Department shall be a member and the secretary. The Bangkok Metropolis Alcohol Control Committee may appoint not more than two officers of the Health Department to be assistant secretaries.

Section 19. There shall be a *Changwat* (Provincial) Alcohol Control Committee consisting of the *Changwat* Governor as Chairperson, the Vice-*Changwat* Governor entrusted by the *Changwat* Governor as Vice-Chairperson, the *Changwat* Police Commander, the Chief of Excise Area appointed by the *Changwat* Governor, the Chief of the *Changwat* Fire and Rescue Office, the Director of Office of Educational Service Area appointed by the *Changwat* Governor, the Chief of the *Changwat* Public Relations Office, the Chief of the *Changwat* Social Development and Human Security Office, the Director of the Office of the Disease Prevention and Control responsible for the *Changwat*, not more than four administrators of local administration within the *Changwat* appointed by the *Changwat* Governor. In addition, there shall be four qualified members appointed by the *Changwat* Governor from persons having knowledge and experience in social work, medicine, psychology and law; one from each field.

The Chief of the *Changwat* Public Health Office shall be a member and the secretary. The *Changwat* Alcohol Control Committee may appoint not more than two officers of the *Changwat* Public Health Office to be assistant secretaries.

Section 20. The provisions of section 11, section 12, section 13 and section 14 shall apply *mutatis mutandis* to the term of office, vacation from office, the appointment of a member to fulfil the vacancy and the carrying out of duties of the qualified members under section 18 and section 19, provided that the power of the Minister under section 13 (3) shall be the power of the Bangkok Governor or *Changwat* Governor, as the case may be.

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Section 21. The provisions of section 7 and section 9 shall apply *mutatis mutandis* to the meeting and appointment of a sub-committee or working group of the Bangkok Metropolis Alcohol Control Committee and the *Changwat* Alcohol Control Committee.

Section 22. The Bangkok Metropolis Alcohol Control Committee and the *Changwat* Alcohol Control Committee shall have the following powers and duties within the area of the Bangkok Metropolis or the area of the *Changwat*, as the case may be:

(1) to make to the Control Committee recommendations in relation to measures for controlling alcohol and the treatment or rehabilitation of an alcoholic;

(2) to give advice and recommendations to, and co-ordinate with, State agencies and private organisations relevant to the control of manufacturing, importing, selling, advertising and consuming of alcohol, and to propose preventive measures against the effects of alcohol consumption, including the treatment and rehabilitation of an alcoholic;

(3) to lay down guidelines for safeguarding and preventing children and youths from getting involved with alcohol;

(4) to lay down guidelines consistent with the Committee's policy to reduce and stop alcohol consumption;

(5) to monitor, evaluate and verify the operations of law enforcement to reduce and stop alcohol consumption; and, thereafter, report to the Control Committee;

(6) to perform any other acts so designated by the Committee or the Control Committee.

Section 23. In performing duties under this Act, the members of the Committee and the members of its sub-committees shall be officials under the Penal Code.

CHAPTER III

Office of the Alcohol Control Committee

Section 24. There shall be established the "Office of the Alcohol Control Committee" in the Department of Disease Control, the Ministry of Public Health.

There shall be the Director, who serves as the superior official (*phūbangkhapbanchū*) and is responsible for the office's performance of official affairs.

Section 25. The Office shall have the following powers and duties:

(1) to be responsible for the secretarial work of the Committee and the Control Committee;

(2) to conduct or provide support for study, analysis and research on matters relating to alcohol; to monitor, evaluate and report on the implementation, by relevant State agencies and private organisations, of the policy, work plans and measures designated for controlling alcohol and for the treatment or rehabilitation of an alcoholic; the report shall be submitted to the Control Committee for information and consideration for further submission to the Committee;

(3) to co-ordinate and co-operate with the Bangkok Metropolitan Alcohol Control Committee, the *Changwat* Alcohol Control Committee, any public authorities, State agencies and private organisations relevant to the control of alcohol and the treatment or rehabilitation of an alcoholic;

(4) to be the centre for information on alcohol;

(5) to perform any other acts entrusted by the Committee or the Control Committee.

CHAPTER IV Alcohol Control

Section 26. The manufacturer or importer of alcohol shall comply with the following:

(1) provide containers (*banjuphan*)², labels and warning messages for manufactured or imported alcohol in accordance with the rules, procedures and conditions laid down by the Control Committee with the approval of the Committee and published in the Government Gazette;

(2) to perform any other acts prescribed by the Control Committee with the approval of the Committee and published in the Government Gazette.

Section 27. The selling of alcohol at or within the following places or areas is prohibited:

(1) a temple or any place of worship;

(2) a State public health service unit, sanatorium under the law on sanatoria and pharmacy under the law on drugs;

(3) a public office, except the area designated for the establishment of a shop

² Assessor's Note: This term has been taken from <http://dict.longdo.com/>.

or club;

- (4) a dormitory under the law on dormitories;
- (5) an educational institution under the law on national education;
- (6) a petrol station under the law on fuel oil control or a shop within a petrol station;
- (7) a public park provided by the government for public recreation;
- (8) other places notified by the Minister with the approval of the Committee.

Section 28. No person shall sell alcohol on the day or during the period notified by the Minister with the advice of the Committee. However, such notification may also impose conditions or exemptions as necessary.

The provisions of paragraph one shall not apply to the selling of alcohol by a manufacturer, importer, or agent of the manufacturer or importer to the authorised sellers under the law on liquor.

Section 29. No person shall sell alcohol to the following persons:

- (1) a person under twenty years of age;
- (2) a person who is drunk and becomes insensible because of being drunk.

Section 30. No person shall sell alcohol through the following practices or manners:

- (1) using an automatic vending machine;
- (2) hawking (*rēkhāi*);
- (3) providing a discount as a sale promotion;
- (4) giving or offering the right to attend a competition or performance, to provide services, or to join a lucky draw; or by giving or offering other benefits to a buyer of alcohol, or a person who brings a package, a label or any other thing (*sing*) related to alcohol, to exchange or trade for alcohol;
- (5) dispersing, providing, giving or exchanging with alcohol or any goods or services, as the case may be, or distributing alcohol in the form of samples or in order to promote alcohol consumption by the public, including the determination of sale conditions as compulsory buying, whether in a direct or indirect manner, of alcohol;

(6) any other practice or manner notified by the Minister with the advice of the Committee.

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Section 31. No person shall drink alcohol at or within the following places or areas: (1) a temple or any place of worship, except where drinking thereof is a part of worship;

(2) a state public health service unit, sanatorium under the law on sanatoria and pharmacy under the law on drugs, except the area designated as the living area of an individual;

(3) a public office, except the area designated as the living area of an individual or for the establishment of a club or in the case of a convention banquet;

(4) an educational institution under the law on national education, except the area designated as the living area of an individual or club or in the case of a convention banquet or educational institution providing the course relevant to the mixing of alcohol that is permissible under the law on national education;

(5) a petrol station under the law on fuel oil control or a shop within a petrol station;

(6) a public park provided by the government for public recreation;

(7) other places notified by the Minister with advice of the committee.

Section 32. No person shall advertise or display, directly or indirectly, the name or trademark of alcohol in a manner showing the properties thereof or inducing another person to drink.

Advertisements or public relations provided by the manufacturer of any kind of alcohol shall only be made for giving information therein or giving social creative knowledge without displaying any illustration of such alcohol or its package, except for the display of a symbol of said alcohol or that of its manufacturer as prescribed by the Ministerial Regulation.

The provisions of paragraph one and paragraph two shall not apply to any advertisement broadcast or originating from outside of the Kingdom.

CHAPTER V

Treatment or Rehabilitation of an Alcoholic

Section 33. An alcoholic, his or her relatives, or a group of persons or a governmental or non-governmental organisation having the objective of providing treatment or rehabilitation to alcoholics may apply for treatment or rehabilitation support from the

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Office in accordance with the rules, procedures and conditions laid down by the Control Committee.

CHAPTER VI

Competent Official

Section 34. In performing duties under this Act, the competent official shall have the following powers and duties:

(1) to enter into the place of business of the manufacturer, importer or seller of alcohol, the place for manufacture, import or sale of alcohol and alcohol storage facility during the working hours of the places, and to search vehicles to check compliance with this Act;

(2) to seize or attach alcohol of the manufacturer, importer or seller who violates or fails to comply with this Act;

(3) to summon, in writing, any person to give statements or to submit documents or objects for consideration.

Section 35. In performing the duties under this Act, the competent official shall produce his or her identification card to the licensee or concerned person.

The identification card of the competent official shall be in the form as notified by the Minister.

Section 36. The concerned person shall reasonably facilitate the performance, by the competent official, of his or her duties under section 34.

Section 37. In performing duties under this Act, the competent official shall be an official under the Penal Code.

CHAPTER VII

Penalties

Section 38. A manufacturer or importer of alcohol who fails to comply with

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section 26 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand baht or both.

Section 39. Whoever sells alcohol in violation of section 27 or section 28 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or both.

Section 40. Whoever sells alcohol in violation of section 29 or section 30 (1) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or both.

Section 41. Whoever violates section 30 (2), (3), (4), (5) or (6) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or both.

Section 42. Whoever violates section 31 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or both.

Section 43. Whoever violates section 32 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred thousand baht or both.

In addition to the liability under paragraph one, the violator shall be liable to a daily fine not exceeding fifty thousand baht a day through the period of violation or until acting correctly.

Section 44. Whoever opposes, or obstructs the performance of duties of the competent official under section 34 (1) or (2) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or both.

Whoever unreasonably fails to come forward to give, or unreasonably fails to give, a statement to the competent official in performing his or her duties under section 34 (3), or fails to submit, to the competent official for consideration, documents or objects to being summoned under section 34 (3), shall be liable to a fine not exceeding twenty thousand baht.

Whoever violates section 36 by failing to facilitate the performance by the competent official of his or her duties shall be liable to a fine not exceeding two thousand

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baht.

Section 45. The Control Committee has the power to settle offences under this Act. In this regard, the Control Committee may entrust a sub-committee, an inquiry official or a competent official to settle the case; in so doing, the Control Committee, as it deems proper, may also prescribe rules for conducting the settlement or any conditions for the person entrusted to follow.

In making an inquiry, if it is evident to an inquiry official (*phanakngān sōpsūan*) that any person has committed an offence under this Act and that person agrees to have the case settled, the inquiry official shall submit it to the Control Committee or the person entrusted to conduct settlement under paragraph one, within seven days from the day on which person having committed the offence agrees to settle the case.

After the offender has paid the fine pursuant to the settlement, the case is deemed settled under the Criminal Procedure Code.

Countersigned by:

General Surayud Chulanont,
Prime Minister

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