

Ministerial Regulation

Laying down Rules Governing Business Operation in respect of Measurement and Registration of Identification Mark, B.E. 2563 (2020)

By virtue of the provisions with respect to the definition of "Measurement Service" in Section 4, paragraph one and paragraph two of Section 17 and paragraph four of Section 40 of the Measurement Act, B.E. 2542 (1999) and paragraph one of Section 5, paragraph five of Section 17 and paragraph one of Section 21 of the Measurement Act, B.E. 2542 (1999) as amended by the Measurement Act (No. 3), B.E. 2557 (2014), the Minister of Commerce therefore issues this Ministerial Regulation, as follows.

Article 1. This Ministerial Regulation shall come into force after a lapse of ninety days from the date of its publication in the Government Gazette onwards.¹

Article 2. The following shall be repealed:

(1) Article 1, Article 2 and Article 3 of the Ministerial Regulation Laying down Rules of Practice for Business Operator in respect of Measurement B.E. 2544 (2001),

(2) Article 91, Article 92 and Article 93 of Title 5 Rules and Procedures of Registration of Identification Mark of the Ministerial Regulation Laying down Measurer being subject to the Measurement Act, B.E. 2542 (1999), Type, Characteristic, Detail of Materials Used for Manufacture, Maximum Permissible Error and Verification of Measuring Instruments, and Rules and Procedures of Registration of Identification Mark, B.E. 2546 (2003).

Article 3. A person with an intention to run the business of the manufacture, import or repair of measuring instruments is required to submit an application for the registration of an identification mark pursuant to the form as prescribed by the Central Bureau, and apply for a certificate of business operation and notify a competent official of the business operation under Article 4 simultaneously.

¹ Published in the Government Gazette, Volume 138, Part 3 a, Page 1, dated 19th January B.E. 2564 (2021).

Article 4. Any person who will run the business of the manufacture, import, sale or repair of measuring instruments, or provide the weighing service of other person's goods for the purpose of the purchase, sale, or exchange of goods shall comply with the following rules. He or she shall also notify a competent official by submitting a notifying form for requesting a certificate of business operation and a form of notifying the business operation together with information, document or evidence as specified in the forms of ChorVor. 17-001 and ChorVor. 17-002 as attached to this Ministerial Regulation, whatever the case may be.

(1) to have a domicile or a residence in the kingdom, in case of a juristic person, it is required to be registered or established under Thai law and to have an office located in the kingdom,

(2) to have ownership or the right to take advantage in the place of business operation which is stable and strong according to the principle of engineering,

(3) in case of the business operation in the manufacture, import or repair of measuring instruments, it is required to have personnel who have knowledge and capability and receive a certificate in the completion of training issued by the agency that is stipulated by the Central Bureau, and to have a measurement standard, tools or equipment necessary for the business operation as prescribed by the Central Bureau.

As for the business operation in providing the weighing service of other person's goods for the purpose of the purchase, sale, or exchange of goods, which shall proceed with the rules under paragraph one, it is required to provide the service in the manner of using the stationary weighing machine which has a capacity of 20 metric tons onwards.

Article 5. When a competent official has considered that the notifying forms, information and document or evidence under Article 4 are correct and complete, and there has already been compliance with the rules as laid down in Article 4, the competent official shall issue the certificate of business operation pursuant to the form of ChorVor. 17-101 as attached to this Ministerial Regulation within seven days as from the date of receiving the notification. The competent official shall also inform a person who submits the forms that he or she shall come to receive the certificate of business operation and to pay fees for the certificate of business operation and for the business operation for the first year. As for the business operation in selling, the fee for the business operation is not required to be paid.

Article 6. In operating the business in the following year, the person who has received the certificate of business operation under Article 5 shall submit a form of notifying the business operation together with information and document or evidence as specified in the form of ChorVor. 17-002 as attached to this Ministerial Regulation to a competent official within thirty days before the anniversary of the business operation.

When the competent official has considered that the notifying form, information and document or evidence are correct and complete, the competent official shall inform the person who submits the form that he or she shall pay the fee for the business operation. As for the business operation in selling, the fee for the business operation is not required to be paid.

Article 7. An identification mark shall be used for one type of business and only for the type of business as specified in the certificate of business operation in the manufacture, import or repair of measuring instruments.

Article 8. In the case where a certificate of business operation is lost or destroyed, a business operator shall submit an application for a substitute for the certificate of business operation together with document or evidence as specified in the form of ChorVor. 17-003 as attached to this Ministerial Regulation to a competent official within fifteen days as from the date of knowing such loss or destruction.

When the competent official has already checked and found that the application and document or evidence are correct and complete, and the business operator has already paid the fee for the issuance of the substitute for the certificate of business operation, the competent official shall issue the substitute for the certificate of business operation pursuant to the form of ChorVor. 17-103 as attached to this Ministerial Regulation.

Article 9. The fee payment under this Ministerial Regulation shall be made in cash by means of bank account, by electronic means or any other means as prescribed by the Central Bureau.

Article 10. In the case where the manufacturer, the importer or the repairer of measuring instruments has an intention to change the identification mark which has already been registered, he or she shall submit an application for the registration of change in the identification mark to a competent official pursuant to the form as prescribed by the Central Bureau.

Article 11. The submission of the notifying form and the application under this Ministerial Regulation shall be mainly made by electronic means. In the case where the electronic means cannot be proceeded for any reason whatsoever, the submission shall be made at the Central Bureau or the Branch Bureau having jurisdiction in a province in which the place of business operation is located.

In the case where the submission of the application for the registration of change in the identification mark under Article 10 cannot be proceeded by electronic means for any reason whatsoever, it is required to submit at the Central Bureau or the Branch Bureau that granted the registration of such identification mark.

Article 12. All certificates of business operation which were still effective prior to the date of this Ministerial Regulation coming into force shall be deemed as those under this Ministerial Regulation.

Article 13. All notifying forms and applications which were submitted prior to the date of this Ministerial Regulation coming into force and still under consideration shall be deemed as those under this Ministerial Regulation *mutatis mutandis*. And in the case where such forms and applications differ from those under this Ministerial Regulation, a competent official shall have the power to give the order to make revisions where necessary in order to comply with this Ministerial Regulation.

Article 14. All rules which were issued under the Ministerial Regulation Laying down Rules of Practice for Business Operator in respect of Measurement, B.E. 2544 (2001) and still enforceable prior to the date of this Ministerial Regulation coming into force shall remain in force as long as they are not contrary to or inconsistent with this Ministerial Regulation, until notifications or rules under this Ministerial Regulation come into force.

Given on the 30th Day of December B.E. 2563 (2020)

Jurin Laksanawisit

Minister of Commerce

Remark :- The reason for proclaiming the use of this Ministerial Regulation is that whereas it is expedient to revise the rules governing the business operation in respect of measurement under the Ministerial Regulation Laying down Rules of Practice for Business Operator in respect of Measurement, B.E. 2544 (2001) and the rules and procedures of the registration of an identification mark under the Ministerial Regulation Laying down Measurer being subject to the Measurement Act, B.E. 2542 (1999), Type, Characteristic, Detail of Materials Used for Manufacture, Maximum Permissible Error and Verification of Measuring Instruments, and Rules and Procedures of Registration of Identification Mark, B.E. 2546 (2003) to be suitable and consistent with the current situation, hereby, it is necessary to issue this Ministerial Regulation.