

Regulation of the Department of Internal Trade

Governing Methods, Procedures of Settlement of Case, and Rates of Settlement of Case,
B.E. 2563 (2020)

Whereas the Committee for Supervising Warehouse, Silo and Cold Storage issued the Notification of the Committee for Supervising Warehouse, Silo and Cold Storage Regarding Rules, Methods and Conditions of Settlement of Case dated 22 June B.E. 2559 (2016), by prescribing that the Director-General of the Department of Internal Trade shall have the power to prescribe the methods and procedures of the settlement of a case, the rates of the settlement of a case, and the forms of the record pertaining to making the arrest, the record of the statement of defense, and the record pertaining to the settlement of a case for the offences under Section 61, Section 62, Section 63 and Section 67 of the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015).

In order that the aforesaid settlement of a case shall be proceeded with good order, rapidity and being systematic, including not putting burden on a business operator, by virtue of Section 5 of the Notification of the Committee for Supervising Warehouse, Silo and Cold Storage Regarding Rules, Methods and Conditions of Settlement of Case, the Director-General of the Department of Internal Trade has therefore issued this Regulation to prescribe the methods and procedures of the settlement of a case, and the rates of the settlement of a case, as follows.

Article 1. This Regulation is called the “Regulation of the Department of Internal Trade Governing Methods, Procedures of Settlement of Case, and Rates of Settlement of Case, B.E. 2563 (2020)”.

Article 2. This Regulation shall come into force in all areas throughout the Kingdom as from the day following the date of its publication in the Government Gazette onwards.¹

Article 3. The Director-General of the Department of Internal Trade shall have charge and control of the execution of this Regulation.

¹ Published in the Government Gazette, Volume 138, Special Part 36 d, Page 2, dated 16 February B.E. 2564 (2021).

Chapter 1

General

Article 4. In this Regulation,

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

“authorized officer in charge of the settlement of a case” means the officer who is entrusted by the Committee for Supervising Warehouse, Silo and Cold Storage to be in charge of the settlement of a case;

“competent officer” means the competent officer under the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015).

Article 5. The offences which are subject to the settlement of a case under this Regulation are those under Section 61, Section 62, Section 63 and Section 67 of the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015). The aforesaid offences are committed, claimed or believed to be committed in all areas throughout the Kingdom.

Article 6. The imposition of a sum of the fine for the settlement of a case shall be in accordance with the rates of the settlement of a case as stipulated in the attachments to this Regulation.

Article 7. The form of the record pertaining to making the arrest, the form of the record of the statement of defense, the form of the record pertaining to the settlement of a case, and the form of the record postponing the fine payment to be used for the performance by the competent officers shall be in accordance with the forms of Por. Khor. 01, Por. Khor. 02, Por. Khor. 03 and Por. Khor. 04 as attached to this Regulation.

Chapter 2

Procedures of Settlement of Case

Article 8. The following government agencies shall be in charge of the litigation and the settlement of a case.

(1) The Legal Affairs Division, the Market System Promotion and Administration Division, the Inspection and Operation Division, the Department of Internal Trade shall be in charge of the litigation and the settlement of a case for all the offences which are committed, claimed or believed to be committed in all areas throughout the Kingdom.

(2) The Provincial Commercial Office shall be in charge of the litigation and the settlement of a case for all the offences which are committed, claimed or believed to be committed in its area or jurisdiction.

Article 9. When the offence under the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015) which is committed, can be subject to the settlement of a case, the competent officer who makes the arrest is required to notify the accusation of offence to the arrested, and to clarify the arrested that such offence is one which can be subject to the settlement of a case. Additionally, the competent officer shall enquire the arrested concerning his/her consent in the settlement of a case.

Article 10. In the case where the offender does not consent to be settled the case, the competent officer who makes the arrest is required to take the offender together with the record pertaining to making the arrest to an inquiry officer for further taking a legal action.

Article 11. In the case where the offender consents to be settled the case, the competent officer who makes the arrest is required to take the offender to the authorized officer in charge of the settlement of a case for further proceeding the settlement of a case.

Article 12. In proceeding the settlement of a case, the competent officer who makes the arrest is required to present the record pertaining to making the arrest and the record pertaining to the settlement of a case to the authorized officer in charge of the settlement of a case for giving an order to settle the case. When the authorized officer in charge of the settlement of a case has already given the order to settle the case by imposing a sum of the fine, the offender shall be notified in order to pay the fine in accordance with the order to settle the case.

In the case where the offender does not consent to pay the fine under the order to settle the case, the competent officer who makes the arrest is required to take the offender together with the record pertaining to making the arrest to an inquiry officer for further taking a legal action.

Article 13. In the case where the offender cannot pay the fine on the day when the authorized officer in charge of the settlement of a case gives the order to settle the case, and the offender requests to pay the fine within 15 days as from the day when the authorized officer in charge of the settlement of a case gives the order to settle the case, the competent officer who makes the arrest is required to produce the record

postponing the fine payment and have the offender write his/her signature to acknowledge the offence as evidence.

If the offender fails to pay the fine within a specified period of time, the competent officer who makes the arrest is required to make a note of such failure to be attached to the record postponing the fine payment, and to present such matter to the Director-General or the Provincial Commercial Officer, as the case may be, in order to consider to send the case to an inquiry officer for further taking a legal action against the offender.

Article 14. In the case where the competent officer has found that the offence committed under the Warehouse, Silo and Cold Storage Act, B.E. 2558 (2015) which can be subject to the settlement of a case is not a flagrant offence, the competent officer shall have to gather and present the fact and evidence together with his/her opinion to the Director-General or the Provincial Commercial Officer, as the case may be, in order to give a summon to the accused to let him/her to clarify the fact. In this regard, the competent officer shall also produce the record of the statement of defense as evidence. If the accused confesses that he/she has committed the offence and consents to be settled a case, the competent officer is required to proceed the settlement of a case pursuant to this Regulation.

In case of the accused denying a charge of offence, neither consenting to be settled a case nor consenting to pay the fine under the order to settle the case, the competent officer is required to present the matter to the Director-General or the Provincial Commercial Officer, as the case may be, for considering to send the matter to an inquiry officer for further taking a legal action.

Article 15. When the offender has already made the payment of the fine in accordance with the sum as imposed within a specified period of time, it shall be deemed that the case is settled pursuant to the provision of the Criminal Procedure Code.

In the case where the offender fails to pay the fine in accordance with the sum as imposed within a specified period of time, the competent officer is required to present the matter to the Director-General or the Provincial Commercial Officer, as the case may be, for considering to send the matter to an inquiry officer for further taking a legal action.

Article 16. Upon the payment of the fine by the offender, the officer who receives the fine shall issue a receipt to the offender and have the offender write his/her signature on the record pertaining to the settlement of a case as evidence, including giving the original receipt to the offender.

Article 17. In receiving the money, remitting the money to the treasury, issuing the receipt for the fine payment by the offender, and proceeding the matter in relation to the fine, the competent officer shall proceed in accordance with the regulation governing that matter.

Article 18. The competent officer is required to produce the book for recording the case as evidence, detailing about the name of the offender, the address, the charge of offence, the date, time and place of committing the offence, including a sum of the fine both in the case where the offender consents to be settled a case and in the case where the offender does not consent to be settled a case. In addition, the competent officer shall be responsible to retain the dossier of the settlement of a case, the case of which is closed, and the relevant documents within the prescription. The competent officer is also required to monitor the result of a case which is sent to an inquiry officer for taking a legal action.

Article 19. In the case where there is a question on guidelines or the guidelines are not laid down by this Regulation, the Director-General shall be a decision maker.

Given on the 28th Day of December B.E. 2563 (2020)

Wattanasak Sur-jam

Director-General of the Department of Internal Trade

Regulation of the Department of Internal Trade Governing Methods, Procedures of Settlement of Case, and Rates of Settlement of Case, B.E. 2563 (2020)

ระเบียบกรมการค้าภายใน ว่าด้วยวิธีการ ขั้นตอนการเปรียบเทียบคดี และอัตราการเปรียบเทียบคดี พ.ศ. 2563