

## NOTIFICATION OF THE WAREHOUSE, SILO AND COLD STORAGE CONTROL COMMITTEE

### RE: RULES, PROCEDURES, AND CONDITIONS ON APPEAL AND APPEAL PROCEDURE

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By virtue of section 8(2),(5) and section 43 paragraph two of the Warehouse, Silo and Cold Storage Act B.E. 2558, the warehouse, silo and cold storage control committee hereby issues the Notification as follows:

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

**Clause 2.** Appeal of an order of the Director-General of the Department of Internal Trade to the Committee relating to the permission of public warehouse, silo and cold storage business operation, renewal of license for business operation, permission for an establishment of subsidiary, permission for a capital reduction or depository at places other than a bank or finance enterprise under section 18, section 19, section 22 or section 29(3) or (4) shall be submitted within thirty days as from the date of receiving of such order.

**Clause 3.** An appeal under clause 2 shall be submitted to a competent official at the Department of Internal Trade, Ministry of Commerce.

**Clause 4.** An appeal under clause 2 shall be in writing and signed by an appellant and shall, at least, contain the details relating to name, address, contact address of the appellant, argument, fact and legal matter relating to the appeal including evidence and documents (if any).

**Clause 5.** When a competent official receives an appeal and documents (if any) under clause 4, the competent official shall accept such appeal and expeditiously submit to the Committee.

**Clause 6.** An appellant may, whenever, amend an appeal or submit an additional document within the appeal period under clause 2 and the provision of clause 4 shall apply *mutatis mutandis*.

**Clause 7.** An appellant may, whenever, in writing, withdraw an appeal before the Committee makes a ruling and it shall be signed by the appellant.

Withdrawal of an appeal under paragraph one shall be submitted to a competent official at a government agency under clause 3 and upon the withdrawal of an appeal, the competent official shall report the Committee.

The appeal which has been withdrawn under paragraph one may be re-submitted within the time period for appeal under clause 2.

**Clause 8.** The Committee shall complete its appeal consideration within thirty days as from the date of receiving the appeal and shall have the power to call in an appellant, a competent official or other relevant person to provide facts, opinion or to submit a document for the purpose of consideration of the Committee as deemed appropriate.

In the case where there is a necessary reason that the appeal may not be considered within thirty days as from the date of receiving the appeal under paragraph one, the Committee may extend the time period but such extension shall not be more than thirty days as from the lapse of time period. The reason and necessity for the extension of consideration time period shall be noted and notification, in writing, shall be sent to the appellant before the lapse of time period.

**Clause 9.** The Committee shall issue an order to dispose an appeal if it is of an opinion that the appeal has been submitted after the lapse of time period or the appellant has no right to appeal.

**Clause 10.** Submission of an appeal shall not be a ground for stay of execution of order of the Director-General of the Department of Internal Trade unless the Committee issues a temporary order otherwise before the consideration of appeal.

**Clause 11.** The Committee shall make one of the following rulings including a reason:

(1) In the case where it is of an opinion that an order of the Director-General of the Department of Internal Trade is correct, it shall issue an order confirming the order of the Director-General of the Department of Internal Trade;

(2) In the case where it is of an opinion that an order of the Director-General of the Department of Internal Trade is not correct, it shall repeal such order of the Director-General of the Department of Internal Trade;

(3) In the case where it is of an opinion that an order of the Director-General of the Department of Internal Trade is partly correct and partly incorrect, it shall correct the order of the Director-General of the Department of Internal Trade, it shall issue an order confirming the correct part and amending the part which is not correct.

A ruling of the Committee is final.

**Clause 12.** A competent official shall notify, in writing, a ruling of the Committee including the reasons to an appellant within fifteen days as from the date the Committee has issued an order.

Given on the 22<sup>nd</sup> of June B.E. 2559 (2016)

Apiradi Tantraporn

Minister of Commerce

Chairperson of the Warehouse, Silo and Cold Storage Control Committee