

# THAI VESSELS ACT, B.E. 2481

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IN THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL

The Council of Regency

(According to the Announcement of the President of the House of Representatives,

Dated 4<sup>th</sup> August, B.E. 2480)

Arthit Thipphaya Arpha

General Chao Phya Pichayenthara Yothin

Given on the 7<sup>th</sup> Day of April, B.E. 2482;

Being the 6<sup>th</sup> Year of the Present Reign.

Whereas the House of Representatives deems expedient to have a law on Thai vessels;

Be it, therefore, enacted by the King, by and with the advice and consent of House of Representatives, as follow:

**Section 1.** This Act is called the "Thai Vessels Act, B.E. 2481".

**Section 2.** This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** As from the date this Act comes into force, the Act on Registration and Licensing of Thai Fishing Vessels B.E. 2477 and the Act on Registration and Licensing of Thai Fishing Vessels (No. 2) B.E. 2479, as well as other laws, rules and regulations, in so far as they are already provided by this Act or are contrary thereto or inconsistent therewith, shall be repealed.

**Section 4.** Vessels of the Royal Thai Navy shall be deemed as Thai vessels but shall not be subject to the application of This Act.

**Section 5.** In this Act, unless provided otherwise:

1. "Thai waters" means all waters within the sovereignty of the Kingdom of Thailand;
2. "Port" means a location or place for anchoring vessels to embark or disembark passengers or objects;
3. "Vessel" means any kind of water vehicles;
4. "Motor vessel" means a mechanically-propelled vessel notwithstanding the combination of other kind of driving power;

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<sup>1</sup> Government Gazette 2482/-/230, dated 10<sup>th</sup> April, B.E. 2482

5. "Sea vessel" means a vessel the structure of which is for sailing in the sea;

6. "River vessel" means a vessel other than a sea vessel;

7. "Trading in Thai waters" means transportation of passengers or objects or pulling objects from any Port or place to other port(s) or place(s) within the Thai waters, for commercial purpose;

8. "Fishery" means fishing of any kind of aquatic animals including fishing by using a vessel or using a vessel as a vehicle for fishing;

9. "Vessel controller" means a master of a vessel, boatswain, helmsman, steersman or any person in charge of commanding and responsible for a vessel, but shall not include a pilot officer;

10. "Crew" means any person in service on board of a vessel;

11. "Minister" means the Minister having charge and control of the execution of this Act;

12. "Master of harbour" means the Director-General of the Harbour Department <sup>2</sup> or a person acting on his or her behalf, and includes a person appointed by the Minister to be a master of harbour or a person acting on his or her behalf;

13. "Vessel Registrar" means a person appointed by the Minister to be a vessel registrar or a person acting on his or her behalf.

## Chapter 1

### Registration of Thai Vessels

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**Section 6.** The registration of Thai vessels under this Act shall be made before the Vessel Registrar.

**Section 7.**<sup>3</sup> A person to be an owner of a registered Thai vessel for engaging in trading in Thai waters under section 47 shall have any one of the following qualifications:

(1) to be a natural person of Thai nationality;

(2) to be an ordinary partnership having all partners who are natural persons of Thai nationality;

(3) to be a state enterprise under the law on budgetary proceeding;

(4) to be a juristic person established under Thai law as follows:

(a) a registered ordinary partnership having all partners who are natural persons of Thai nationality;

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<sup>2</sup> At present is the Director-General of the Marine Department (according to the Royal Decree transferring the authority of Government agencies B.E. 2545)

<sup>3</sup> As amended by the Thai Vessels Act (No. 6) B.E. 2540

(b) a limited partnership having all partners with unlimited liability who are natural persons of Thai nationality and having not less than seventy per cent of its capital owned by persons who are not foreigners;

(c) a limited company having not less than one half of its directors who are of Thai nationality and having not less than seventy per cent of its registered capital shares owned by persons who are not foreigners, and having no regulation to issue bearer share certificates;

(d) a public limited company having not less than one half of its directors who are of Thai nationality and having not less than seventy per cent of its paid-up capital shares owned by persons who are not foreigners, and, for the purpose of this section, "foreigner" means a foreigner under the law on business of foreigners.

**Section 7 bis.**<sup>4</sup> A person to be an owner of a registered Thai vessel for engaging in international maritime transport and not trading in Thai waters under section 47 shall be a juristic person established under Thai law having not less than one half of its directors who are of Thai nationality, and shall have any one of the following qualifications:

(1) a limited company having not less than fifty-one per cent of its registered capital shares owned by a non-foreigner and having no regulation to issue a certificate of share to a bearer;

(2) a public limited company having not less than fifty-one per cent of its paid capital shares owned by persons who are not foreigners and, for the purpose of this section, "foreigner" means a foreigner under the law on business of foreigners.

**Section 7 ter.**<sup>5</sup> No natural person of Thai nationality and juristic person qualified to be an owner of a registered Thai vessel under section 7 shall commit any act as follows:

(1) to own a registered Thai vessel under section 7 in stead of a foreigner;

(2) to be a partner of a partnership that is a juristic person who owns a registered Thai vessel under section 7 in stead of a foreigner;

(3) to be a shareholder of a limited company or a public limited company who owns a registered Thai vessel under section 7 or section 7 bis in stead of a foreigner;

For the purpose of this section, "foreigner" includes a juristic person not qualified to own a registered Thai vessel under section 7 or section 7 bis, as the case may be.

**Section 7 quarter.**<sup>6</sup> No limited company or public limited company to be an owner of a registered Thai vessel under section 7 bis shall commit any act as follows:

(1) to own a registered Thai vessel under section 7 bis in stead of a foreigner;

(2) to be a shareholder of a limited company or a public limited company who owns a registered Thai vessel under section 7 bis in stead of a foreigner;

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<sup>4</sup> As amended by the Thai Vessels Act (No. 6) B.E. 2540

<sup>5</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

<sup>6</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

For the purpose of this section, "foreigner" includes a juristic person not qualified to own a registered Thai vessel under section 7 bis.

**Section 8.** The following vessels, upon registration under this Act, shall be deemed a Thai vessel;

For trading in Thai waters:

- (1) A motor vessel of ten gross tonnage and upwards;
- (2) A sea vessel, other than a motor vessel, of twenty gross tonnage and upwards;
- (3) A river vessel, other than a motor vessel, of fifty gross tonnage and upwards;

For fishery:

- (1) A motor vessel of every size;
- (2) A vessel, other than a motor vessel, of six gross tonnage and upwards.

**Section 9.** A vessel belonging to a person under section 7 having size as specified in the preceding section but not be used under section 47, or having smaller size than those specified therein, used for engaging in trading in Thai waters or for fishery, as the case may be, shall not be subject to the registration under this Act. However, the vessel provided in this section shall also be deemed a Thai vessel.

**Section 10.** In applying for a registration, the applicant shall do as follows:

- (1) to lodge a statement manifesting an ownership in the printed form of the Harbour Department <sup>7</sup>;
- (2) to make a statement certifying that the conditions for being an owner of the vessel shall be in accordance with section 7 and to produce the evidence thereof. If the applicant is a partnership or a limited company, the certificate of registration of such entity shall be produced;
- (3) to lodge the vessel certificate of survey issued by the survey officer of the Harbour Department under section 12;
- (4) to lodge a statement showing the date and place where the construction of the vessel is completed as it is possible;
- (5) if the vessel belongs to a foreigner, the previous name of the vessel shall also be stated;
- (6) to state the names of the vessel controller.

**Section 11.** The vessel to be registered as Thai vessel shall be provided with a permanent mark thereto in accordance with the Ministerial Regulation. From the date of its registration through the date of its effectiveness, the vessel controller shall maintain such mark and shall not change or conceal it, except for the execution of this Act or other law.

**Section 12.** The vessel to be registered as Thai vessel shall have a certificate of survey, certifying that such vessel has been inspected by the survey officer of the Harbour Department under the law on navigation in Thai waters, produced to the Vessel Registrar.

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<sup>7</sup> At present is the Marine Department (according to the Royal Decree transferring the authority of Government agencies B.E. 2545)

**Section 13.** In registering a Thai vessel, the Vessel Registrar shall keep the certificate of survey under his or her custody together with the certificate of vessel constructor or the certificate of vessel transfer, if any.

**Section 14.** The certificate of registration of Thai vessels shall be in the printed form of the Harbour Department and shall contain the following particulars:

- (1) Names of the vessel, port where the registration has been made, and the vessel controllers;
- (2) Type of the vessel, names of the dock where the vessel has been built and the dock owner;
- (3) Details regarding the survey of the vessel;
- (4) Details regarding the acquisition of vessel ownership as shown in the statement thereof;
- (5) Names, addresses and occupations of the person registered as the owner of the vessel. In case of partnership or limited company, also the names and addresses of the managing director or the directors.

**Section 15.** If a vessel has been registered as Thai vessel at any port, such port shall be a registration port of such vessel.

## Chapter 2

### Certificate of Registration of Thai Vessels

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**Section 16.** When the Registration of a vessel has already been made, the Vessel Registrar shall issue to the applicant the certificate of registration in the printed form of the Harbour Department. This certificate shall be called the "registration certificate".

**Section 17.** During the period of using the vessel, the vessel controller must keep the registration certificate as a regular document of the vessel. No person shall take such certificate away from the vessel unless for the execution of this Act or other law. Upon the request of the survey officer, the vessel controller must produce it to him or her immediately.

**Section 18.** If the registration certificate has lost or harmed by whatever reason or substantially damaged, the vessel controller shall apply for its substitute from the Vessel Registrar at the registration port. If such situation occurs outside the registration port, the vessel controller shall apply for the temporary substitute at the next arrival port where there is a vessel registrar or Thai consulate, as the case may be, there. When the vessel has entered into the registration port, the vessel controller shall bring the temporary substitute to the Vessel Registrar of such port within fifteen days from the date of arrival for issuing a new substitute. In the case where the registration certificate has no space for writing down any further detail, the vessel registrar or the Thai consulate official, as the case may be, shall attach the allonge thereto in accordance with the Ministerial Regulation.

**Section 19.** When the substitute certificate has been issued, if there still exist the old registration certificate, in case of its substantially damaged, or in case of loss, it has been found later on, the vessel controller shall bring it to the Vessel Registrar of the registration port immediately for further proceeding in accordance with the provisions of the Ministerial Regulation.

**Section 20.** If there is a substitution to a vessel controller, the new vessel controller shall produce his or her registration certificate or a personal certificate or permit to a vessel registrar or a Thai consulate official, as the case may be, before departing from the port. When such official has satisfied such documents, he or she shall record such change in the registration certificate and append his or her signature thereto. In case of the substitution outside the registration port, the official who records such change shall report the matter to the Vessel Registrar of the registration port immediately. In this regard, the Minister shall have the power to exempt certain sizes of registered Thai vessels from the application of this section by issuing a Ministerial Regulation.

**Section 21.** If there is a change in the ownership of a vessel, the Vessel Registrar of the registration port shall record such change in the registration certificate.

If the change is made outside the registration port, a vessel registrar or a Thai consulate official of the port where the change take place or the next arrival port, as the case may be, shall note such change in the registration certificate. Provided that he or she shall inform the Vessel Registrar of the registration port and obtain the prior approval therefrom.

**Section 22.** If any registered Thai vessel has lost, captured by the enemy, destroyed in fire, sunk, damaged or abandoned, the owner of such vessel shall inform the matter to the Vessel Registrar of the registration port within thirty days from the day he or she knows the matter. Then the Vessel Registrar shall record such information in the registration book as evidence.

In such case under the preceding paragraph, if the registration certificate has not been lost nor destroyed, the vessel controller shall return such certificate to a vessel registrar or a Thai consulate official of the port where the situation occurred or the next arrival port, as the case may be.

**Section 23.** A vessel registrar or a Thai consulate official, as the case may be, shall submit the registration certificate received under the preceding section to the Vessel Registrar of the registration port of such vessel.

**Section 24.**<sup>8</sup> If there is a change in the ownership of a vessel belonging to a person qualified to be an owner of a registered Thai vessel under section 7 or it is rebuilt outside the Kingdom of Thailand, a Thai consulate official or a survey officer of the Harbour Department may issue a temporary registration certificate to the vessel controller. In this regard, a Thai consulate official or a survey officer of the Harbour Department who issues a temporary registration certificate shall send such certificate to the Vessel Registrar of the port where the registration has been requested for immediately.

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<sup>8</sup> As amended by the Thai Vessels Act (No. 3) B.E. 2521

The temporary registration certificate shall contain the following particulars:

- (1) Name of the vessel, and its previous name, if any;
- (2) Names of the vessel controllers;
- (3) Names of the owner of the vessel, and the previous owner, if any;
- (4) Cause of acquisition of ownership of the vessel;
- (5) Date and place of acquisition of ownership;
- (6) Details regarding size, building and other details relevant to the vessel, as it is possible;
- (7) Name of the port where the registration has been requested.

**Section 25.**<sup>9</sup> A temporary registration certificate issued by a Thai consulate official or a survey officer of the Harbour Department under section 24 shall have the same effect as the registration certificate and shall be effective to the time the vessel has arrived at the port where the registration has been requested. However, it shall not be used after the expiration of six months from the date of issuing.

The vessel controller shall submit the temporary registration certificate to the Vessel Registrar within seven days from the date of arrival of the vessel to the port where the registration has been requested.

**Section 26.** Within the Thai waters, if any vessel wishes to enter into any port for registration purpose and wishes to enjoy the privilege under this Act during its journey, the vessel controller shall apply for a temporary transit to the master of harbour of such port. The temporary transit shall have the same effect as the registration certification according to conditions imposed therein.

The master of harbour of such port may not grant permission to the application for temporary transit, if he or she thinks it is not appropriate.

### Chapter 3

#### Transfer of Ownership of the Registered Thai Vessels

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**Section 27.** The transfer of the ownership of a registered Thai vessel by juristic act shall be made by lodging an application with the Vessel Registrar of the registration port for recording such transfer in the registration book.

The agreement on transfer of the ownership of the vessel under this section shall be made in the printed form of the Harbour Department before the Vessel Registrar as provided in the preceding paragraph.

If the transfer of the ownership has already been made outside the registration port, a vessel registrar or a Thai consulate official of the port where the transfer has been made, as the case may be, shall act as the Vessel Registrar of the registration port. In doing so, he or she shall record such transfer in the

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<sup>9</sup> As amended by the Thai Vessels Act (No. 3) B.E. 2521

registration certificate and send the copy of the ownership transfer agreement including its certified translation, if necessary, to the Vessel Registrar of the registration port immediately. Upon receiving such documents, the Vessel Registrar shall record the transfer thereof in the registration book.

**Section 28.** In the case under the preceding section, if it is found that the transferee lacks of qualifications to be an owner of a Thai vessel under section 7:

1. If the transfer has been made at the registration port, the Vessel Registrar shall recall such registration certificate and shall revoke it;

2. If the transfer has been made outside the registration port, a vessel registrar or a Thai consulate official, as the case may be, shall recall the registration certificate and send the report of the matter and the certificate together with documents as specified in paragraph three of the preceding section to the Vessel Registrar of the registration port for revoking such registration.

**Section 29.** If the ownership of a registered Thai vessel has passed to any person by means otherwise than juristic act, such person shall submit the registration certificate together with the certifying statement and any evidence relevant to his or her nationality to the Vessel Registrar of the registration port within ninety days from the date of the ownership has been vested to him or her.

For this purpose, the Vessel Registrar of the registration port shall have power to summon any person or other relevant evidence for making an inquiry.

**Section 30.** If the ownership of a registered Thai vessel has passed onto any person qualified to hold an ownership of a Thai vessel under section 7 by means otherwise than juristic act, such person shall lodge a written application together with the relevant evidence with the Vessel Registrar of the registration port for registering such vessel in his or her own name within the period of time as specified in the preceding section.

Upon receiving the application and relevant evidence, if the Vessel Registrar considers that there are reasonable grounds to believe so, he or she shall, within seven days, post up such application at the registration port and advertise it in a newspaper at the applicant own expenses according to the provisions of the Ministerial Regulation.

When the period of thirty days from the date of the publication has elapsed and there is no any objection, the Vessel Registrar shall recall the registration certificate from the applicant for examination. If the Vessel Registrar has satisfied the relevant evidence, he or she shall record the matter in the registration book and shall make a note thereof in the registration certificate as requested.

If there is an objection within such period of thirty days, the Vessel Registrar shall notify the objector to bring the case before the court within fifteen days. During such fifteen-day period, the Vessel Registrar shall refrain from making any record or note thereto. If the objector has not brought the case before the court within the specified period, the Vessel Registrar shall proceed with the case as provided in the preceding paragraph. If the objector has brought the case before the court, the Vessel Registrar shall delay the proceeding until the court has passed a final judgement, then proceed the case accordingly.



**Section 31.** In the case where the ownership of a registered Thai vessel has passed onto other person not qualified to hold an ownership of a Thai vessel under section 7 by means otherwise than juristic act or the owner of the vessel has been disqualified by any reason whatsoever, if such person wishes the vessel continue to be a Thai vessel, he or she shall arrange for the transfer the ownership thereof to a qualified person under section 7 within ninety days from the date the vessel has passed onto him or her or the date of disqualification, as the case may be. If not wishing so, the owner of the vessel shall lodge an application with the Vessel Registrar of the registration port for revoking such registration within the same ninety-day period.

If the ninety-day period has elapsed and the owner of the vessel has not made any arrangement, it shall be deemed that he or she wishes such vessel continue to be a Thai vessel. Upon requested by the Harbour Department, the public prosecutor shall, within thirty days from the date the period of ninety days has elapsed, have the power to lodge with the court a request for an order to sale such vessel by auction to a person qualified to hold an ownership of a Thai vessel under section 7. When the vessel has been sold, the net price after deducted by the amount of fees and expenses shall be paid to a person to be entitled thereto.

During the transfer proceeding, such vessel shall be deemed a Thai vessel. If the transfer has not been made under paragraph two, such vessel shall not be deemed a Thai vessel if the period of one hundred and eighty days from the day the vessel belongs to a person not qualified to hold the ownership thereof has elapsed. When such period has elapsed, the Vessel Registrar shall revoke the registration of such vessel.

**Section 32.** If the shares of a partnership of a limited company that owns a registered Thai vessel has been transferred to other person by juristic act or by other means, the managing partner or the managing director, as the case may be, shall inform the Vessel Registrar of the registration port of the matter within thirty days from the day such matter has known to him or her, together with a report regarding nationality of a new shareholder.

For this purpose, the Vessel Registrar shall have power to summon any person or other relevant evidence for making an inquiry.

**Section 32 bis.**<sup>10</sup> In the case where section 7 ter (2) or (3) or section 7 quarter (2) has been violated, a juristic person holding an ownership of a registered Thai vessel that violation has been committed shall do as follows:

(1) to notify the Vessel Registrar of the registration port in writing of such violation within seven days from the day such violation has been known or should have been known;

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<sup>10</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

(2) to stop using such vessel according to the following rules and conditions:

(a) In case of a registered Thai vessel under section 7, if such juristic person is not qualified to hold an ownership of the vessel under that section but qualified under section 7 bis, the use of such vessel for engaging in trading in Thai waters shall be ceased immediately. If such juristic person is not qualified under section 7 bis, the use of such vessel for transportation or pulling purpose according to law, resolutions of the cabinet, or international agreements, shall also be ceased immediately. Provided that in the case where the violation becomes known during the time the vessel is being used for transportation or pulling purpose, the use of such vessel shall continue until it has arrived at a port or place agreed by the consignor or employer;

(b) In case of a registered Thai vessel under section 7 bis, if such juristic person is not qualified to continue holding an ownership of the vessel under that section, the use of such vessel for transportation or pulling purpose according to law, resolutions of the cabinet, or international agreements, shall be ceased immediately. If the violation becomes known during the time the vessel is being used for transportation or pulling objects, the use of such vessel shall continue until it has arrived at a port or place agreed by the consignor or employer.

**Section 33.** If a partner of a partnership who owns a registered Thai vessel is not qualified to be an owner thereof under section 7, the Vessel Registrar of the registration port shall revoke such vessel registration, unless his or her shares has been transferred to a person qualified thereto within sixty days from the date of such disqualification.

**Section 34.** If a number of shares of a limited company who owns a registered Thai vessel becomes defected resulting to the disqualification to hold an ownership of the vessel under section 7, an interested person or a public prosecutor shall, within ninety days from the day such disqualification known to him or her, as the case may be, lodge with a court a request for an order the sale such defected shares by auction to a person qualified to hold an ownership of a Thai vessel under section 7.

Regarding the defected shares that has to be sold by auction, if the number of such shares is exceeding the number necessary for sale by auction, the auction shall begin from the share bearing smallest number to those bearing bigger numbers respectively, until it meets the number of shares that makes the company a qualified owner under section 7. The rest of the shares need not to be sold out.

The auction thereof shall be completed within ninety days from the date of first advertisement. Within such period, if the total amount of shares that makes the company a qualified owner of the vessel has not been sold, the Vessel Registrar of the registration port shall revoke the registration of such vessel.

**Section 35.** If the majority numbers of directors of a limited company who owns a registered Thai vessel is not in accordance with the provision of section 7, the managing director of such company shall inform the Vessel Registrar of the registration port of the matter within thirty days from the days such matter

known to him or her. Within such period, if the correctness thereof has not been made, the Vessel Registrar port shall revoke the registration of such vessel.

For this purpose, the Vessel Registrar shall have power to summon any person or other relevant evidence for making an inquiry.

**Section 35 bis.**<sup>11</sup> In the case where section 7 ter (2) or (3) or section 7 quarter (2) has been violated but a juristic person holding an ownership of a registered Thai vessel has not known to that violation or has not consented thereto, it shall proceed as follows:

(1) If such juristic person is a person who holds an ownership of a registered Thai Vessel under section 7 and lacks of the qualifications thereof but still qualified under section 7 bis, section 34 shall apply thereto *mutatis mutandis*. If such juristic person is not qualified under section 7 bis, section 33 or 34 shall apply thereto *mutatis mutandis*, as the case may be;

(2) If such juristic person is a person who holds an ownership of a registered Thai Vessel under section 7 bis and lacks of the qualifications thereof, section 34 shall apply thereto *mutatis mutandis*.

#### Chapter 4

#### Mortgage and Preferential Rights in Registered Thai Vessels

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**Section 36.** A mortgage contract of a registered Thai vessel shall be made in the printed form of the Harbour Department and shall be registered before the Vessel Registrar of the registration port of such vessel.

The above-mentioned vessel shall be deemed an immovable property in relation to preferential rights under sections 273 to 276 of the Civil and Commercial Code and those provisions of law shall apply hereto *mutatis mutandis*. The Vessel Registrar of the registration port of such vessel shall be a relevant competent official.

The registration of the mortgage under the previous two paragraphs shall be recorded in the registration book and noted in the registration certificate of the vessel.

**Section 37.** If the proceeding under the preceding section needs to be carried out outside the registration port, a vessel registrar or a Thai consulate official at any port, as the case may be, shall perform the duty of the Vessel Registrar of the registration port. In the registration certificate, there shall be a note of such fact and the copy thereof shall be sent to the Vessel Registrar of the registration port immediately. Upon receiving such copy, the Vessel Registrar of the registration port shall record such fact in the registration book.

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<sup>11</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

**Chapter 5**  
**Names of Vessels, Modification of Vessels, Change in Registration Ports,**  
**Registration, Amendment and New Registration of Vessels**

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**Section 38.** A registered Thai vessel shall not bear other name than that already been registered. The registered name of the vessel may be changed only with the permission of Director-General of the Harbour Department. The change of a vessel name shall be made according the provisions of the Ministerial Regulation.

**Section 39.** When the permission to change a vessel name has been granted, the change thereof in the registration book, the registration certificate or other appropriate documents, as well as the advertisement thereof, shall be made according the provisions of the Ministerial Regulation.

**Section 40.** If there has been any modification to the hull or any part of a registered Thai vessel different from particulars appeared in the registration certificate, the vessel controller shall inform a vessel registrar or a Thai consulate offer at the port where the modification has been made immediately. If there is no such official at that port, it shall be informed at the next arrival port that has the official of such position there.

**Section 41.** In informing the modification under the preceding section, the vessel controller shall also produce the certificate of survey of the survey officer of the Harbour Department for examination.

If the vessel registrar to be informed of the matter is not the Vessel Registrar of the registration port, such registrar shall note such modification in the registration certificate and append his or her signature thereto, then report the matter to the Vessel Registrar of the registration port immediately.

**Section 42.** In informing the modification to a Thai consulate official under section 40, the vessel controller shall also produce the certificate of survey of the survey officer of the Harbour Department, or if there is none, the certificate issued by a person specified by the Harbour Department or an equivalent thereto, for examination.

The Thai consulate official shall note such modification in the registration certificate and append his or her signature thereto, then report the matter to the Vessel Registrar of the registration port immediately together with the certified copy of the certificate of survey.

**Section 43.** Upon receiving the report on such modification and the relevant documents, the Vessel Registrar of the registration port shall make an order to register such modification and issue a new registration certificate.

If the vessel is not at the registration port, the Vessel Registrar of the registration port shall send the new registration certificate to the vessel registrar or the Thai consulate official who has been informed of the modification, as the case may be.

Upon receiving the new registration certificate, the vessel controller shall return the old registration certificate to the Vessel Registrar of the registration port for further proceeding as provided in the Ministerial Regulation.

**Section 44.** A registered Thai vessel may be requested to transfer for registration at any other port within the Kingdom of Thailand. The application therefor shall be made in writing to the Vessel Registrar of the registration port by every interested person appeared in the registration book.

If there is an application under the preceding paragraph, the Vessel Registrar of the registration port shall notify the permission thereto, together with copies of documents relating to the vessel and names of every interested person appeared in the registration book, to a vessel registrar of the port where the transfer of registration has been requested for.

When the relevant documents has been received, a vessel registrar of the new port shall record such document items and names of the person in the registration book, then issue a new registration certificate and recall back the old certificate. This port shall be a new registration port of such vessel and the name of the port appeared on the hull of vessel shall be changed to the new name.

**Section 45.** The registration of Thai vessel shall be terminated by any cause as specified in section 22. When the registration has been terminated by reason that the vessel has lost, destroyed on fire, damaged or abandoned, such vessel shall be requested for a new registration only by complying with the provisions of section 12. In this case, the registration fee shall be paid therefor.

The registration fee under this section shall be collected in full amount or in part depending on the circumstances as specified in the Ministerial Regulation.

**Section 46.** A vessel that never been registered as a Thai vessel, if the request for a registration to be a Thai vessel is made, it shall bear its name at the time of application. In case of a vessel having been registered as a Thai vessel, it shall bear its name at the time of application, but in the application, the applicant must state its last name bore at the time the registration of Thai vessel has terminated.

## Chapter 6

### Privileges and Duties of Thai Vessels

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**Section 47.** Unless agreed otherwise with other countries, Thai vessels registered under this Act and vessels the size of which is smaller than that specified in section 8 for engaging in trading in Thai waters only belonging to a person under section 7, shall engage in trading in Thai waters.

The provision of the preceding paragraph shall not apply to a vessel, the size of which is smaller than that specified in section 8 for engaging in trading in Thai waters, of a natural person who is a foreigner.

**Section 47 bis.**<sup>12</sup> In the case where the Minister has considered that the number of Thai vessels operating in any part of Thai waters is not enough for the demand of the country, he or she shall have power to grant permission to a vessel of a person not qualified to hold an ownership of a Thai vessel under section 7 to carry out activity under section 47. The period of the permission shall not exceed one year and the permitted person shall comply with the conditions imposed by the Minister.

**Section 48.** No person who are not qualified to hold an ownership of a Thai vessel under section 7 shall lease or take by other means a Thai vessel the size of which is that specified in section 8 for engaging in trading in Thai waters and registered under this Act, and use it to engage in trading in Thai waters.

**Section 49.**<sup>13</sup> During the time of using a registered Thai vessel, there must be the following documents kept regularly with the vessel:

- (1) A registration certificate or a temporary registration certificate, as the case may be;
- (2) Any certificate of survey;
- (3) Crew contracts;
- (4) A vessel leasing contract, if any;
- (5) Bills of lading, if any;
- (6) A manifest, if any;
- (7) A log book of the vessel;
- (8) A certificate of port clearance or a permission to depart from a port, if any.

The Minister shall have power to exempt any item of documents under paragraph one, except a registration certificate or a temporary registration certificate, by Ministerial Regulation.

The documents under paragraph one may be used as evidence of nationality of the vessel. If not provided otherwise in this Act, language and form of the documents shall be in accordance with the Ministerial Regulation.

**Section 50.**<sup>14</sup> Every crew of a registered Thai vessel under section 7 for engaging in trading in Thai waters shall be a person of Thai nationality.

Crews of a registered Thai vessel under section 7 bis for engaging in international maritime transport shall comprise of a person of Thai nationality in a proportion as specified in the Ministerial Regulation.

**Section 51.** Only Thai vessels shall be entitled to fly the Thai flag. Any vessel that is not a Thai vessel flying the Thai flag to identify itself a Thai vessel shall be deemed to violate the provision of this Act.

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<sup>12</sup> As added by the Announcement of the National Executive Council No. 162, dated 5<sup>th</sup> June, B.E. 2515

<sup>13</sup> As amended by the Thai Vessels Act (No. 3) B.E. 2521

<sup>14</sup> As amended by the Thai Vessels Act (No. 4) B.E. 2528

**Section 52.** The vessel controller shall manage for flying the Thai flag when:

- (1) A vessel of the Royal Thai Navy or a vessel performing the duties under this Act or a person with legal authority has given it a signal to fly a nationality flag;
- (2) The vessel is sailing pass a Thai or foreign war vessel;
- (3) The vessel is entering into or departing from a Thai and foreign port;
- (4) The vessel is anchoring at a Thai port during 8 a.m. to sunset time.

The Minister shall have power to exempt vessels of certain sizes not to comply with the provision of this section by issuing a Ministerial Regulation.

**Section 53.** No controller or owner of any Thai vessel shall commit any act intentionally in order to mislead a survey officer to understand that such vessel is a foreign vessel.

**Section 54.** Any vessel of a person under section 7 qualified for a Thai vessel registration under this Act but has not yet been registered, or has been registered as a Thai vessel but the registration has terminated by any cause as specified in section 22, shall not be entitled to any privilege to be vested to a Thai vessel under this Act. However, it shall be liable for a fee, to be confiscated and liable for any offence committed in the vessel or by the crew. The prosecution of the vessel shall be made in the same manner as doing with a registered Thai vessel.

## Chapter 7 Miscellaneous Provisions

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**Section 55.** In the case of an offence under this Act or an offence committed in a Thai vessel, the following competent officials shall be deemed an administrative officer or superior police officer under the Penal Code when he or she performs any action under sections 78 and 92 of such Code:

1. A master of harbour or a person acting on his or her behalf;
2. A commissioned officer acing the following duties, i.e., the commander of the fort, the commander of the vessel, or the commander of the naval forces;
3. A fishery official or a custom official in the position under a section chief and upwards;
4. Other competent official appointed by the Minister for this purpose.

For the purpose of this section, a fishery official or custom official in the position lower than a position under a section chief shall be deemed an administrative official or a police officer.

**Section 56.**<sup>15</sup> Subject to section 57, the competent official shall, in the following cases, have the power to detain a vessel or seize any document relevant thereto:

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<sup>15</sup> As amended by the Thai Vessels Act (No. 5) B.E. 2534

(1) There appears a violation of section 7 ter, 7 quarter, 11, 20 paragraph one, 29, 30, 38 paragraph one, 40, 41 paragraph one, 47, 47 bis, 48, 49,50, 51, or 53;

(2) There appears other offence committed in the vessel and the highest penalty of such offence is the imprisonment of ten years and upwards or death penalty.

**Section 57.** The following competent officials shall have the power to detain a vessel or seize a document under the preceding paragraph:

1. An administrative officer and a superior police officer under the Penal Code and subsections 1, 2 and 4 of section 55;
2. A custom official in the position of head of division and upwards

The detention or seizure thereof shall not be made for a period longer than two days without permission from the court. The counting of the period of time in case the vessel is at a Thai port shall commence on the date of detention or seizure. If the vessel is not at a Thai port, such vessel shall be brought to a Thai port immediately. In such case, the counting shall commence on the date of arrival to the Thai port.

If the competent official deems appropriate to extend the period of the detention or seizure for longer than two days, he or she shall lodge a request with the court within such period. In such case, the competent official shall have power to continue the detention or the seizure until the decision of the court of first instance has been passed. The decision of the court shall be final.

The competent official or the court by the request of the competent official, as the case may be, shall detain the vessel or seize the document until the provisions of this Act that are violated or the demand under other law has already been complied with.

**Section 57 bis.**<sup>16</sup> In case of the violation of section 7 ter (1) or section 7 quarter (1), or the violation of section 7 ter (2) or (3), or section 7 quarter (2) with a knowledge or consent of a juristic person who holds the ownership of a registered Thai vessel, the Vessel Registrar of the registration port shall revoke the registration of such vessel.

**Section 58.** In the proceeding of registration, recording of particulars, amendment or revocation thereof which has to be done under this Act, any person summoned by the Vessel Registrar should produce the relevant evidence so as to satisfy the Vessel Registrar that he or she has already complied with every condition imposed by this Act or the Ministerial Regulation.

**Section 59.** During regular working hour, any interested person shall, upon paying fees at the rate specified in the Ministerial Regulation, be entitled to examine particulars in the registration book of Thai vessels of any registration port, the relevant documents or other evidence that the Director-General of the Harbour Department deems appropriate, as well as to make a certified copy of a whole or part of the document thereof.

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<sup>16</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534



**Section 60.** The Harbour Department shall, from time to time, make a brief statement of registration of Thai vessels for publication in the Government Gazette without delay.

**Section 61.** A master of harbour shall have the power to make a settlement of a case where the penalty of an offence is only a fine.

**Section 62.**<sup>17</sup> The Minister of Transport shall take charge and control of the execution of this Act, and shall have the power to appoint a competent official and to issue Ministerial regulation fixing the rates of fees not exceeding the rate in the Schedule annexed hereto, and to determine other activities for carrying out this Act.

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

## Chapter 8 Penalty Provisions

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**Section 62 bis.**<sup>18</sup> Any natural person of Thai nationality, juristic person qualified to hold the ownership of a registered Thai vessel under section 7 or 7 bis, or limited company or limited public company qualified to hold the ownership of a registered Thai vessel under section 7 bis, who violates the provisions of section 7 ter or 7 quarter shall be liable to imprisonment not exceeding five years and a fine not exceeding five hundred thousand Baht.

A foreigner who employs or consents other person to commit the violation under paragraph one shall be liable to the same penalty as the violator.

**Section 63 ter.**<sup>19</sup> In the case where a juristic person has committed the offence under section 62 bis, the managing partner, managing director, manager, or representative of such juristic person, shall also be liable to the same penalty as provided in that section, unless it shall prove that he or she has not known or consented to the commission of the offence.

**Section 63.** Any person who violates the provisions of sections 11, 17, 18 paragraphs one, two or three, 19, 20 paragraph one, 22, 25 paragraph two, 26 paragraph one, 29 paragraph one, 30 paragraph one, 32 paragraph one, 35 paragraph one, 38 paragraph one, 40, or 52, shall be liable to a fine not exceeding two hundred Baht.

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<sup>17</sup> As amended by the Thai Vessels Act (No. 3) B.E. 2521

<sup>18</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

<sup>19</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

**Section 63 bis.**<sup>20</sup> Any juristic person holding an ownership of a registered Thai vessel, who fails to comply with section 32 bis, shall be liable to a fine not exceeding two hundred thousand Baht.

**Section 63 ter.**<sup>21</sup> Any juristic person holding an ownership of a registered Thai vessel, who fails to comply with section 32 bis (2), shall be liable to a daily fine at the rate of three Baht per gross tonnage during the time of violation.

**Section 64.** Any vessel controller who violates section 49 shall be liable to a fine not exceeding five hundred Baht.

If the offence is relevant to a registration certificate or a temporary registration certificate, the offender shall be liable to a fine not exceeding two thousand Baht or imprisonment not exceeding one year, or to both.

**Section 65.**<sup>22</sup> If a vessel controller violates section 47, the condition imposed by the Minister under section 47 bis, section 50, or section 51, he or she shall be liable to a fine not exceeding two thousand Baht or imprisonment not exceeding one year, or to both.

**Section 66.** Any person who violated section 48 shall be liable to a fine not exceeding two thousand Baht or imprisonment not exceeding one year, or to both.

**Section 67.** Any person who violated section 53 shall be liable to a fine not exceeding two thousand Baht or imprisonment not exceeding one year, or to both.

**Section 68.** In case of the violation of section 47 or 51, the court may confiscate the vessel, its accessories, benefits from using such vessel, or the object used in the violation.

## Chapter 9

### Transitory Provisions

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**Section 69.** Any sea vessel the size of which is that specified in section 8 for trading in Thai waters belonging to a person not qualified to hold an ownership of a Thai vessel under section 7 registered and given a license from the Harbour Department prior to the date of publication of this Act shall, within the period of three years from the date this Act comes into force, engage in activity under section 47 and 51 paragraph one, but it shall be subject to the provisions of this Act, except section 7, section 8 and the related provisions.

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<sup>20</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

<sup>21</sup> As added by the Thai Vessels Act (No. 5) B.E. 2534

<sup>22</sup> As amended by the Announcement of the National Executive Council No. 162, dated 5<sup>th</sup> June, B.E. 2515

Any river vessel the size of which is that specified in section 8 for trading in Thai waters belonging to a person not qualified to hold an ownership of a Thai vessel under section 7 given a license from the Harbour Department prior to the date of publication of this Act shall, within the period of two years from the date this Act comes into force, engage in activity under section 47 and 51 paragraph one, but it shall be subject to the provisions of this Act, except section 7, section 8 and the related provisions.

When the period of three or two years, as the case may be, has elapsed, if the Minister has considered that a number of Thai vessels engaging under section 47 in any part of Thai waters is not enough for the demand of the country, he or she shall have power to grant permission to any vessel of a person not qualified to hold an ownership of a registered Thai vessel under section 7 to continue its activity under section 47 for a period not exceeding two years. In such case, such vessel shall comply with the conditions to be imposed by the Minister as deems appropriate.

During the period of three or two years, as the case may be, if the vessel under this section has any change in the rate of its freight or fares without permission of the Minister, or the vessel permitted by the Minister to continue its activity under section 47 has violated the conditions imposed by the Minister, such vessel shall not be entitled to enjoy the benefit under this section.

**Section 70.** Within the period of five years from the date this Act comes into force, if it is considered that a number of person to be a crew of a vessel is not enough for the demand of the country or there has been other reasonable causes to grant a special temporary permission, the Director-General of the Harbour Department shall, with the approval of the Minister, have power to decline the restriction regarding numbers, qualifications and knowledge, and position numbers of crews to be in service on a vessel as provided under section 50.

In applying for the above permission, the controller or the owner of the vessel or his or her representative shall lodge an application in writing with the Director-General of the Harbour Department. During the consideration period, the provisions of section 50 shall not apply to the vessel.

The permission thereto shall be made by issuing a certificate specifying type of crews, their knowledge, permitted period, and other matters to the applicant for the purpose of producing it to the competent official at the time of inspection.

Counter-signature:

Piboolsongkram

Prime Minister

Ceiling Rate of Fees <sup>23</sup>

No.	Type	Rate of Fees	
		Baht	Satang
1.	<b>Registration fee</b>		-
	(a) Vessel not bigger than 10 gross tonnage	20	-
	(b) Vessel bigger than 10 gross tonnage but not bigger than 50 gross tonnage	200	-
	(c) Vessel bigger than 50 gross tonnage but not bigger than 100 gross tonnage	500	-
	(d) Vessel bigger than 100 gross tonnage but not bigger than 200 gross tonnage	1,000	-
	(e) Vessel bigger than 200 gross tonnage but not bigger than 1,000 gross tonnage per gross tonnage	10	-
	(f) Vessel bigger than 1,000 gross tonnage per gross tonnage	20	-
2.	<b>Transferring or mortgage fee</b>		-
	(a) Vessel not bigger than 10 gross tonnage	20	-
	(b) Vessel bigger than 10 gross tonnage but not bigger than 50 gross tonnage	200	-
	(c) Vessel bigger than 50 gross tonnage but not bigger than 100 gross tonnage	500	-
	(d) Vessel bigger than 100 gross tonnage but not bigger than 200 gross tonnage	1,000	-
	(e) Vessel bigger than 200 gross tonnage per gross tonnage	10	-
	But not more than each	20,000	-
3.	<b>Noting fee</b>		-
	(a) Not increase the price per one activity	20	-
	(b) Increase the price		
	- first amount of 10,000 Baht or lesser	50	-
	- following amount of 10,000 Baht each	20	-
	- exceeding amount of 10,000 Baht shall be counted as 10,000 Baht		
	But not more than (per one document)	500	-
4.	Fee for changing of vessel name, transfer to register at other port, substitute of certificate, temporary registration certificate, new registration certificate in case of modification of the hull or other part of vessel per one activity	100	-
5.	<b>Fee for duplication of documents</b>		
	(a) first 100 words or lesser	10	-
	(b) following 100 words per 100 words	1	-
	exceeding number of 100 words shall be counted as 100 words		
6.	Certificate issued to a person not qualified to hold an ownership of a Thai vessel for trading in Thai waters per gross tonnage	40	-
7.	Other fees per one activity or per one document	50	-

<sup>23</sup> As last amended by the Thai Vessels Act (No. 3) B.E. 2521