

Office of the Council of State
Consumer Protection Act (No. 4)
B.E. 2562 (2019)

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua

Given on the 24th Day of May B.E.2562;

Being the 4th Year of the Present Reign

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is deemed appropriate to amend the law concerning consumer protection,

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which, Section 26, in conjunction with Section 34, 37, and 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act is to improve the level of protection for consumers concerning the safety of goods and services to be appropriate and effective, which will be beneficial to consumer protection, and in this regard, the enactment of this Act duly complies with the conditions provided in Section 26 of the Constitution of the Kingdom of Thailand.

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 “Consumer Protection Act (No. 4) B.E.2562 (2019)”.

Section 2*. This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.

(* Royal Thai Government Gazette Volume 136/Part 69n/Page 96/27th May B.E.2562)

Section 3. The provisions of Section 8 of the Consumer Protection Act B.E. 2522 shall be repealed and replaced by the following:

Section 8 The Prime Minister shall have charge and control of the execution of this Act and shall have authority to appoint competent officials and to issue Ministerial Regulations in the execution of this Act.

Competent officials may authorize local officials to operate in the execution of this Act.

Such Ministerial Regulations shall enter into force upon their publication in the Government Gazette.

Section 4. The provisions of Section 9 of the Consumer Protection Act B.E. 2522, as amended by the Consumer Protection Act (No. 2) B.E. 2541, shall be repealed and replaced by the following:

“Section 9. There shall be a board called the “Consumer Protection Board”, consisting of the Prime Minister as the chairperson of the Board along with the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the Permanent Secretary of the Ministry of Transportation, the Permanent Secretary of the Ministry of Digital Economy and Society, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Public Health, the Permanent Secretary of the Ministry of Industry, and no more than eight experts appointed by the Council of Ministers according to the regulations set by the Minister. The representatives must be experts in consumer protection from the academic sector, the people sector, and the business operator sector, with at least two experts per sector to be appointed as member of the Board.

The Secretary of the Consumer Protection Board shall be a member and secretary and the Secretary of the Consumer Protection Board shall appoint not more than two Government officials of the Office of Consumer Protection Board as assistant secretaries.”

Section 5. Part (2) of Section 10 Paragraph 1 of the Consumer Protection Act B.E. 2522, as amended by the Consumer Protection Act (No. 3) B.E. 2556, shall be repealed.

Section 6. Part (3) of Section 10 Paragraph 1 of the Consumer Protection Act B.E. 2522 shall be repealed and replaced by the following:

(3) to set up guideline to the reporting or advertising of information according to section 20 (2/2)

Section 7. The following shall be added as (8/1) of Section 10 Paragraph 1 of the Consumer Protection Act B.E. 2522.

“(8/1) to set up a strategic plan for consumer protection to be in accordance with the national strategy, government policy, cabinet resolution concerning consumer protection, or the international consumer protection standard”.

Section 8. The following shall be added as (9/1), (9/2) and (9/3) of Section 10 Paragraph 1 of the Consumer Protection Act B.E. 2522.

(9/1) to submit opinions to the Council of Ministers so that law and regulation concerning consumer protection could be enacted or amended in accordance with the consumer protection strategic plan.

(9/2) to submit opinions to government organizations, other state agencies or other organizations, to put together, review, assess, or adjust the measures and guidelines to perform official duties or operations in accordance with the consumer protection strategy as well as the legislation and enforcement of the law and the law concerning the consumer protection.

(9/3) to rule on the enforcement of consumer protection laws according to Section 21 Paragraph 2”.

Section 9. The following shall be added as Section 11 Paragraph 3 of the Consumer Protection Act B.E.2522.

“When the term has come to an end, as stated in Paragraph 1, if a new member of the Board has not been appointed, the members from the previous term shall remain in their position until the new member of the Board has been appointed and assigned duties”.

Section 10. The following shall be added as Section 12 Paragraph 4 of the Consumer Protection Act B.E.2522.

“In the case where a member of the Board is out of office before the end of term, ~~let~~ the remaining members of the Board shall make up the Board until the appointment of a new member according to Paragraph 2”.

Section 11. The following shall be added as (1/1) of Section 14 Paragraph 1 of the Consumer Protection Act B.E.2522.

“(1/1) the Committee on ~~the~~ safety of goods and services”.

Section 12. Section 14 Paragraph 3 of the Consumer Protection Act B.E.2522 shall be repealed and replaced by the following:

“The specific committee’s term is three years, and Section 11 Paragraph 2 and Section 12 Paragraph 3 shall apply mutatis mutandis”.

Section 13. The following shall be added as Section 17/1 of the Consumer Protection Act B.E. 2522

“Section 17/1 The Chairperson, member of the Board, the Chairperson of the specific committee, member of the specific committee, the chairperson of subcommittee and member of subcommittee shall receive a meeting allowance and other benefits as set by the Council of Ministers”.

Section 14. The following shall be added as (2/1) and (2/2) of Section 20 of the Consumer Protection Act B.E.2522

“(2/1) to promote and support the participation and gathering of consumers in establishing consumer organizations and promoting consumer organizations in protecting the rights of consumers in accordance with the consumer protection strategic plan.

(2/2) Report or advertise information concerning goods or services which may affect the rights of consumers or may cause damage or discredit to the rights of consumers. The naming of the goods or the services or the names of the entrepreneurs is also possible”.

Section 15. The following shall be added as Section 20/1 of Chapter 1: the Consumer Protection Board of the Consumer Protection Act B.E.2522

“Section 20/1 In the case where the court has reached the final judgment that the entrepreneur has violated or not comply with the provision of this Act, the Office of Consumer Protection Board may advertise the judgment in full or in part to the general public.

In the case where the entrepreneur does not comply with the announcement or the order from the Consumer Protection Board, the ad hoc Committee, or the Secretary General of Consumer Protection Board in accordance with this Act, and the Office of the Consumer Protection Board has taken action in place of the entrepreneur, the Office Consumer Protection Board may advertise information and details concerning the non-compliance of announcement and order, and action undertaken in place of said entrepreneur so it can be known to the general public. Such information could be advertised both during the operation and after the operation is over.

The publication of judgment according to Paragraph 1 and the publication of information according to Paragraph 2 shall be done through advertisement media and other forms of media as set by the Secretary General of the Consumer Protection Board, and the naming of the entrepreneur or other related persons are also possible”.

Section 16. Section 21 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 2) B.E. 2541, shall be repealed and replaced by the following:

“Section 21. In the case where a law has already legislated on a specific matter, such law shall apply to that matter, and the provision of this chapter shall apply as long as it does not repeat or contradict the provision of such law. If the violation of the applied provision constitutes an offence ~~and~~ punishable according to this Act, the malefactor shall be punished according to this Act as well.

In the case where there is a dispute between state agencies on which provision of law shall apply between the provision in this chapter and the provision of a ~~the~~ specific law, the Office of Consumer Protection Board shall present the matter to the Board to make the final decision. The decision of the Board is final and binding state agencies.

In the case where the law has legislated on a matter specifically, and the Consumer Protection Board sees fit to undertake an action in order to support or remedy the consumers in initial stage, the provision in this chapter shall apply as long as it does not repeat or contradict the provision of that law.

In the case where the specific law does not have the provision providing authority to the officials who have power by law to issue an order concerning the consumer protection according to the provision of this chapter, ~~let~~ the Board shall have the authority to issue an order in accordance with this chapter unless said law already has officials who have power by law. In this case, the Board may authorize the officials under that specific law to use the power according to this Act in place of the specific committee. Violating the order of the authorized official shall be deemed a violation of order from the specific Committee with the same punishment.

The authorization of the officials according to Paragraph 4 shall be announced in the Government Gazette”.

Section 17. The following shall be added as Section 2/1 of the Consumer Protection Act B.E.2522.

“Section 21/2. For the benefits of the conclusion or the operation according to the consumer protection ~~strategy~~ strategic plan as well as integration in the consumer protection operation.

- (1) The Board, the ad hoc Committee, or the Secretary General of the Consumer Protection Board may arrange a meeting between organizations related to consumer protection.
- (2) The Board or the ad hoc Committee may arrange a meeting with other boards according to other laws related to consumer protection. For the benefit of compensation, the said meeting shall be considered a meeting of the Board according to the law of each board.

The Board, according to other laws, or the head of the organization related to consumer protection may suggest the Secretary General of the Consumer Protection Board arranging a meeting according to Paragraph 1”.

Section 18. The following shall be added as Section 2 Paragraph 3 of the Consumer Protection Act B.E.2522.

“In the case where the Committee on advertisement has issued an order according to (4) and the entrepreneur does not comply with the order, the Committee on advertisement, may execute the order in place of the entrepreneur and has the entrepreneur compensate the expenses that occur from the operation. The provision related to administrative execution according to administrative procedure law shall apply”.

Section 19. Section 28 of the Consumer Protection Act B.E.2522 shall be repealed and replaced by the following:

“Section 28. In the case where the Committee on advertisement considers that there is a reasonable cause to suspect that a statement used in advertisement is false or exaggerative according to Section 22 Paragraph 2(1), the Committee on advertisement may issue an order demanding the advertiser to make such proof as to vindicate the truth. And in the case of urgent necessity, the Committee on advertisement may issue an order to suspend the advertisement until the proved result is known.

In the case where the advertiser makes reference to technical reports, statistics or certification of an institute or any other person or affirms any fact in the advertisement, if the advertiser is unable to prove that the statement used in the advertisement is true as claimed, the Committee on Advertisement shall have the power to issue orders under section 27 and it shall be deemed that the advertiser knew or ought to have known that such statement is false.

Section 20. The following shall be added as Part 1/1 of the consumer protection concerning safety, Section 21/1 to Section 29/17, in Chapter 2 on consumer protection of the Consumer Protection Act B.E.2522

“Part 1/1

Consumer protection in safety

Section 29/1. In this part, unless the provision should represent otherwise

“Dangerous goods” means goods that cause or may cause danger to life, body, health, mental state, or property. This does not include goods with other laws already legislated specifically on their concerns.

“Dangerous services” means services that cause or may cause danger to life, body, health, mental state, or property. This does not include services with other laws already legislated specifically on their concerns.

“Committee on safety” means the Committee on safety of goods and services.

Section 29/2. The goods that the entrepreneur intends to sell, presents for sale, enters into an agreement for sale, presents by advertisement or any other methods or put on the market have to be safe goods.

The practice concerning the safety of goods shall be considered using the following:

- (1) The characteristic and type of goods, as well as their components, designs, packaging and packages, instructions concerning their assembly, installations, maintenance, and expectations that the general consumers should have concerning the goods
- (2) How the goods are presented and labeled, and their warnings and instructions concerning usage, disposal and destruction as well as indications and any information concerning the goods, including the advertisement of the goods
- (3) The effects on the safety of the goods if the goods are being used with other goods
- (4) The consumers who are especially at risk from the consumption of goods, such as children, pregnant women, the elderly, patient, and the disabled
- (5) The safety standard generally accepted for that type of goods
- (6) Best practice of the business sector

Section 29/3. The entrepreneur must not produce, order, or import into the Kingdom ~~to sell~~ for sale goods that are dangerous, and must not recommend or advertise said goods.

Section 29/4. The entrepreneur who produces, orders, or imports into the Kingdom for sale goods that are controlled in labelling according to Section 30 and other goods that the Board of safety has announced in the Government Gazette must set up a measure to ~~protect~~ prevent or eliminate the risk concerning those goods.

The Board of safety may decree that any service that the entrepreneur must set up measures to prevent or eliminate the risk concerning the services by announcing it in the Government Gazette.

The measures to prevent or eliminate the risk concerning the goods or services that the entrepreneur must set up shall be as follow

- (1) Constantly inspect the safety of ~~their~~ goods or services during the warranty period of said goods or services, and keep the statistics or related reports.
- (2) Appropriate measures for the goods or the services allowing to detect the risk which may occur according to the condition of goods and services for the sake of said risk prevention.
- (3) Contact channel where consumer can receive and communicate information, verification and processing of information notified by consumer and reporting of result without delay. Records and reports concerning the notification and the result must be made and kept.
- (4) Measures to keep track of the goods which have been sold including names and details of the producer, the importer, or the seller, and the reference number on the goods or its package.
- (5) Measures to keep track of the services provided, including name and address of the consumer receiving the service and the details of the service.

Section 29/5. The entrepreneur who is a seller or who buys ~~to~~ for resell goods or who buys the goods to be used in services, which are goods or services according to Section 29/4, must set up the following measures in order to prevent or eliminate the risk concerning the goods on sale or the goods being used in services.

- (1) Disclosing to the buyer or the consumer information concerning the risk of the goods sold or being put into services that the entrepreneur received from the producer, importer, seller, or reseller including information or documents in the possession of the entrepreneur.
- (2) Keeping document necessary for tracking the origin of the goods that were sold or being put into services, such as names and details of the producer, importer, seller, or reseller of said goods that were sold or being put into services. ~~and~~ Said documents must be presented to the Board, concerning safety per its request.

The entrepreneur according to Paragraph 1 must cooperate with the producer, importer, seller, and officials to prevent or eliminate the risk concerning the goods sold or being put into services.

Section 29/6. In the case where the entrepreneur of goods or services under Section 29/4 and Section 29/5 has a reasonable cause to suspect that the goods or services could be dangerous, said entrepreneur may alert the producer, the importer, the seller, the reseller, or the service provider as well as advertiser, consumers, and the general public.

In the case where it has become known that the goods or the services are dangerous, or that dangerous goods or services has caused a person death, grave injury, or harm a physical or mental well-being, or pose danger to other properties, the entrepreneur according to Paragraph 1 must inform the producer, the importer, the seller, the reseller, or the service provider as well as advertiser, consumers, and the general public of the danger of the goods or services.

The Board, concerning safety, may announce rules and modality of operation according to Paragraph 2.

Section 29/7. In the case where the entrepreneur found or is informed according to Section 29/6 Paragraph 2 that the goods or services that they produce, import, sell, or possess for sale or provide service are dangerous goods or services, the entrepreneur must operate to prevent or eliminate the danger of said goods or services, such as adjust or improve the goods or services, change the goods or the methods of providing the services, recall and compensate for the goods, remove the goods from the market or discontinue the services and report the results of the operation in letters to the Office of the Consumer Protection Board without delay, but not exceeding five days since the first day of operation, along with the details concerning the goods and services, the characteristics of the danger, and the measures that the entrepreneur has implemented to prevent the danger.

The Board, concerning safety, may announce rules and modality of operation according to Paragraph 1.

Section 29/9. In the case where the Board, concerning safety, has ordered a temporary ban on the goods or the services according to Section 29/8 Paragraph 2, when the Board, concerning safety, considering the results of the test, finds that the goods or the services are not dangerous, the Board, concerning safety, shall issue an order to revoke said order.

In the case where the Board, concerning safety, considering the results of the test, finds that said good is a dangerous and the danger from said good cannot be prevented control on label, according to Section 30 or by other laws, or said service is dangerous, the Board, concerning safety, shall prohibit the entrepreneur from producing for sale, importing for sale, or selling the goods or stop the services. The Committee on safety shall order the adjustment of or improvement on the goods or the services or for said goods to be destroyed or returned to the country which exported the goods into the kingdom, as deemed fit.

Section 29/10. In the case where the Board, concerning safety, has prohibited the sale of the goods according to Section 29/9 Paragraph 2, the entrepreneur that is the producer or importer shall recall the goods from the market and announce the recall of the goods from the consumers and eliminate the risk of danger from the ~~recalled~~ goods that have been recalled and in their possession.

In the case where the Board, concerning safety, has issued an order to destroy said goods, when the entrepreneur has destroyed said goods, they must report to the Board, concerning safety, in without delay.

The entrepreneur shall compensate for the price of goods and be responsible for the expenses of the consumers which occur from the operation.

The entrepreneur shall announce, notify, or advertise the ~~news~~ information concerning the operation to the consumers within three days from the date they are notified of the prohibition order.

Section 29/11. When the Board, concerning safety, has issued an order to prohibit the sale of goods according to Section 29/9 Paragraph 2, the entrepreneur that is the producer or importer shall set up a plan on the collection or recall of the goods, a plan to adjust, improve, or operate on the goods that were collected or recalled, and a plan to remedy the consumers and present them to the Board, concerning safety, within seven days from the date they were notified of the prohibition order. The Board, concerning safety, may announce the rules, modality, and conditions of said operation of the entrepreneur.

The Board, concerning safety, after consideration of the plan according to Paragraph 1, and notify the entrepreneur according to Paragraph 1 within thirty days from the day the plan had been presented. In the case where all or part of the plan is inappropriate, the Committee on safety have the authority to adjust said plan and to order additional remedies for any measure that has been implemented before operating on the approved plan.

The entrepreneur shall report the execution of the plan according to Paragraph 1, or the plan adjusted according to Paragraph 2, to the Board, concerning safety, every seven days or as set by the Board, concerning safety, until the plan has been completely executed.

In the case where the entrepreneur does not set up a plan within seven days from the date they have been notified of the prohibition order, or the Board, concerning safety, considers that all or part of the plan cannot be executed, the Board, concerning safety, shall have the authority to set up a plan to collect or recall the goods, the plan to adjust or improve or operate on the goods collected or recalled, or the plan to remedy the consumers for the entrepreneur to execute the plans within the time set by the Board, concerning safety. The entrepreneur shall be responsible for the costs incurred in the setting up of the plan.

The operation according to Paragraph 1 and 4 shall not affect the rights of the consumer to exercise their rights to demand that the entrepreneur be responsible for other issues according to this Act or other laws.

The entrepreneur shall announce, notify, or advertise the plan that was approved or adjusted according to Paragraph 2, or the plan that the Board, concerning safety, has set according to Paragraph 4, to the consumers within three days from the date he was notified of said plan.

Section 29/12. In the case where the Board, concerning safety, has issued an order to adjust or improve the goods according to Section 29/9 Paragraph 2 or to adjust and improve the goods according to the plan according to Section 29/11 Paragraph 1, before the entrepreneur puts the goods back on sale, they must report to the Board, concerning safety, for testing. When the Board, concerning safety, has tested the goods until it is satisfactory that the goods are not dangerous, the prohibition order according to Section 29/9 Paragraph 2 shall be revoked.

Section 29/13. When the Board, concerning safety, has issued a prohibition order of service according to Section 29/9 Paragraph 2, the entrepreneur shall notify the consumers already receiving the service, and with the danger still with said consumers, to receive an adjustment to their services within the possibilities to do so. Section 29/10 Paragraph 3 and 4 shall apply mutatis mutandis

The entrepreneur shall set up a plan of operation to adjust the services to not be dangerous to the consumers and a plan to remedy the consumers. Section 29/11 shall apply mutatis mutandis

Section 29/14. When the entrepreneur has adjusted or improved the methods of services to not be dangerous to the consumers according to Section 29/13, they must report to the Board, concerning safety, for testing. Section 29/12 shall apply mutatis mutandis

Section 29/15. The Board, concerning safety, may extend the time set for the entrepreneur ~~so they can~~ to operate on this part as deemed appropriate.

Section 29/16. The announcement, notification, and ~~news~~ advertisement of information set for the entrepreneur must be carried out via the advertisement media that the entrepreneur used for the advertisement of said goods or services and other media set by the Secretary of the Consumer Protection Board, the business operator shall also notify on the entrepreneur's websites and in letters, electronic mail and other channels that the entrepreneur used to sell the goods and services directly to the consumers. The announcement and the advertisement must be carried out continuously for no less than three days unless the Secretary General of the Consumer Protection Board should set otherwise, and the Secretary General of the Consumer Protection Board may set the rules and regulations concerning said announcement, notification, and advertisement.

Section 29/17. In the case where the entrepreneur does not notify the danger of the goods or services according to Section 29/6 Paragraph 2, or does not execute or does not fully execute in the case where the Board, concerning safety, has issued an order for the entrepreneur to test or prove according to Section 29/8, or does not announce, notify, or advertise according to Section 29/10 Paragraph 4, Section 29/11 Paragraph 6, or Section 29/13, the Secretary General of the Consumer Protection Board has the authority to arrange an execution in their place and the entrepreneur compensate for the expense and extra payment that occur from the operation. The provision related to administrative execution according to administrative procedure law shall apply. After the operation, the Secretary of the Consumer Protection Board shall report the results to the Board, concerning safety”.

Section 21. Section 36, Section 37, and Section 38 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 3) B.E. 2556, shall be repealed.

Section 22. The following shall be added as Section 39/1 of the Consumer Protection Act B.E.2522.

“Section 39/1. Other than the Board having the authority to prosecute according to Section 39 and the law concerning consumer cases procedure, the Secretary General of the Consumer Protection Board shall have the authority to prosecute in cases concerning the violation of the consumer's rights in place of the consumer, having authority to appoint a government official of the Office of the Consumer Protection Board with a qualification no lower than a bachelor's degree in law as the Consumer Protection Official to be in charge of pursuing civil and criminal actions in Court against violators of rights of consumers. When the Secretary General of the Consumer Protection Board has notified the court, let the Consumer Protection Official shall have the authority to pursue legal actions as entrusted by the Secretary General of the Consumer Protection Board. The prosecution in the case by the Secretary of the Consumer Protection Board shall be implemented under the rules and regulations, methods, and conditions set by the Board.

In pursuing legal actions in Court, the consumer protection official shall also have the power to claim property or damages for the consumers who make the request and, for this purpose, shall be exempted from all fees.

The provision of the law concerning consumer case procedure on prosecution and pursuit of the case by the Board, and the rules of the President of the Supreme Court in said matter shall apply in the case where the Secretary General of the Consumer Protection Board has prosecuted according to this Section”.

Section 23. Section 45 and Section 46 of the Consumer Protection Act B.E.2522 shall be repealed and replaced with the following:

Section 45. Any person who obstructs or fails to provide assistance or give statements or furnish documents or evidence to the competent officials performing the duties under section 5 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding twenty thousand Baht or to both.

Section 46. Any person who fails to comply with an order of the Board or of any specific Committee under section 17 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding twenty thousand Baht or to both.

Section 24. Section 47 and Section 48 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 2) B.E.2541, shall be repealed and replaced with the following:

Section 47 Any person who, with the intent to cause misunderstanding as to the origin, condition, quality or quantity of, or other essential matters concerning, his own or any other person's goods or services, performs an advertisement or uses a label containing statement which is false or a statement which is known or ought to be known to possibly cause such misunderstanding shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

If the offender under paragraph one repeats the commission of the offence, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 48. Any person who, in an advertisement, uses a statement under section 22 (3) or (4) or a statement prescribed in the Ministerial Regulation issued under section 22 (5) or contravenes or fails to comply with section 23, section 24, section 25 or section 26 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding sixty thousand Baht or to both.

Section 25. Section 49 of the Consumer Protection Act B.E.2522 shall be repealed and replaced with the following:

Section 49. Any person who fails to comply with an order of the specific Committee on Advertisement which is issued under section 27 or section 28 paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

Section 26. Section 52 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 2) B.E.2541, shall be repealed and replaced with the following:

Section 52. Any person who sells label-controlled goods under section 30 without any label or with a label which is incorrect or which is incorrectly displayed or sells the goods with a label the use of which has been ordered by the Committee on Labels to be ceased under section 33 shall, when he knows or ought to know that the absence of such label or the display of such label is not in conformity with the law, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

If the act under paragraph one is committed by a producer for sale or a person who orders or imports the goods into the Kingdom for sale, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 27. Section 53 of the Consumer Protection Act B.E.2522 shall be repealed and replaced with the following:

Section 53. Any business operator who fails to comply with an order of the Committee on Labels which is issued under section 33 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

Section 28. Section 54 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 2) B.E.2541 shall be repealed and replaced with the following:

Section 54. Any person who, under commission, makes a label which is not in conformity with the law or attaches a label which is not in conformity with the law to the goods shall, when he knows or ought to know that such label is not in conformity with the law, be liable to a fine not exceeding two hundred thousand Baht.

Section 29. Section 55 of the Consumer Protection Act B.E.2522 shall be repealed and replaced with the following:

Section 55. Any business operator who fails to comply with the Ministerial Regulation issued under section 35 shall be liable to a fine not exceeding one hundred thousand Baht.

Section 30. Section 56 and Section 56/1 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 3) B.E.2541, shall be repealed.

Section 31. The following shall be added to Section 56/2, Section 56/3, Section 56/4, Section 56/5, and Section 56/6 of the Consumer Protection Act B.E.2522.

Section 56/2. Any business operator who fails to comply with Section 29/4 or Section 29/5 Paragraph 1 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 56/3. Any business operator who fails to comply with Section 29/6 Paragraph 2, Section 29/7 Paragraph 1, Section 29/10 Paragraph 4, Section 29/11 Paragraph 1 or Paragraph 6, Section 29/13 Paragraph 2, or fails to comply with an order of the Committee on Safety which is issued under section 29/8 Paragraph 1 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 56/4. The entrepreneur who does not follow the order of the Board, concerning safety, according to Section 29/8 Paragraph 2 or Section 29/9 Paragraph 2 will face up to 3-year imprisonment or up to 600,000 baht in fines or both.

Section 56/4. Any business operator who fails to comply with an order of the Committee on Safety which is issued under section 29/8 Paragraph 2 or Section 29/9 Paragraph 2 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six hundred thousand Baht or to both.

Section 56/5. Any business operator who fails to comply with Section 29/10 Paragraph 1 or Section 29/13 Paragraph 1, or fails to comply with an order of the Committee on Safety which is issued under Section 29/10 Paragraph 2 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six hundred thousand Baht or to both, and shall be liable to a fine not exceeding twenty thousand Baht per day until they present to the officials that they have complied with the order.

Section 56/6. Any person who committed an offence according to Section 56/2, Section 56/3, Section 56/4, or Section 56/5, if said act causes harm to the body, health, hygiene, or mental state of others, shall be liable to imprisonment for a term not exceeding four years or to a fine not exceeding eight hundred thousand Baht or to both.

If the act according to Paragraph 1 results in others being in grave danger, the offender shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one million Baht or to both.

If the action according to Paragraph 1 results in the death of others, the offender shall be liable to imprisonment for a term from one to ten years or to a fine of two hundred thousand to two million Baht or to both.

Section 32. Section 57 and Section 57 bis of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 2) B.E.2541, shall be repealed and replaced with the following:

Section 57. Any business operator who fails to furnish a contract containing contract terms or containing contract terms as well as duly conforming to the forms under section 35 bis or fails to furnish receipts containing particulars and statements in conformity with section 35 quinqué to consumers within the time under section 35 octo shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Any business operator who furnishes a receipt indicating an amount greater than that which the consumer is obligated to pay and thereby receives such amount from the consumer shall be liable to imprisonment for a term not exceeding one month or to a fine of one thousand to twenty thousand Baht or to both, unless he can prove that he has exercised reasonable care in the operation of such business.

Section 57 bis. Any business operator who contravenes or fails to comply with section 35 septum shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 33. Section 60 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 3) B.E.2556, shall be repealed and replaced with the following:

Section 60. Any person who, with dishonest intent, employs, hires, asks as a favour, instigates or causes an association or a foundation accredited by the Board under section 40 to institute a civil or criminal action before the Court against any business operator with a view to frivolously causing injury to such business operator shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six hundred thousand Baht or to both.

Section 34. Section 61 and Section 62 of the Consumer Protection Act B.E.2522 shall be repealed and replaced with the following:

“Section 61. Whoever reveals the facts about the business of the entrepreneur that are facts that an entrepreneur will normally keep confidential and not reveal so that they gain or learn by operating according to this Act will face up to 1-year imprisonment or up to 200,000 baht in fines or both, unless it is a revelation for the government operation or for the benefit of the investigation or the consideration of a case.

Whoever shall gain or learn the facts from the persons according to Paragraph 1 in the process of the government operation or the investigation or consideration of a case and reveals the facts that should be damaging to any person will face the same punishment.

Section 61. Any person who discloses any fact relating to the undertaking of the business operator, being the fact which the business operator’s usual course of affairs requires confidentiality and which such person has acquired or known in consequence of the performance of activities under this Act, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both, unless such disclosure is made in pursuit of the performance of official duties or for the purpose of an inquiry or trial.

Any person who, having acquired or known any fact from the person under paragraph one in consequence of the performance of official duties or an inquiry or trial, discloses such fact in a manner likely to cause injury to any person shall be liable to the same penalty.

Section 62. All offences under this Act which shall be liable to a fine or to a fine and an imprisonment for a term not exceeding one year may be settled by the Board by way of payment of a fine and, for this purpose, the Board shall have the power to entrust a specific Committee, a sub-committee, an inquiry official, a competent official or a local officials to proceed with the settlement, provided that rules for the settlement or any conditions may be prescribed for observance by the person so entrusted, as the Board deems appropriate.

For the benefit of the operation according to Paragraph 1, in the investigation, if the inquiry officers have found that any person has committed an offence under this Act and such person agrees to have the case settled by way of payment of a fine, the inquiry official shall refer the matter to the Board or the person entrusted by the Board to perform settlement under paragraph one within seven days as from the date of such person’s expression of consent to the settlement.

Upon payment of a fine by the offender as settled within the time that the official with the authority to settle has set, which is no more than thirty days since the day of the settlement, the case shall be deemed as terminated under the Criminal Procedure Code.

If the offender does not agree to have the case settled, or agrees but does not pay the fine within the time according to Paragraph 3, then the prosecution should carry on. The prescription shall commence to run from the day the fine needs to be paid according to the order of the official with the authority to settle”.

Section 35. The following shall be added to Section 63 of the Consumer Protection Act B.E.2522.

“Section 63. The fine from the ~~comparison~~ settlement that the local administrative organization has executed on and proceeded with as appointed by Section 62 Paragraph 1 shall become the income of that local administrative organization.

Section 36. The Consumer Protection Board in office on the day before this Act comes into force shall remain in office until the appointment of the Consumer Protection Board according to the Consumer Protection Act B.E.2522, as amended by this Act.

Section 37. The announcements or orders of the Consumer Protection Board issued under Section 36 and Section 38 of the Consumer Protection Act B.E.2522, as amended by the Consumer Protection Act (No. 3) B.E.2556, in effect on the day before this Act comes into force shall continue to apply, as long as it does not contradict with this Act, until there is an announcement or order issued according to Part 1/1 of consumer protection in safety in Chapter 2 of consumer protection of the Consumer Protection Act B.E.2522, as amended by this Act, or if there is an order to cancel or revoke said order.

Section 38. The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by

General Prayuth Chan-O-Cha

Prime Minister

Note: The reason for the announcement of the enforcement of this Act is that the Consumer Protection Act B.E.2522 has some provisions that are not appropriate for the protection of consumers' rights in the present situation and should be improved in the parts concerning the authority and duty of the Consumer Protection Board to connect the consumer protection in various legislations improving the measures of the consumer protection concerning safety by appointing a specific committee on safety of goods and services, and having the process concerning the consumer protection in safety, entrusting the Secretary of the Consumer Protection Board the authority to prosecute in place of the consumers and allowing the local administrative organization to receive the fine from the settlement in the part of their operation as well as adjusting the punishment to befit the present, so that the consumers receive appropriate protection, thus the necessity of this Act.