

Notification of the Board of Appeals

Regarding Rules and Procedures for Submission of Appeal and
Procedure Governing Hearing of Appeal, B.E. 2563 (2020)

Whereas it is expedient to revise the rules and procedures for the submission of an appeal and the procedure governing the hearing of an appeal in order that the appeal and the consideration of an appeal under the law governing measurement shall be appropriate, rapid and more efficient.

By virtue of Section 65/2 (2) and Section 65/5 of the Measurement Act, B.E. 2542 (1999) as amended by the Measurement Act (No. 3), B.E. 2557 (2014), the Board of Appeals therefore issues this Notification, as follows.

Article 1. This Notification shall come into force as from the day following the date of its publication in the Government Gazette onwards.¹

Article 2. The Notification of the Board of Appeals Regarding Rules and Procedures for Submission of Appeal and Procedure Governing Hearing of Appeal, B.E. 2563 (2020) Dated 30 January B.E. 2560 (2017) shall be repealed.

Article 3. The law governing administrative procedure shall be applied to the subject-matter that is not prescribed in this Notification *mutatis mutandis*.

Chapter 1

General Provisions

Article 4. In this Notification,

“Board” means the Board of Appeals,

“Secretary” means the secretary and the assistant secretary of the Board of Appeals,

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

“Central Bureau” means the Central Bureau of Weights and Measures, the Division of Weights and Measures, the Department of Internal Trade, the Ministry of Commerce.

¹ Published in the Government Gazette, Volume 137, Special Part 305 d, Page 55, dated 30 December B.E. 2563 (2020).

Chapter 2

Appeal

Article 5. The persons who have the right to appeal under this Notification are as follows:

- (1) the person receiving the order of a competent official under paragraph three of Section 17 or Section 39,
- (2) the person receiving the order of the Director-General or the person entrusted by the Director-General under Section 41 or Section 43,
- (3) the person receiving the order of the Weights and Measures Inspector under Section 57,
- (4) the person receiving the order of the Director-General or the person entrusted by the Director-General concerning the suspension or revocation of a certificate of business operation under Section 19/1 or Section 19/2, or concerning the suspension or revocation of a permit under Section 46 or Section 47.

The persons who have the right to appeal shall lodge an appeal to the Board within thirty days as from the date of being notified of the order.

Article 6. The appeal under Article 5 shall be lodged in writing in Thai language by using polite words pursuant to the prescribed form of appeal as attached to this Notification. The appeal shall contain at least the following substance:

- (a) the name and address of an appellant,
- (b) an order and the date of acknowledging receipt of the order under Article 5,
- (c) arguments and facts or legal issues to be put forward in the submission of an appeal together with the attachment of supporting documents or evidence (if any),
- (d) the petition of an appellant,
- (e) the signature of an appellant.

Article 7. The submission of an appeal shall be made by either means as follows:

- (a) submitting at the Central Bureau,
- (b) sending by registered and replied mail, whereby the date when there is a daily seal affixed at the origin post office shall be deemed as the date of submitting the appeal,
- (c) sending by facsimile, whereby the date when the facsimile is received shall be deemed as the date of the intention of submitting the appeal; however, the submission of the appeal shall be completed when an appellant has already sent the original appeal to the Central Bureau.

The submission of the appeal under paragraph one shall be made by himself or herself or by empowering another person to submit instead. The empowerment shall be made in writing which is signed by an appellant, an attorney and witnesses.

Article 8. An appellant shall revise an appeal or deliver additional documents or evidence whenever he or she wants. In this regard, the provisions under Article 6 and Article 7 shall be applied *mutatis mutandis*.

Article 9. When the appellant has already submitted the appeal under Article 7, the Secretary is required to examine the aforesaid appeal without delay. In the event that the Secretary considers that such appeal is not complete, the Secretary shall quickly notify the appellant of such incompleteness in order that the appellant shall make corrections to the appeal.

The notification under paragraph one shall be made in writing or by telephone or by any other means. It is required to notify the appellant of the incompleteness and the list of additional documents or evidence needed to be delivered in order that the appeal shall be complete pursuant to the prescribed form of appeal as attached to this Notification.

The date on which the appeal is complete shall be deemed as the date of receiving the appeal.

Article 10. Upon receipt of the appeal, the Secretary shall seek facts from witnesses, documentary evidence or other evidence in addition to witnesses and evidence appearing in the appeal, or from other sources as the Secretary sees fit, in order to present the facts to the Board for consideration and making a decision.

Article 11. The appeal that has been submitted with a completeness manner complying with conditions as prescribed shall be recorded and presented to the Board by the Secretary. The record shall contain the following information:

- (1) a summary of the issues of the appeal or arguments which are required to consider and to make a decision, a person who has the right to appeal, the duration of the submission of the appeal, and the issues of the content of the appeal,
- (2) a summary of facts, witnesses and evidence,
- (3) a summary of legal issues to be applied in considering the appeal,
- (4) the Secretary's opinion.

Chapter 3

Consideration of Appeal

Article 12. In considering and making a decision on the appeal, the Board shall consider facts, witnesses and evidence appearing in the appeal. If there are facts from witnesses, documentary evidence or other evidence in addition to witnesses and evidence appearing in the appeal, or witnesses and evidence which the Secretary has obtained from seeking the facts and presented to the Board, they shall also be taken into consideration.

The Board may summon relevant persons to give statements, or deliver documents or witnesses and evidence to be considered in the hearing of the appeal.

Article 13. The Board shall consider and decide an appeal within forty-five days as from the date of receiving the appeal.

Article 14. The decision of the Board shall be made in a written form which contains the date, month and year when the decision is made, the rationale of the decision that consists of substantial facts, referred legal principles and consideration on apparent issues, the names and signatures of all the members of the Board who jointly consider and make the decision on such appeal.

Article 15. The decision of the Board shall be final.

Article 16. The Secretary shall notify the outcome of the decision on the appeal as made by the Board under Article 14 in writing. In addition, the Secretary shall simultaneously notify the appellant of the right and the duration relating to litigation within fifteen days as from the date of making the decision by the Board. The written notification shall be sent by registered and replied mail to the appellant's domicile or residence, or to the place as specified in the form of appeal.

Chapter 4

Withdrawal of Appeal

Article 17. The appellant is entitled to withdraw his or her appeal at any time by making in a written form signed by the appellant. In this regard, the provisions under Article 7 shall be applied *mutatis mutandis*.

When there is the withdrawal of the appeal under paragraph one, the consideration of the appeal shall discontinue.

Given on the 24th Day of December B.E. 2563 (2020)

Kornnarong Rittruechai

Chairperson of the Board of Appeals