

## **Air Navigation Act, B.E. 2497 (1954)**

as amended until Act (No.12), B.E. 2553 (2010)

**Translation**

BHUMIBHOL ADULYADEJ, REX.

Given on the 1st September, B.E. 2497;

Being the 9th year of the Present Reign.

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on air navigation;

Be it, therefore, enacted by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:-

### **Section 1**

This Act is called the "Air Navigation Act, B.E. 2497 (1954)".

### **Section 2**

This Act shall come into force at the expiration of ninety days as from the date of its publication in the Government Gazette.\*

### **Section 3**

The following Law shall be repealed:

- (1) The Air Navigation Act, B.E. 2480;
- (2) The Air Navigation Act (No 2), B.E. 2490;
- (3) The Air Navigation Act (No 3), B.E. 2492; and
- (4) All laws, rules and regulations insofar as they are contrary hereto or inconsistent here with the provisions of this Act.

### **Section 4**

In this Act:

"Convention" means the Convention on International Civil Aviation done at Chicago on the 7th day of December B.E. 2487, including Annexes thereto and amendments to the Annexes or the Convention;

"Aircraft" includes all machines that derive support in the atmosphere from the reaction of the air except for objects which are exempted under the Ministerial Regulations;

"Transport Aircraft" means an Aircraft used or intended to be used for transporting goods or passengers for the purpose of remuneration;

"Private Aircraft" means an Aircraft used or intended to be used for the purpose of non-remuneration;

"Foreign Aircraft" means an Aircraft registered and having nationality in accordance with a foreign law;

"Parachute" means a parasol-shaped device used to retard the fall of human beings, articles or animals from the height by the resistance of the air;

"Product" means an Aircraft, Major Aircraft Appliance, Aircraft Replacement Part, Standard Part or TSO Article as the case may be;

"Airframe" includes the structure of an Aircraft but does not include a Major Aircraft Appliance;

"Major Aircraft Appliance" means an Engine, a Propeller and other appliances of an Aircraft designated by the Technical Commission;

"Engine" means a machine used or intended to be used for propelling an Aircraft, and includes a part, equipment and an engine appliance, excluding a Propeller;

"Propeller" means a device for propelling an Aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation, and includes a part, equipment or a control component, but does not include rotating airfoils of engines and the main or auxiliary rotor of a helicopter or other Aircraft having similar characteristics as those of a helicopter;

"Aircraft Part" means an Airframe, part of an Airframe or part of a Major Aircraft Appliance;

"Aircraft Replacement Part" means an Aircraft Part produced for installation on an Aircraft or for replacement of an Aircraft Part as specified in a Type Certificate;

"Standard Part" means a part produced pursuant to standards certified under the law on industrial product standards or pursuant to standards established by a foreign organization which are designated in a notification by the Technical Commission as standards for Aircraft Parts under Section 34, paragraph two;

"Technical Standard Order Article" (TSO Article) means an instrument, a mechanism, a part, equipment and a component used or intended to be used in operating or controlling an Aircraft in flight, whether it is installed on or attached to the Aircraft, inside or outside, and includes a communication device only for which the Technical Commission has specified technical standards under Section 34 (1);

"Approved Design" means an Aircraft type design [and] a Major Aircraft Appliance type design approved by means of a Type Certificate, Supplemental Type Certificate or letter of certification, including a letter of approval for change in the Aircraft type design or Major Aircraft Appliance type design, and includes an Aircraft Replacement Part design under a Production Certificate for Aircraft Replacement Parts and a TSO Article design under a Production Certificate for TSO Articles;

"Type Certificate" means a letter issued for certifying the type design of a prototype Aircraft or prototype of a Major Aircraft Appliance under Section 41/2 as well as a Supplemental Type Certificate, and includes a Type Certificate or Supplemental Type Certificate issued by a State Party to the Convention or a country entering into an agreement with Thailand and certified by a letter of validation under Section 41/13 and Section 41/14;

"Supplemental Type Certificate" means a letter issued for certifying a change in the type design of a prototype Aircraft or prototype of a Major Aircraft Appliance which has a Type Certificate under Section 41/5, paragraph two (2) (a) or Section 41/6, paragraph two;

"Holder of the Type Certificate" includes a person to whom the right is transferred from a person who has obtained a Type Certificate;

"Production Certificate for Aircraft" means a letter issued to a person who has obtained permission to produce Aircraft under Section 41/21;

"Production Certificate for Major Aircraft Appliances" means a letter issued to a person who has obtained permission to produce Major Aircraft Appliances under Section 41/32;

"Production Certificate for Aircraft Replacement Parts" means a letter issued to a person who has obtained permission to produce Aircraft Replacement Parts under Section 41/37;

"Production Certificate for TSO Articles" means a letter issued to a person who has obtained permission to produce TSO Articles under Section 41/47;

"Certificate of Airworthiness" means a letter for an Aircraft which is issued to indicate that the Aircraft is airworthy under Section 41/61, and includes a Certificate of Airworthiness issued by a State Party to the Convention or a country entering into an agreement with Thailand under Section 41/72;

"Airworthiness Approval Tag" means a letter for a Major Aircraft Appliance, Aircraft Replacement Part or TSO Article which is issued to indicate that such Product has been produced pursuant to an Approved Design or has undergone Maintenance to retain the condition pursuant to the Approved Design or pursuant to an Airworthiness Directive;

"Airworthiness Directive" means an order of the Director General under Section 41/82 to require that an Aircraft continue safe operation;

"Maintenance" means performance of tasks required to ensure the continuing airworthiness of an Aircraft, for example, repair, inspection, replacement, modification or defect rectification;

"Repair Station Certificate" means a letter issued to a person certified to operate a Maintenance business for Aircraft, Major Aircraft Appliances or TSO Articles as well as Aircraft Parts under Section 41/94;

"Repair Station Accountable Manager" means a person appointed by the holder of a Repair Station Certificate with duties and responsibilities to oversee the operation of the repair station under Section 41/100;

"Aerodrome" means an area designated on land or water, or any other area to be used, in whole or in part, for the takeoff, landing or movement of Aircraft, and includes buildings, installations and equipment thereon;

"Licensed Aerodrome" means an Aerodrome established by a person who has obtained permission under this Act and Aerodromes designated in a notification by the Minister;

"Temporary Takeoff and Landing Area for Aircraft" means an area arranged on land or water, or any other area to be used, in whole or in part, for the temporary takeoff, landing or movement of Aircraft in accordance with the rules and periods of time specified in the Ministerial Regulations, and includes an area of land cleared of trees or by other means leveled by a person not entitled to that land, where Aircraft may take off from or land on and which is thirty meters or more in width and three hundred meters or more in length;

"Licensed Temporary Takeoff and Landing Area" means a Temporary Takeoff and Landing Area for Aircraft, permitted to be established under Section 53 or as designated in a notification by the Minister under Section 55;

"Public Aerodrome Operating Certificate" means a letter issued to the owner or operator of a Licensed Aerodrome or a Licensed Temporary Takeoff and Landing Area, permitted to provide services to the public under Section 60/1;

"Safety Management System" means a [systematic] approach to managing flight safety and ground safety to prevent accidents, including policies, organizational structures, accountabilities, and procedures as necessary for safety;

"Security" means prevention of unlawful acts which may endanger aviation;

"Ramp" means an area designated by the Minister as the Aircraft parking place at a Licensed Aerodrome, and includes other places, outside such area, at the Licensed Aerodrome where the Aircraft are permitted to park temporarily to be serviced or wait to be serviced in case of necessity or emergency;

"Ramp Services" means any services required in connection with Aircraft, or aviation business in a Ramp other than Aircraft Technical Services;

"Aircraft Technical Services" means services in connection with the technique of Aircraft safety, or Aircraft repair in a Ramp as prescribed in the Ministerial Regulations;

"Air Navigation Facility" means a serving device established for facilitating air navigation of Aircraft, and includes buildings, installations and equipment thereof;

"Personnel" means a pilot, flight navigator, engineer, flight radio telephone operator, air traffic controller, flight dispatcher and persons who perform other duties as prescribed in the Ministerial Regulations;

"Aircraft Commander" means a pilot designated by an Air Operator or Aircraft registrant as being in command and charged with the safe conduct of each flight;

"Public Aerodrome Manager" means a director, manager or person holding a different job title, who is empowered and accountable for managing a Licensed Aerodrome or a Licensed Takeoff and Landing Area open for providing services to the public;

"Air Operator" means a business operator of air navigation;

"Competent Official" means the Director General and a person appointed by the Minister to execute the duties under this Act;

"Director General" means the Director General of the Department of Civil Aviation or a person assigned by the Director General;

"Minister" means the Minister in charge of the enforcement of this Act.

## **Section 5**

This Act shall not apply to air navigation in the military service, police service and other administrative services as specified in the Ministerial Regulations, but making a flight plan under Section 18/1 and compliance with the air traffic rules under Section 18/2 and Section 18/3 shall be in accordance with this Act.

### **Section 5/1**

In the process of consideration to issue or renew a certificate, license, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag under the provisions of this Act, if it is necessary to examine, test or do any other actions in order to verify that an applicant for, or the holder of, a license, certificate, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag has all qualifications as prescribed by law or has the capability to perform those as applied for; or in the process of examination as to whether an Aircraft, Major Aircraft Appliance, Aircraft Replacement Part, TSO Article, Aircraft Part, Aerodrome, Air Navigation Facility or Temporary Takeoff and Landing Area for Aircraft is safe or meets the standards stated in this Act, the applicant for, or the holder of, such certificate, [license,] letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag shall be responsible for the expenses in that regard pursuant to the rules set forth by the Permanent Secretary of the Ministry of Transport.

### **Section 5/2**

The provisions which empower the Director General to order revocation of a certificate, license, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag as stated in this Act shall not limit any other powers of the Director General to order revocation of unlawful administrative orders under the law on administrative procedure.

If there appear grounds which may necessitate the revocation under paragraph one and the holder of the certificate, license, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag cannot refer to the belief in good faith for protection under the law on administrative procedure, the Director General has the duty to take action to examine facts and make an appropriate order without delay.

The examination report under paragraph two is a document disclosed to the general public.

### **Section 5/3**

In case of violation of, or non-conformity with, the rules or conditions specified in a certificate, license, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag, and the Director General has ordered rectification thereof to be in line with such rules or conditions, the holder of such certificate, license, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag shall not be relieved from liability for violation of, or nonconformity with, such rules or conditions or the provisions of this Act.

## **Section 6**

The Minister of Transport shall be responsible for the enforcement of this Act, and shall have the power to appoint the Competent Official and the power to issue the Ministerial Regulations on the following matters:

- (1) To fix fees not exceeding the rates attached to this Act;
- (2) To fix maximum rates for air fares and freights for Transport Aircraft under Section 20;
- (3) To fix maximum rates for service charges at a Licensed Aerodrome providing services to the public under Section 56 (2) and (3);
- (4) To exempt the fees under (1), air fares or freights for Transport Aircraft under Section 20, service charges, tariffs or any other monetary remuneration under Section 56, or service charges for an Air Navigation Facility under Section 57;
- (5) To prescribe other matters for the enforcement of this Act.

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

## **CHAPTER 1**

### **Civil Aviation Board and Technical Commission**

## **Section 7**

There shall be a Civil Aviation Board comprising the Minister of Transport as Chairman, the Permanent Secretary of the Ministry of Transport, Commander in Chief of the Royal Air Force, and seven other board members appointed by the Council of Ministers. In addition, the Director General shall be a board member and the secretary.

## **Section 8**

The Vice-Chairman and members of the Board shall hold office for a period of four years. The Vice-Chairman or members of the Board whose term of office has expired may be re-appointed as Vice-Chairman or members of the Board.

## **Section 9**

The Vice-Chairman and members of the Board are relieved of their office before the expiration of the term upon:

- (1) Death;
- (2) Resignation;
- (3) Being retired by the Council of Ministers.

In case where vacancy occurs before the expiration of the term, a Vice-Chairman or member of the Board shall be appointed in place, as the case may be; and the person so appointed shall hold office only for the un-expired portion of his predecessor's term of office.

## **Section 10**

When the Chairman of the Board is absent at any meeting, the Vice-Chairman shall perform the duty instead.

## **Section 11**

At every meeting of the Civil Aviation Board, the presence of not less than half of all members shall constitute a quorum.

## **Section 12**

All questions shall be decided by a majority of votes.

Each member shall have one vote. In case of a tie the person presiding at the meeting shall have another vote as the casting vote.

## **Section 13**

The Civil Aviation Board shall have the power to appoint Sub-Committees for performing any activities or examining or inquiring into any facts which are within the scope of powers and duties of the Civil Aviation Board.

For the meeting of the Sub-Committee, Sections 11 and 12 shall apply, *mutatis mutandis*.

## **Section 14**

The Chairman, Vice-Chairman and members of the Board shall receive remunerations as may be determined by the Council of Ministers.

## **Section 15**

The Civil Aviation Board shall have the powers and duties as stated in this Act and on the following matters:

- (1) To establish policies and consider approving the national civil aviation facilitation program, security program and safety program, including a master plan for establishing commercial aerodromes in the country;
- (2) To advise and provide recommendations on civil aviation to the Minister;
- (3) To consider prescribing rules and procedures for calculation of air fares and freights for Transport Aircraft;
- (4) To consider fixing rates and conditions for collection of service charges, tariffs or other monetary remuneration at a Licensed Aerodrome providing services to the public under Section 56, but not exceeding the rates specified in the Ministerial Regulations;
- (5) To consider prescribing conditions for collection of, and approving rates for, service charges for an Air Navigation Facility providing services to the public under Section 57;
- (6) To issue regulations in accordance with this Act and the Convention.

The regulations shall come into force upon approval of the Minister and their publication in the Government Gazette.

### **Section 15/1**

There shall be a Technical Commission comprising a Chairman and not less than eight but not exceeding eleven other commissioners appointed by the Minister, with the recommendation of the Civil Aviation Board. Such other commissioners shall be appointed from experts on engineering in connection with Aircraft and Aircraft Maintenance, two but not exceeding four of which shall be fulltime lecturers in a faculty of engineering at State universities. In addition, a Deputy Director General assigned by the Director General shall be a commissioner and the secretary.

The Director General shall appoint a civil servant(s) of the Department of Civil Aviation to be a secretary assistant(s) as may be necessary.

### **Section 15/2**

A technical commissioner shall hold office for a term of four years from the date of appointment. A commissioner who vacates office upon expiration of the term may be re-appointed but not exceeding two consecutive terms.

In addition to vacancy of office upon expiration of the term under paragraph one, a commissioner shall have vacated office upon:

- (1) Death;
- (2) Resignation;
- (3) Disqualification under Section 15/1;
- (4) Removal by the Minister due to serious impropriety in performing duties or serious misconduct.

In case of vacancy of office before expiration of the term, the Chairman or a commissioner shall be appointed as replacement, as the case may be. The person appointed as replacement shall retain office for the duration of the remaining term of the person being replaced.

If a commissioner vacates office before expiration of the term and a new commissioner has not yet been appointed as replacement, the remaining commissioners shall continue to perform the duties but there shall be enough commissioners to constitute a quorum.

### **Section 15/3**

The provisions of Section 10, Section 11, Section 12, Section 13 and Section 14 shall apply to meetings and remuneration of the technical commissioners.

### **Section 15/4**

The Technical Commission shall have the following powers and duties:

- (1) To issue notifications to designate other Aircraft appliances as Major Aircraft Appliances under Section 4;
- (2) To issue requirements as follows:
  - (a) Standards for Aircraft under Section 34, paragraph one;
  - (b) Standards for Aircraft produced for export under Section 35;
  - (c) Categorization of an Aircraft and Major Aircraft Appliance produced in accordance with a type design which does not require a Type Certificate under Section 36, paragraph three;
  - (d) Rules and procedures for testing by means of flight tests or other tests for a prototype Aircraft or prototype of a Major Aircraft Appliance of a prototype Aircraft under Section 41/2;
  - (e) Rules for safe operation of an Aircraft or Major Aircraft Appliance under Section 41/4;
  - (f) Rules for examining an alteration to an Aircraft or Major Aircraft Appliance under Section 41/5, Section 41/6 and Section 41/7;
  - (g) Determining whether any alteration to an Aircraft type design, Major Aircraft Appliance type design, Aircraft Replacement Part design and TSO Article design is a major change or a minor change under Section 41/8;
- (3) To issue notifications to use standards for industrial products as standards for Aircraft Parts under Section 34, paragraph two;
- (4) To assign the Director General to issue detailed requirements in connection with standards for Aircraft and to approve such requirements under Section 34, paragraph five;
- (5) To provide recommendations to the Minister on Personnel having sufficient knowledge and skills for Aircraft Production of an applicant for a Production Certificate for Aircraft under Section 41/22 (3);
- (6) To prescribe Aircraft Maintenance for non-type-certificated Aircraft under Section 41/69, paragraph two (2);
- (7) To provide recommendations and advice to the Director General on technical matters for the enforcement of this Act.

### **Section 15/5**

The Department of Civil Aviation shall have duties and responsibilities as the secretarial office of the Civil Aviation Board, the Technical Commission and the Aircraft Accident Investigation Committee under Section 63, and shall have the following powers and duties:

- (1) To promote, research, and develop civil aviation business and Security, and arrange to test, improve and assess the system of facilities or equipment used for civil aviation;
- (2) To supervise and control civil aviation business;
- (3) To establish the Aircraft register and register for Personnel and other persons involved in civil aviation;
- (4) To systemize and retain evidentiary documents concerning licenses, permits, certificates and other documents in respect of civil aviation;
- (5) To coordinate with public and private bodies, domestic and foreign, in relation to aviation and civil aviation Security; commissions of offences on board Aircraft or against Aircraft; Aircraft accidents; search and rescue in case of Aircraft in distress; civil aviation facilitation concerning immigration, customs, public health, plant and animal quarantine; and other examinations as stated by law, and to exchange international civil aviation knowledge and information;
- (6) To prepare and distribute civil aviation knowledge and information;
- (7) Other matters in relation to civil aviation.

### **Section 15/6**

Appeals against the Director General's orders shall be in accordance with the law on administrative procedure.

Consideration of technical issues shall be under the discretionary power of the Technical Commission, and [the decision of the Technical Commission] shall be final.

## **CHAPTER 2**

### **General Provisions on Aircraft**

### **Section 16**

No person shall fly an Aircraft unless there are on board the Aircraft the following:

- (1) A certificate of registration;
- (2) Nationality and registration marks and an Aircraft identification plate;
- (3) A Certificate of Airworthiness;
- (4) A journey log book;
- (5) A Personnel license of each member of Personnel;
- (6) A communication radio license, should there be any communication radio;
- (7) A passenger manifest, in the case of an international passenger flight;
- (8) A cargo manifest, in the case of an international cargo flight;
- (9) Other items as specified in the Ministerial Regulations;

The provisions of this Section shall not apply to:

- (1) Aircraft in flight tests subject to conditions prescribed by the Competent Official;
- (2) Foreign military Aircraft;
- (3) Other Aircraft as specified in the Ministerial Regulations.



### **Section 16/1**

An Aircraft registrant shall provide to have a journey log book always retained on board the Aircraft. However, if there is the Air Operator for that Aircraft, the Air Operator shall assume the duty.

An Aircraft Commander shall record particulars in the journey log book in accordance with the rules and procedures prescribed in the Regulations of the Civil Aviation Board.

The form of the journey log book and retention of the journey log book shall be in accordance with those prescribed in the Regulations of the Civil Aviation Board.

### **Section 16/2**

The form of the journey log book, retention of the journey log book, and duty to record particulars in the journey log book of a Foreign Aircraft shall be in accordance with the law of the country of the Aircraft registrant.

### **Section 16/3**

An Air Operator shall provide a passenger manifest and cargo manifest under Section 16 (7) and (8) on board an Aircraft.

The forms of the manifests, retention of the manifests and duties to record particulars in the manifests under paragraph one shall be in accordance with the Regulations of the Civil Aviation Board.

In case of a Foreign Aircraft, it shall be in accordance with the law of the country of the Aircraft registrant.

### **Section 17**

No aircraft shall take off from or land at any place other than a licensed aerodrome or a temporary area for the takeoff/landing of aircraft which obtained permission from competent official or which notified by the Minister.

### **Section 18**

An aircraft must fly along the air routes as determined in the Ministerial Regulations.

### **Section 18/1**

For all Aircraft to make a flight in the Kingdom, a flight plan shall be made and submitted to the air traffic service unit.

The flight plan shall be in accordance with the form, rules and procedures prescribed in the Ministerial Regulations.

### **Section 18/2**

All Aircraft flying or moving in the Kingdom shall comply with the air traffic rules prescribed in the Regulations of the Civil Aviation Board.

### **Section 18/3**

Aircraft registered under this Act and State Aircraft flying or moving outside the Kingdom shall comply with the air traffic rules of the respective country. If they are not in the territory of any country, the air traffic rules prescribed in the Regulations of the Civil Aviation Board shall be complied with.

### **Section 19**

An aircraft must comply with the Regulations of the Civil Aviation Board.

### **Section 20**

Commercial air transport is a public service.

Determination of air fares and freights for Transport Aircraft shall be suitable and fair for service providers and users.

With respect to collection of air fares and freights for Transport Aircraft, the Civil Aviation Board shall prescribe rules and procedures for calculating air fares and freights of Transport Aircraft operators which shall not exceed the rates specified in the Ministerial Regulations, categorizing air transport services as appropriate.

Collection of air fares and freights applicable to international Transport Aircraft shall be in accordance with those specified in international agreements on air services as the case may be.

#### **Section 21**

Aircraft registrants, Air Operators, Personnel, persons on board Aircraft and holders of Public Aerodrome Operating Certificates shall perform safe operation pursuant to the Regulations of the Civil Aviation Board.

Air Operators, holders of Public Aerodrome Operating Certificates and business operators at Licensed Aerodromes shall be responsible for, and shall supervise, compliance with the national civil aviation Security program and safety program.

#### **Section 22**

No aircraft shall fly into or over the prohibited areas or restricted areas which notified by the Minister in the Government Gazette.

#### **Section 23**

No person shall, by any means whatsoever, use any photographic apparatus in or from any aircraft unless with the permission in writing of the competent official.

#### **Section 24**

No person shall control or launch a pilot-less aircraft, or drop a parachute unless with the permission in writing of the Minister, and in accordance with the conditions determined by the Minister.

#### **Section 25**

No person shall send by, or carry in, any aircraft with munitions of war according to the law on the control of munitions of war unless with the permission in writing of the Minister, and in accordance with the conditions determined by the Minister.

#### **Section 26**

No person shall send by, or carry in, any aircraft with dangerous goods, or animals which may endanger the safety of the aircraft or of the persons on board the aircraft, determined in the Ministerial Regulations unless with the permission in writing of the competent official and in accordance with the conditions determined by the competent official.

#### **Section 27**

No aircraft, other than foreign aircraft, shall fly out of the Kingdom unless with the permission in writing of the Minister.

#### **Section 28**

No foreign aircraft shall fly over or take off, land in the Kingdom unless with the right in accordance with the Convention or the bilateral agreement or the permission in writing of the Minister.

#### **Section 29**

No foreign military aircraft shall fly over or take off, land in the Kingdom unless with the permission in writing of the Minister.

#### **Section 29 bis.**

No person shall use a Private Aircraft for air navigation unless a Private Aircraft operating license has been obtained from the Minister.

The holder of the license under paragraph one shall comply with the conditions specified in the attachment to the license.

Rules, procedures and conditions for application, qualifications and characteristics of the applicant, the period of validity of the Private Aircraft operating license, suspension and revocation of the Private Aircraft operating license, the form of the Private Aircraft operating license and conditions attached to the Private Aircraft operating license shall be in accordance with those prescribed in the Ministerial Regulations.

**Section 29 ter.**

The provisions of Section 29 bis shall not apply to a Transport Aircraft temporarily used for transporting goods or passengers for the purpose of non-remuneration, which has been informed to the Competent Official.

**Section 29 quarter.**

A Private Aircraft operating license issued by the Minister to any particular Private Aircraft shall be effective only to that particular Private Aircraft.

**Section 29 quinque.**

No person shall fly a Private Aircraft unless Section 16 is complied with and a Private Aircraft operating license is carried on board the Aircraft.

### **CHAPTER 3**

#### **Registration and Marking of Aircraft**

**Section 30**

Subject to Section 31, a person who may apply for Aircraft registration under the provisions of this Act shall be the owner of the Aircraft applied for registration or the person who, if not the owner, has the possessory right in the Aircraft applied for registration and has obtained permission for registration from the Minister.

The application for registration and the Aircraft registration shall be in accordance with those prescribed in the Ministerial Regulations.

**Section 31**

A person, natural or juristic, who applies for Aircraft registration, shall hold Thai nationality.

In case of a partnership or limited company or public limited company, it shall be registered under the law of Thailand, the principal place of business of the partnership or company is situated in the Kingdom, and:

- (1) In case of an ordinary partnership, all partners shall hold Thai nationality;
- (2) In case of a limited partnership, all partners who jointly have unlimited liability shall hold Thai nationality and at least 51 percent of the capital of such partnership shall belong to natural persons who hold Thai nationality;
- (3) In case of a limited company or public limited company, such company shall not have bearer shares on issue, a majority of its directors shall hold Thai nationality, and at least 51 percent of all shares shall belong to any one or any combination of the following persons:
  - (a) Natural persons who hold Thai nationality;
  - (b) Ministries, sub-ministries, [or] departments of the Government;
  - (c) Limited companies or public limited companies, of which ministries, sub-ministries, [or] departments of the Government hold not less than 51 percent of all shares;

- (d) Limited companies or public limited companies, of which natural persons holding Thai nationality hold not less than 51 percent of all shares;
- (e) Other juristic persons as specified in the Ministerial Regulations.

In case of an association, it shall be registered under the law of Thailand, the principal place of business of the association shall be situated in the Kingdom, and the regulations of the association shall have been approved by the Civil Aviation Board.

### **Section 32**

A certificate of registration of an Aircraft shall become ineffective when:

- (1) There is a change in ownership of the Aircraft if the owner is a registrant, or a change in the possessory right in such Aircraft in case that the person having the possessory right is a registrant;
- (2) The Aircraft registrant lacks the qualifications pursuant to Section 31;
- (3) It appears that the ownership or possessory right of the Aircraft registrant is not as shown in the registration as having such right in the particulars of the application;
- (4) The Aircraft is so damaged that it is unfit for further use;
- (5) The Certificate of Airworthiness of the Aircraft has expired for more than six months;
- (6) The Aircraft has been missing for more than three months.

In the events of (1) to (5), the Aircraft registrant shall return the certificate of registration to the Competent Official without delay.

### **Section 33**

The nationality and registration marks, and Aircraft identification plate shall be in accordance with the Regulations of the Civil Aviation Board.

## **CHAPTER 4**

### **Aircraft Type, Aircraft Production and Airworthiness Control**

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#### **Part 1**

#### **Standards for Aircraft**

### **Section 34**

Standards for Aircraft shall be in accordance with those prescribed in the Requirements of the Technical Commission which shall comprise the following standards:

- (1) Airworthiness standards for Aircraft or Major Aircraft Appliances, including technical standards for TSO Articles;
- (2) Standards for Aircraft in respect of environmental protection, such as standards for noise pollution or standards for air pollution;
- (3) Other standards for the purpose of safety in air navigation.

The Technical Commission may specify in a notification that industrial standards under the law on industrial product standards or as specified by foreign organizations be used as standards for Aircraft Parts.

The standards under (1) for Aircraft shall be prescribed pursuant to the categories of Aircraft operations, namely normal, acrobatic and transport operations and other operations specified in the Ministerial Regulations.

The standards under (1), (2), and (3) shall not be lower than those stated in the Convention.

In establishing the standards under paragraph one, the Technical Commission may empower the Director General to issue detailed requirements as may be appropriate. The Technical Commission may stipulate that such requirements shall come into force only upon approval by the Technical Commission.

### **Section 35**

In case of production for export, the Technical Commission may issue requirements for standards for Aircraft which differ from the standards stated in Section 34.

## **Part 2 Type Certification**

### **Section 36**

A type which will be used for production [sic] of Aircraft or Major Aircraft Appliances shall have a Type Certificate under the provisions of this chapter.

An Aircraft type and Major Aircraft Appliance type shall meet standards not lower than those prescribed by the Technical Commission under Section 34.

The Technical Commission may issue requirements to specify that an Aircraft and Major Aircraft Appliance of specific objective categories depending on the nature of operations shall be produced in accordance with a type which does not require a Type Certificate.

### **Section 37**

A Type Certificate of an Aircraft or Major Aircraft Appliance shall be as follows:

- (1) A standard Type Certificate issued for an Aircraft type or Major Aircraft Appliance type which meets standards prescribed by the Technical Commission under Section 34;
- (2) A specific Type Certificate issued for an Aircraft type used for a specific objective, such as, artificial rain making, agricultural spraying or aerial surveying pursuant to the standards prescribed by the Technical Commission under Section 34.

### **Section 38**

Any person who wishes to obtain a Type Certificate of an Aircraft or Major Aircraft Appliance shall submit an application in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In applying for the Type Certificate, the applicant shall indicate the standards for Aircraft used in designing the Aircraft or Major Aircraft Appliance applied for the Type Certificate, including the plan and period of time for constructing the prototype Aircraft or prototype of the Major Aircraft Appliance pursuant to the application for such Type Certificate.

Upon receiving the application, the Director General shall examine the evidentiary documents of the applicant and assess the feasibility of the proposed type design, procedures and readiness to construct the prototype Aircraft or prototype of the Major Aircraft Appliance, including the financial status, staff, facilities and equipment to be used in construction. Upon finding that it is feasible, the Director General shall issue a letter of permission to the applicant for constructing the prototype Aircraft or prototype of the Major Aircraft Appliance and shall specify a period of time for completing the construction not exceeding five years from the date of issuance of the letter of permission.

If the applicant cannot complete the construction within the specified period of time under paragraph three, the applicant may request only one extension of the period of time from the Director General, and the Director General may grant the extension for a period not exceeding two years.

If the applicant cannot complete the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance within the specified period of time, the letter of permission shall become invalid.

### **Section 39**

If there is an applicant for a Type Certificate under Section 38 and the Director General finds that the standards prescribed in the Regulations of the Technical Commission under Section 34 do not govern, or may not apply to, the type proposed by the applicant because there is a development or design feature which differs from the Aircraft or Major Aircraft Appliance currently in use, the Director General shall issue a letter of provisional permission under Section 38, paragraph three and specify special conditions in respect of the standards for Aircraft or Major Aircraft Appliances relating to the development or design as may be appropriate.

In addition, upon specifying the special conditions, the Director General shall report to the Technical Commission in order to consider designating them as the standards.

The special conditions specified by the Director General under paragraph one shall have a degree of safety not lower than those used by the Technical Commission in prescribing the standards under Section 34.

### **Section 40**

Subject to Section 41/1, upon obtaining a letter of permission from the Director General under Section 38, paragraph three, the applicant shall have the following duties:

- (1) To process construction of the prototype Aircraft or prototype of the Major Aircraft Appliance which meets the standards indicated in the application for the Type Certificate;
- (2) To record details and report construction of the prototype Aircraft or prototype of the Major Aircraft Appliance in accordance with the rules and procedures prescribed by the Director General;
- (3) To allow the Competent Official to inspect construction of the prototype Aircraft or prototype of the Major Aircraft Appliance;
- (4) Other duties as specified by the Director General.

If the applicant for the Type Certificate under paragraph one fails to perform the duties under (2), (3) or (4) and has been warned by the Director General but still continues the non-performance, the Director General shall revoke the letter of permission.

### **Section 41**

During the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, if the Technical Commission has issued new standard requirements different from the standards specified in the application for the Type Certificate under Section 40 (1) which can be used for the design of the prototype Aircraft or prototype of the Major Aircraft Appliance being constructed, and the applicant wishes to use the new standards, the applicant shall inform the Director General of the change to the standards. In this regard, the Director General may require the applicant to use other additional relevant standards, or otherwise the applicant shall use the original standards.

### **Section 41/1**

During the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, if new standard requirements issued by the Technical Commission come into force retroactively for the purpose of safety which changes the standards specified in the application for the Type Certificate, the applicant for the Type Certificate shall change the type design based on the new standards for the construction of such prototype Aircraft or prototype of the Major Aircraft Appliance.

## **Section 41/2**

When an applicant for a Type Certificate has processed the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, the Director General shall arrange, or order the applicant to make, tests by means of flight tests or other tests under the rules and procedures prescribed in the Requirements of the Technical Commission. In this regard, the Director General may require a hearing for opinions from experts and relevant persons.

Upon completion of the test under paragraph one, the Director General shall issue a Type Certificate for the Aircraft or a Type Certificate for the Major Aircraft Appliance in line with the categories stated in Section 37 if the Director General finds that the prototype Aircraft or prototype of the Major Aircraft Appliance meets the standards for Aircraft and is in condition for safe operation. The Director General may specify airworthiness limitations or other limitations on the use of the Aircraft or Major Aircraft Appliance.

## **Section 41/3**

The Type Certificate under Section 37 shall be in accordance with the form specified in a notification by the Director General. The standards used in issuing the Type Certificate shall be specified in the Type Certificate.

In addition, the Type Certificate shall comprise the following documents:

- (1) Type Design:
  - (a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and design feature of the Aircraft or Major Aircraft Appliance shown to comply with the standards applicable to that type. The standards specified only pursuant to this Act and the industrial standards allowed in a notification by the Technical Commission to be used for Aircraft (if any) shall also be included;
  - (b) Information on dimensions, materials and processes necessary to define the structural strength of the Aircraft or Major Aircraft Appliance;
  - (c) Airworthiness limitations specified for the continuing Airworthiness for the Aircraft or Major Aircraft Appliance;
- (2) Limitations on operation of the Aircraft or Major Aircraft Appliance; and
- (3) Other limitations or conditions on the Aircraft type design or Major Aircraft Appliance type design.

## **Section 41/4**

If the Aircraft or Major Aircraft Appliance is undergoing tests and the flight tests have been conducted under Section 41/2, before obtaining the Type Certificate, the applicant for the Type Certificate who wishes to use the Aircraft or Major Aircraft Appliance to train Personnel or to show its performance for the commercial purpose or for other purposes specified by the Civil Aviation Board, shall submit an application for a provisional Type Certificate to the Director General.

Upon finding that the Aircraft or Major Aircraft Appliance can be operated safely pursuant to the rules under the requirements of the Technical Commission, the Director General shall issue a provisional Type Certificate. In this regard, the Director General may prescribe airworthiness limitations or other limitations on the use of the Aircraft or Major Aircraft Appliance pursuant to such purposes.

The submission of the application under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

## **Section 41/5**

The holder of the right in the Type Certificate of the Aircraft or Major Aircraft Appliance who wishes to change the Approved Design shall submit an application to the Director

General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In consideration of the application under paragraph one, the following shall be undertaken:

- (1) In the case of a minor change, the Director General shall examine it pursuant to the rules under the Requirements of the Technical Commission. If the Technical Commission has not yet prescribed any rules, the Director General shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director General shall issue to the applicant a letter of approval to which the changed design shall be attached.
- (2) In the case of a major change, the Director General shall examine it pursuant to the provisions of Section 38, paragraph three and Section 41/2 which shall apply *mutatis mutandis*. If the Director General finds that:
  - (a) The change is not great enough to require issuance of a new Type Certificate; the Director General shall examine it pursuant to the rules under the Requirements of the Technical Commission. If the Technical Commission has not yet prescribed any rules, the Director General shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director General shall certify it by amending the original Type Certificate. Nonetheless, if the applicant wishes to have a Supplementary Type Certificate issued, the Director General shall issue the Supplementary Type Certificate to the applicant;
  - (b) The change is great enough to require examination for issuing a new Type Certificate; the Director General shall inform the applicant that an application for the Type Certificate under Section 38 should be submitted.

The certification of the change under this Section shall not result in the original Type Certificate being canceled unless otherwise specified by the Director General.

With regard to the certification under paragraph two (1) or (2) (a), the applicant may apply for certification of each specific Aircraft [or Major Aircraft Appliance,] or each specific type in general.

#### **Section 41/6**

Subject to the law on copyrights and the law on patents, the owner or possessor of an Aircraft or Major Aircraft Appliance or any other person who is not the holder of the right in the Type Certificate who wishes to make a major change to the Aircraft or Major Aircraft Appliance so that it will differ from the Approved Design, may submit an application for a Supplemental Type Certificate for the object additionally changed by that person to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon receiving the application under paragraph one, the Director General shall examine the change pursuant to the rules under the Requirements of the Technical Commission. If the Technical Commission has not yet prescribed any rules, the Director General shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director General shall issue a Supplemental Type Certificate to the applicant. However, if the Director General finds that the change is minor, it shall be deemed that the applicant has submitted an application for change to an Aircraft or Major Aircraft Appliance under Section 41/7.

#### **Section 41/7**

The owner or possessor of an Aircraft or Major Aircraft Appliance who wishes to make a minor change to the Aircraft or Major Aircraft Appliance so that it will differ from the



Approved Design, may submit an application to the Director General pursuant to the rules and procedures prescribed in the Ministerial Regulations.

Upon receiving the application under paragraph one, the Director General shall examine the change pursuant to the rules under the Requirements of the Technical Commission. If the Technical Commission has not yet prescribed any rules, the Director General shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director General shall issue to the applicant a letter of approval to which the changed design shall be attached. However, upon finding that the change is major, the Director General shall dismiss the application and inform the applicant that an application for a Supplemental Type Certificate under Section 41/6 should be submitted.

#### **Section 41/8**

Any change in the following designs shall be considered major or minor in accordance with the Requirements of the Technical Commission:

- (1) The type design of the Aircraft or Major Aircraft Appliance under the Type Certificate pursuant to Section 41/5, Section 41/6 and Section 41/7;
- (2) The design of the Aircraft Replacement Part certified under the Production Certificate for Aircraft Replacement Parts pursuant to Section 41/42; or
- (3) The design of the TSO Article certified under the Production Certificate for TSO Articles pursuant to Section 41/52.

#### **Section 41/9**

The Director General shall have the power to order the Holder of the Type Certificate to change the Aircraft type design or Major Aircraft Appliance type design, when it appears that:

- (1) The Aircraft or Major Aircraft Appliance is not safe enough due to the Approved Design;
- (2) Changes in the Approved Design will improve the safety of the Aircraft or Major Aircraft Appliance;
- (3) Design changes are necessary to improve the safety after the Aircraft or Major Aircraft Appliance has been inspected or rectified pursuant to the Airworthiness Directive of the Director General under Section 41/82.

In issuing the order under paragraph one, the Director General shall also specify a period of time for completion not exceeding one year. For the purpose of safety, the Director General may specify conditions or limitations on operation of the Aircraft or Major Aircraft Appliance constructed under the original design as may be appropriate.

When the Holder of the Type Certificate has changed the Aircraft type design or Major Aircraft Appliance type design, an application shall be submitted to the Director General pursuant to the rules and procedures prescribed in the Ministerial Regulations. The provisions of Section 41/5 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

#### **Section 41/10**

[If] the Holder of the Type Certificate fails to change the design within the period of time specified by the Director General under Section 41/9, the Director General shall order revocation of the Type Certificate.

When the Type Certificate of the Aircraft or Major Aircraft Appliance has been revoked, the Certificates of Airworthiness of the Aircraft of that type or of the Aircraft of the type on which the Major Aircraft Appliance was installed shall become invalid under Section 41/70 (2).

### **Section 41/11**

If the Director General issues an order to specify airworthiness limitations or other limitations under Section 41/2 or Section 41/4, paragraph one, an order to specify conditions or limitations on operations under Section 41/9, paragraph two, or an order to revoke a Type Certificate under Section 41/10, paragraph one, the Director General shall make a public announcement of such order pursuant to the rules set forth by the Permanent Secretary of the Ministry of Transport.

Upon receiving the order of the Director General under paragraph one, the Holder of the Type Certificate shall promptly inform the Aircraft registrant, the Air Operator, the manufacturer of the Aircraft or Major Aircraft Appliance, and persons involved with such Aircraft or Major Aircraft Appliance.

### **Section 41/12**

A Type Certificate and Supplemental Type Certificate issued under the provisions of this chapter is transferable but a provisional Type Certificate under Section 41/4 or letter of validation for the Type Certificate issued by a foreign State under Section 41/13 and Section 41/14 is not transferable.

The transfer under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 41/13**

The Holder of the Type Certificate of an Aircraft, Type Certificate of a Major Aircraft Appliance or Supplemental Type Certificate issued by a State Party to the Convention or country entering into an agreement with Thailand who wishes to request the Director General to validate the type under such Type Certificate for production in Thailand, shall submit an application to the Director General. If the Director General finds that the Aircraft or Major Aircraft Appliance under the Type Certificate of that country meets standards not lower than those for Aircraft under Section 34, the Director General shall issue a letter of validation stating that the Type Certificate is as effective as the Type Certificate of this part.

The application for validation and Type Certificate validation under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 41/14**

The Holder of the Type Certificate of an Aircraft or Supplemental Type Certificate issued by a State Party to the Convention or country entering into an agreement with Thailand or an applicant for Aircraft registration under such Type Certificate who wishes to request the Director General to validate a type under such Type Certificate in order to apply for a Certificate of Airworthiness for an Aircraft registered in Thailand, shall submit an application to the Director General. If the Director General finds that the Aircraft under the Type Certificate of that country meets standards not lower than those for Aircraft under Section 34, the Director General shall issue a letter of validation stating that the Type Certificate is as effective as the Type Certificate of this part.

The application for validation and Type Certificate validation under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 41/15**

An Aircraft Replacement Part design shall meet standards not lower than those for airworthiness of the Aircraft or of the Major Aircraft Appliance prescribed by the Technical Commission under Section 34 (1).

A design used in producing Aircraft Replacement Parts may be identical to an approved design of a part belonging to other persons provided that it does not infringe the law on copyrights and the law on patents.

An Aircraft Replacement Part design applied for production under Section 41/37 shall be certified by the Director General together with the issuance of a Production Certificate for Aircraft Replacement Parts.

#### **Section 41/16**

A TSO Article design shall meet standards not lower than the technical standards prescribed by the Technical Commission under Section 34 (1).

A TSO Article design applied for production under Section 41/47 shall be certified by the Director General together with the issuance of a Production Certificate for TSO Articles.

### **Part 3**

#### **Production Certification**

#### **Section 41/17**

In this part, "Production" means production of Products for the commercial purpose unless the context indicates otherwise.

The provisions of this Section shall not apply to fabrication by a repair station which has obtained a certificate under the provisions of this chapter.

#### **Section 41/18**

For the purpose of controlling Production of Products under the provisions of this part, the Minister shall have the power to issue the Ministerial Regulations on the following matters:

- (1) Production procedures for compliance with designs and standards as specified;
- (2) Procedures for destruction or any other actions to prevent marks or codes from being displayed on Products which fail to meet designs or standards;
- (3) Characteristics, categories or types of machinery and equipment used in Production, including raw materials or anything to be used in Production;
- (4) Provision of an operation manual with respect to Production;
- (5) Provision of a factual recordkeeping with respect to Production as well as retention of the record in a producing place for the purpose of control or examination;
- (6) Reporting of information about Production under rules and periods of time specified;
- (7) Production quality control;
- (8) Other matters with respect to Production control.

#### **Section 41/19**

In case of issuance of certificates under the provisions of this part requiring that an applicant be a juristic person and have the minimum registered capital not less than that specified by the Minister, if such registered capital exceeds five hundred million Baht, the Minister shall, with the approval of the Civil Aviation Board, have the power to stipulate in a notification that an application for preliminary permission shall be submitted to the Director General before establishment of the juristic person for that purpose.

The qualifications of the applicant, rules and procedures for submission of the application for preliminary permission, and preliminary permission under paragraph one shall be in accordance with those specified in the Ministerial Regulations.

In the preliminary permission under paragraph one, the Director General may specify conditions and a period of time in order for the applicant for the preliminary permission to meet all qualifications but not exceeding six months. If there are reasonable grounds

which cause the applicant to be unable to do so within such period of time, the applicant for the preliminary permission may request only one extension of the period of time from the Director General, and the Director may grant the extension for a period not exceeding three months.

Registered capital which exceeds five hundred million Baht under paragraph one may be required in accordance with the amount and conditions as set forth in a Royal Decree.

## **1. PRODUCTION OF AIRCRAFT AND MAJOR AIRCRAFT APPLIANCES**

### **Section 41/20**

Production of type-certificated Aircraft and Major Aircraft Appliances shall be undertaken in accordance with the Approved Design.

Production of non-type-certificated Aircraft and Major Aircraft Appliances under Section 36, paragraph three shall be undertaken to be safe for operation pursuant to the rules and procedures under the requirements of the Director General.

### **Section 41/21**

No person shall produce Aircraft unless a Production Certificate for Aircraft has been obtained from the Director General.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 41/22**

Subject to Section 41/30, an applicant for a Production Certificate for Aircraft shall have the following qualifications and characteristics:

- (1) Being a juristic person under Section 41/23;
- (2) Having capital sufficient for Aircraft Production in the amount specified in a notification by the Minister, with the recommendation of the Civil Aviation Board;
- (3) Having staff possessing knowledge and skills sufficient for Aircraft Production under the rules specified in a notification by the Minister, with the recommendation of the Civil Aviation Board;
- (4) Other characteristics pursuant to the rules and conditions prescribed in the Ministerial Regulations.

### **Section 41/23**

An applicant for a Production Certificate for Aircraft shall be a juristic person in the category of a limited company or public limited company registered under the law of Thailand and having the principal place of business situated in the Kingdom, provided that:

- (1) Its registered capital meets the amount specified in a notification by the Minister, with the recommendation of the Civil Aviation Board;
- (2) Its registered capital belongs to a person holding Thai nationality under the rules stated in Section 41/24;
- (3) Its objective is to operate Aircraft Production. If there are also other business objectives, such objectives shall be associated with Aircraft Production as approved by the Director General;
- (4) Its business management power is controlled by a person holding Thai nationality under the rules stated in Section 41/25;
- (5) Its directors, managers or persons who have managerial power have no prohibited characteristics under the rules stated in Section 41/26;

- (6) The applicant obtains or has the right in a Type Certificate of an Aircraft or the right in a type of a non-type-certificated Aircraft under Section 36, paragraph three which it intends to undertake Production;
- (7) Its production certificate is not suspended under this chapter, or if its production certificate was revoked under this chapter, a three-year period from the date of revocation was lapsed;
- (8) Other characteristics under the rules and conditions prescribed in the Ministerial Regulations.

In case of Production of non-type-certificated Aircraft under Section 36, paragraph three, the applicant may be a juristic person of other categories than those stated in paragraph one.

#### **Section 41/24**

Not less than fifty-one percent of the total capital of an applicant for a Production Certificate for Aircraft shall belong to persons holding Thai nationality, in any one or any combination of the following categories:

- (1) Natural person who holds Thai nationality;
- (2) Ministry, sub-ministry, department or State agency;
- (3) Limited company or public limited company, of which not less than fifty-one percent of the total capital belongs to a person holding Thai nationality, provided that bearer shares shall be counted as the capital belonging to a person not holding Thai nationality;
- (4) Limited partnership, of which all partners of the unlimited liability hold Thai nationality and not less than fifty-one percent of the capital belongs to a person holding Thai nationality;
- (5) Registered ordinary partnership, of which all partners hold Thai nationality;
- (6) Other juristic persons as specified in the Ministerial Regulations.

The juristic person under paragraph one (3), (4), (5) or (6) shall be registered under the law of Thailand and has the principal place of business situated in the Kingdom. In addition, if such juristic person has a juristic person as its shareholder or partner, the capital of the juristic person which is the shareholder or partner shall belong to a person holding Thai nationality pursuant to this Section.

#### **Section 41/25**

The business management power of an applicant for a Production Certificate for Aircraft shall be controlled by a person holding Thai nationality.

In the following cases, it shall be deemed that the business management power is not controlled by a person holding Thai nationality:

- (1) Half or more than half of directors do not hold Thai nationality;
- (2) Managers or persons who have managerial power do not hold Thai nationality;
- (3) Management is dominated by persons not holding Thai nationality subject to the characteristics and conditions prescribed in the Ministerial Regulations.

Upon finding that Aircraft Production by the applicant requires high technology from foreign countries, the Minister shall, with the recommendation of the Technical Commission, have the power to exempt the applicant for such certificate from the qualifications pursuant to this Section but the exemption shall not last more than five years from the date of receipt of the Production Certificate for Aircraft.

#### **Section 41/26**

A director, manager or person who has managerial power of an applicant for a Production Certificate for Aircraft shall not have the following prohibited characteristics:

- (1) Being an incompetent person or quasi-incompetent person;
- (2) Being a bankrupt;
- (3) Being sentenced to imprisonment by a final court judgment, except for a punishment for commission of an offense through negligence or a petty offense;
- (4) Having been a director, manager or person who had managerial power of an applicant [*sic*] for a Production Certificate for Aircraft, whose the Production Certificate for Aircraft was revoked as a result of the business management by such person;
- (5) Having been punished by dismissal on disciplinary grounds from office in an administrative agency, State agency or State enterprise due to corruption in office;
- (6) Having been removed from office under the provisions of the Constitution of the Kingdom of Thailand;
- (7) The individual's business operation license or professional license having been revoked for commission of an offense of high treason as prescribed in the Ministerial Regulations;
- (8) Having been a director, manager or person who had managerial power of a juristic person, the business operation license of which was revoked for commission of an offense of high treason as prescribed in the Ministerial Regulations;
- (9) Other prohibited characteristics prescribed in the Ministerial Regulations.

#### **Section 41/27**

Before issuing a Production Certificate for Aircraft, the Director General shall examine the qualifications of the applicant, the Aircraft type design applied for Production as well as the Production places and procedures of the applicant.

The Director General will issue the Production Certificate for Aircraft to the applicant when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 41/22;
- (2) The applicant has the capability to produce Aircraft in full compliance with the Type Certificate or the type permitted in case of Production of non-type-certificated Aircraft under Section 36, paragraph three; and
- (3) The applicant has arranged the Production quality control under Section 41/18 (7).

In issuing the Production Certificate for Aircraft, the Director General may specify conditions or limitations on Production as may be appropriate.

The Production Certificate for Aircraft shall be in accordance with the form specified in a notification by the Director General.

#### **Section 41/28**

A Production Certificate for Aircraft shall have a period of validity not exceeding thirty years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in the Ministerial Regulations.

#### **Section 41/29**

To renew a Production Certificate for Aircraft, the holder of the certificate shall submit the application to the Director General at least sixty days before expiration of the certificate in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon examination of the qualifications and capability of the applicant, if it appears that the applicant maintains the qualifications and capability to undertake Production in line with the license, the Director General shall renew the certificate in accordance with the period of validity stated in Section 41/28.

Upon submission of the application for renewal of the certificate under paragraph one, the holder of the certificate shall continue undertaking the Aircraft Production until the Director General orders that the renewal of the certificate not be permitted.

#### **Section 41/30**

If an applicant for a Production Certificate for Aircraft is the Holder of the Type Certificate, the applicant may request the Director General to issue a provisional Production Certificate for Aircraft for Production under such Type Certificate and the Director General shall have the power to issue the provisional production certificate which has a period of validity not exceeding one year from the date of issuance of the certificate but not exceeding two years from the date when the applicant obtained the Type Certificate. The provisions of Section 41/19 shall apply *mutatis mutandis*.

The Production control under the provisional Production Certificate for Aircraft shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Where the period of validity under paragraph one has expired but the holder of the provisional Production Certificate for Aircraft has not yet met the qualifications for obtaining the Production Certificate for Aircraft, the Director General shall, upon an application made by the applicant, have the power to extend one period of validity but not exceeding one year.

#### **Section 41/31**

The holder of the Production Certificate for Aircraft under Section 41/21 and Section 41/30 shall also have the right to produce Airframes and Aircraft Parts in accordance with the designs, procedures, conditions and limitations specified in the license.

The holder of the certificate who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/32**

No person shall produce Major Aircraft Appliances unless a Production Certificate for Major Aircraft Appliances has been obtained from the Director General.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/33**

The provisions of Section 41/22, Section 41/23, Section 41/24, Section 41/25, Section 41/26 and Section 41/27 shall apply *mutatis mutandis* to qualifications and characteristics of an applicant for a Production Certificate for Major Aircraft Appliances, issuance of the Production Certificate for Major Aircraft Appliances and issuance of a provisional Production Certificate for Major Aircraft Appliances.

The Production Certificate for Major Aircraft Appliances shall be in accordance with the form specified in a notification by the Director General.

#### **Section 41/34**

A Production Certificate for Major Aircraft Appliances shall have a period of validity not exceeding twenty years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in the Ministerial Regulations.

The renewal of the Production Certificate for Major Aircraft Appliances shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

### **Section 41/35**

The holder of a Production Certificate for Major Aircraft Appliances under Section 41/32 shall also have the right to produce parts of the Major Aircraft Appliances in accordance with the designs, procedures, conditions and limitations specified in the license.

The holder of the certificate who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

## **2. PRODUCTION OF AIRCRAFT REPLACEMENT PARTS**

### **Section 41/36**

Production of Aircraft Replacement Parts for installation on type-certificated Aircraft or Major Aircraft Appliances shall be undertaken in accordance with the Approved Design or standards for airworthiness applicable to the Aircraft on which they will be installed.

Production of Aircraft Replacement Parts for installation on non-type-certificated Aircraft or Major Aircraft Appliances under Section 36, paragraph three shall be undertaken to be safe for operation pursuant to the rules and procedures under the requirements of the Director General.

### **Section 41/37**

No person shall produce replacement parts for Aircraft or Major Aircraft Appliances which are not TSO Articles [*sic*] unless a Production Certificate for Aircraft Replacement Parts has been obtained from the Director General.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The provisions in paragraph one shall not apply to:

- (1) Production of parts under a Production Certificate for Aircraft under Section 41/21 or provisional Production Certificate for Aircraft under Section 41/30;
- (2) Production of parts under a Production Certificate for Major Aircraft Appliances under Section 41/32 or provisional Production Certificate for Major Aircraft Appliances under Section 41/33;
- (3) Production of Standard Parts specified in a notification by the Technical Commission to be used with Aircraft under Section 34, paragraph two;
- (4) Production of parts by an Aircraft owner or Aircraft registrant or Air Operator to be used for Maintenance of his Aircraft or Major Aircraft Appliances under Section 41/44;
- (5) Fabrication of parts by a repair station for Maintenance of Aircraft or Major Aircraft Appliances which such repair station has accepted for maintenance under Section 41/105.

### **Section 41/38**

An applicant for a Production Certificate for Aircraft Replacement Parts shall be a juristic person under the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) and Section 41/25, paragraph three shall apply *mutatis mutandis* to qualifications and characteristics of the applicant.

### **Section 41/39**

Before issuing a Production Certificate for Aircraft Replacement Parts, the Director General shall examine the qualifications of the applicant, the Aircraft Replacement Part design applied for production as well as the Production places and procedures of the applicant.



The Director General will issue the Production Certificate for Aircraft Replacement Parts to the applicant when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 41/38;
- (2) The applicant has the capability to produce the Aircraft Replacement Parts in full compliance with the design applied for permission;
- (3) The design of the Aircraft Replacement Part applied for production is identical to that of an Aircraft Part or Major Aircraft Appliance under the Approved Design or is a new design developed under the standards for airworthiness used in designing the Aircraft or Major Aircraft Appliance;
- (4) The Aircraft Replacement Part design applied for production meets standards not lower than the technical standards under Section 34 (1);
- (5) The result of tests on the Aircraft Replacement Part meets the standards specified in the design applied for; and
- (6) The applicant has arranged the Production quality control under Section 41/18 (7).

In issuing the Production Certificate for Aircraft Replacement Parts, the Director General may specify conditions or limitations on Production and operation of the Aircraft Replacement Parts as may be appropriate. In addition, it shall be deemed that the issuance of the certificate is also approval of the Aircraft Replacement Part design applied for production permission.

The Production Certificate for Aircraft Replacement Parts shall be in accordance with the form specified in a notification by the Director General.

#### **Section 41/40**

A Production Certificate for Aircraft Replacement Parts shall have a period of validity not exceeding ten years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in the Ministerial Regulations.

The renewal of the Production Certificate for Aircraft Replacement Parts shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

#### **Section 41/41**

The holder of a Production Certificate for Aircraft Replacement Parts shall produce Aircraft Replacement Parts in accordance with the designs, procedures, conditions and limitations specified in the certificate.

#### **Section 41/42**

The holder of a Production Certificate for Aircraft Replacement Parts who wishes to engage in Production which is different from the Approved Design under the production certificate shall:

- (1) In the case of a minor alteration, be entitled to amend the design and undertake production under the original certificate and notify the Director General without delay. However, if the Director General finds that it is a major alteration, the Director General shall order such person to proceed under (2). The notification shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations;
- (2) In the case of a major alteration, apply for permission from the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations. If the Director General finds, upon examination of the design applied for alteration, that the Aircraft Replacement Parts produced under such design meet the performance requirements not lower than the standards for

airworthiness applicable to the Aircraft or Major Aircraft Appliance pursuant to the original Approved Design, the Director General shall amend the original certificate or issue a new certificate to the applicant.

#### **Section 41/43**

The holder of a Production Certificate for Aircraft Replacement Parts who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director General.

The application for change in the procedures, conditions or limitations for Production under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/44**

An Aircraft owner, Aircraft registrant or Air Operator who wishes to produce parts to be used for Maintenance of his Aircraft or Major Aircraft Appliances shall submit an application for permission to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon finding that the applicant has the capability to undertake Production of the parts pursuant to the standards for airworthiness of the Aircraft or Major Aircraft Appliance, the Director General shall grant permission as applied for, and may specify conditions or limitations on the Production and operation of such parts as may be appropriate.

#### **Section 41/45**

The provisions of Section 41/9 and Section 41/11 shall apply *mutatis mutandis* to an order requiring the holder of a Production Certificate for Aircraft Replacement Parts to amend the Aircraft Replacement Part design, to the issuance of an order specifying conditions or limitations on operation of the Aircraft Replacement Parts, and to the notification of an order specifying conditions or limitations on operation of the Aircraft Replacement Parts.

### **3. PRODUCTION OF TSO ARTICLES**

#### **Section 41/46**

Production of TSO Articles for installation on type-certificated Aircraft or Major Aircraft Appliances shall be undertaken in accordance with technical standards for TSO Articles under Section 34 (1).

#### **Section 41/47**

No person shall produce TSO Articles unless a Production Certificate for TSO Articles has been obtained from the Director General.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/48**

An applicant for a Production Certificate for TSO Articles under Section 41/47 shall be a juristic person under the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) shall apply to qualifications and characteristics of the applicant *mutatis mutandis*.

#### **Section 41/49**

Before issuing a Production Certificate for TSO Articles, the Director General shall examine the qualifications of the applicant, the TSO Article design applied for Production as well as the Production places and procedures of the applicant.

The Director General will issue the production certificate to the Applicant, when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 41/48;
- (2) The applicant has the capability to produce the TSO Articles in full compliance with the design applied for permission;
- (3) The TSO Article design applied for production meets standards not lower than the technical standards under Section 34;
- (4) The result of tests on the TSO Articles meets the standards specified in the design applied for production permission; and
- (5) The applicant has arranged the Production quality control under Section 41/18 (7).

In issuing the Production Certificate for TSO Articles, the Director General may specify conditions or limitations on Production and operation of the TSO Articles as may be appropriate. In addition, it shall be deemed that the issuance of the certificate is also approval of the TSO Article design applied for production permission.

The Production Certificate for TSO Articles shall be in accordance with the form specified in a notification by the Director General.

#### **Section 41/50**

A Production Certificate for TSO Articles shall have a period of validity not exceeding ten years each. The period of validity of the certificate shall be determined in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The renewal of the Production Certificate for TSO Articles shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

#### **Section 41/51**

The holder of a Production Certificate for TSO Articles shall produce TSO Articles in accordance with the designs, procedures, conditions or limitations specified in the certificate.

#### **Section 41/52**

The holder of a Production Certificate for TSO Articles, who wishes to engage in Production which is different from the Approved Design under the production certificate, shall:

- (1) In the case of a minor alteration, be entitled to amend the design and undertake production under the original certificate and notify the Director General without delay. However, if the Director General finds that it is a major alteration, the Director General shall order such person to proceed under (2). The notification shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations;
- (2) In the case of a major alteration, apply for permission from the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations. If the Director General finds, upon examination of the design applied for alteration, that the TSO Articles produced pursuant to such design meet the performance requirements not lower than the technical standards specified by the Technical Commission, the Director General shall amend the original certificate or issue a new certificate to the applicant.

#### **Section 41/53**

The holder of a Production Certificate for TSO Articles who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director General.

The application for change in the procedures, conditions or limitations for Production under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/54**

The provisions of Section 41/9 and Section 41/11 shall apply *mutatis mutandis* to an order requiring the holder of a Production Certificate for TSO Articles to amend the TSO Article design, to the issuance of an order specifying conditions or limitations on operation of the TSO Articles, and to the notification of an order specifying conditions or limitations on operation of the TSO Articles.

### **4. CONTROL OF PRODUCTION OF PRODUCTS**

#### **Section 41/55**

The holder of a production certificate or a person who has the right to produce Products under the provisions of this part shall identify the Products with marks and codes.

The characteristics of the marks and codes and methods of identification of the marks and codes under paragraph one shall be in accordance with those prescribed in the Ministerial Regulations.

#### **Section 41/56**

The holder of a production certificate for Products shall affix an Airworthiness Approval Tag issued by the Director General under Section 41/74 to the Major Aircraft Appliance, Aircraft Replacement Part or TSO Article in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 41/57**

For the purpose of controlling Production of Products, the Director General or Competent Official shall have the following powers and duties:

- (1) To enter the factory, building or place of the holder of the production certificate between sunrise and sunset or during operation hours of such place to examine the Production and relevant documents or evidence;
- (2) To examine the Production, and to seize or attach the Products produced;
- (3) To examine, and to seize or attach, the documents and evidence concerning the Production for examinations;
- (4) To order suspension of the Production to the extent that it fails to conform to the operation manual related to Production or may cause unsafe condition;
- (5) To take the Products produced for examinations or tests;
- (6) To order the holder of the production certificate to put the Products produced to examinations or tests;
- (7) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration.

#### **Section 41/58**

The Director General has the power to suspend a production certificate for Products in the following cases:

- (1) The holder of a certificate fails to allow the Director General or Competent Official to carry out actions under his powers and duties, or fails to comply with the order of the Director General or Competent Official under Section 41/57;
- (2) The holder of a certificate fails to control the quality of, or maintain the capability to undertake, the Production of the Products to meet the standards stated in this chapter.

### **Section 41/59**

The Director General has the power to revoke a production certificate for Products in the following cases:

- (1) The holder of the certificate insolubly lacks the substantial qualifications or lacks other qualifications and fails to rectify it within the specified period of time pursuant to the order of the Director General;
- (2) The holder of a certificate fails to control the quality of, or fails to maintain the capability to undertake, the Production of the Products to meet the standards within the specified period of time pursuant to the order of rectification issued by the Director General;
- (3) The certificate of the holder of the certificate has been suspended more than twice in a period of two years;
- (4) The holder of a Production Certificate for Aircraft Replacement Parts or a Production Certificate for TSO Articles fails to amend the design within the period of time specified by the Director General under Section 41/45 or Section 41/54.

### **Section 41/60**

The holder of a production certificate for Products shall not transfer the right under the certificate to other persons unless written permission has been obtained from the Director General.

The submission of the application for transferring the right under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

## **Part 4 Airworthiness**

### **1. CERTIFICATION OF AIRWORTHINESS OF AIRCRAFT**

#### **Section 41/61**

An Aircraft used in air navigation in the Kingdom shall have a Certificate of Airworthiness issued for that Aircraft pursuant to the provisions of this part.

#### **Section 41/62**

There are two classifications of a Certificate of Airworthiness, namely:

- (1) Standard Certificate of Airworthiness issued for Aircraft operated for the purpose of transporting passengers or goods, including animals, and constructed pursuant to the type under a standard Type Certificate under Section 37 (1) or pursuant to the type under a letter of validation under Section 41/14;
- (2) Special Certificate of Airworthiness of which there are four types, viz.
  - (a) Type one issued for Aircraft operated for purposes other than transporting passengers or goods, including animals and constructed pursuant to the type under a specific Type Certificate under Section 37 (2) or pursuant to the type under a letter of validation under Section 41/14;
  - (b) Type two issued for Aircraft operated for the purpose of flight tests for issuing a Type Certificate under Section 41/2, paragraph one or a Supplemental Type Certificate under Section 41/5, paragraph two (2) (a) or for other purposes as prescribed in the Ministerial Regulations;

- (c) Type three issued for Aircraft operated for a temporary purpose and constructed pursuant to the type under a provisional Type Certificate under Section 41/4;
- (d) Type four issued for Aircraft operated for a specific purpose which does not require a Type Certificate under Section 36, paragraph three.

A Certificate of Airworthiness under this Section will be issued to an Aircraft which has been registered and is safe for operation under the specified purposes.

### **Section 41/63**

Subject to Section 41/65, an applicant for a Certificate of Airworthiness shall be an Aircraft registrant under this Act and shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The application for the Certificate of Airworthiness may be submitted together with an application for the certificate of registration of the Aircraft, but the Certificate of Airworthiness will be issued only after the certificate of registration of the Aircraft has been issued.

### **Section 41/64**

Upon receiving the application for the Certificate of Airworthiness, the Director General shall inspect the Aircraft applied for, and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Aircraft conforms to the Approved Design or rules and procedures for Production under the requirements of the Director General under Section 41/20, paragraph two and is in condition for safe operation, the Director General shall issue the Certificate of Airworthiness pursuant to the form stated in Section 41/62 to the applicant.

The Director General may appoint officials of the Department of Civil Aviation as authorized officials to issue a Certificate of Airworthiness on behalf of the Director General.

### **Section 41/65**

The holder of a license to operate an air navigation business, who uses a Foreign Aircraft for the business operation in the Kingdom under a lease contract or other similar contracts, may apply for a Certificate of Airworthiness under the provisions of this chapter if there is an international agreement for that purpose.

### **Section 41/66**

If the holder of a Production Certificate for Aircraft wishes to have his officer issue Certificates of Airworthiness for Aircraft produced by him, the holder shall submit an application to the Director General. Upon finding that the holder of the certificate and the officer have sufficient capability and responsibility, the Director General shall issue a certificate of authority to the officer to be a designated manufacturing inspection representative to issue Certificates of Airworthiness for Aircraft of the type which the holder of the certificate is entitled to produce.

The qualifications and prohibited characteristics of the designated manufacturing inspection representative, [and] the application, issuance, suspension and revocation of the certificate of authority for the designated manufacturing inspection representative shall be in accordance with the rules and conditions prescribed in the Ministerial Regulations.

The certificate of authority for the designated manufacturing inspection representative shall be in accordance with the form specified in a notification by the Director General and shall have a period of validity not exceeding one year each.

The holder of the certificate of authority under paragraph one shall perform duties pursuant to the rules set out by the Director General. In addition, such officer shall be an official under the Penal Code.

The issuance, suspension and revocation of the certificate of authority for the designated manufacturing inspection representative shall be final.

### **Section 41/67**

The Certificate of Airworthiness under Section 41/62 shall be in accordance with the form specified in a notification by the Director General, comprising at least the particulars as mentioned below:

- (1) A standard Certificate of Airworthiness shall contain:
  - (a) The name of Thailand;
  - (b) The name of the entity issuing the Certificate of Airworthiness;
  - (c) The nationality and Aircraft registration marks;
  - (d) The name of the builder, name of the type and serial number of the Aircraft of the builder;
  - (e) The category of Aircraft operations under Section 34, paragraph three;
  - (f) The date of issuance of the Certificate of Airworthiness and date of expiration;
  - (g) The signature and title of an official who issues the Certificate of Airworthiness;
  - (h) The statement indicating that the Certificate of Airworthiness is issued pursuant to the Convention and this Act;
- (2) A special Certificate of Airworthiness shall contain the particulars stated in (1) (a), (b), (c), (d), (e) and (f) and conditions or limitations on the use of the Aircraft.

### **Section 41/68**

A Certificate of Airworthiness shall have a period of validity as follows:

- (1) A standard Certificate of Airworthiness shall have a period of validity of three years each;
- (2) A special Certificate of Airworthiness:
  - (a) Type one shall have a period of validity of three years each;
  - (b) Type two shall have a period of validity each not exceeding one year but not exceeding the period of time specified by the Director General for the applicant for a Type Certificate to complete the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance under Section 38, paragraph three, or the period of time pursuant to which flights for other purposes will be made under Section 41/62 (2) (b);
  - (c) Type three shall have a period of validity of one year each;
  - (d) Type four shall have a period of validity of one year each.

### **Section 41/69**

The holder of a Certificate of Airworthiness shall submit an application for renewal of a Certificate of Airworthiness to the Director General at least sixty days before expiration of the Certificate of Airworthiness in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon inspecting the Aircraft [and] the Maintenance record and arranging, or ordering the applicant to make, tests as may be necessary for the purpose of safety, the Director General shall extend the period of validity of the Certificate of Airworthiness of the Aircraft pursuant to the period of validity specified in Section 41/68 if the Director General finds that:

- (1) In the case of the type-certificated Aircraft, such Aircraft has undergone Maintenance to retain its condition pursuant to the Approved Design and Airworthiness Directive, and is in condition for safe operation;

- (2) In the case of the non-type-certificated Aircraft, such Aircraft has undergone Maintenance as specified by the Technical Commission, and is in condition for safe operation.

#### **Section 41/70**

Subject to Section 41/85, a Certificate of Airworthiness shall become invalid when any of the following events occurs:

- (1) The certificate of registration of such Aircraft becomes ineffective under Section 32;
- (2) The Type Certificate for Aircraft or Type Certificate for Major Aircraft Appliance is revoked under Section 41/10, paragraph one;
- (3) An alteration to the Aircraft violates Section 41/78;
- (4) The Director General orders revocation of the Certificate of Airworthiness under Section 41/87; or
- (5) The Aircraft is so damaged or deteriorated that it is in a dangerous condition, which the Personnel cannot fix.

#### **Section 41/71**

Any person who wishes to obtain an export Certificate of Airworthiness shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon receiving the application under paragraph one, the Director General shall inspect the Aircraft and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Aircraft meets the standards for Aircraft under Section 34 and requirements of the importing country, and is in condition for safe operation, the Director General shall issue the export Certificate of Airworthiness to the applicant. The provision of Section 41/64, paragraph two and Section 41/66 shall apply *mutatis mutandis*.

The export Certificate of Airworthiness shall be in accordance with the form specified in a notification by the Director General, comprising the following particulars:

- (1) The name of the entity issuing the export Certificate of Airworthiness;
- (2) The name of the builder, name of the type and serial number of the Aircraft of the builder;
- (3) The date of issuance of the export Certificate of Airworthiness;
- (4) The statement indicating that it is a new Aircraft or a used Aircraft;
- (5) The signature [and title] [*sic*] of the official who issues the export Certificate of Airworthiness.

#### **Section 41/72**

Subject to Section 41/65, a Foreign Aircraft used in air navigation in the Kingdom shall have a Certificate of Airworthiness issued for that Aircraft under the law of the country of registration of the Aircraft which is a State Party to the Convention or the country entering into an agreement with Thailand, provided that the issuance of such Certificate of Airworthiness shall meet standards not lower than the standards prescribed in the Annexes to the Convention.

## **2. CERTIFICATION OF AIRWORTHINESS OF OTHER PRODUCTS**

#### **Section 41/73**

With respect to a Major Aircraft Appliance, Aircraft Replacement Part and TSO Article used for installation on a type-certificated Aircraft which has a Certificate of Airworthiness, an Airworthiness Approval Tag shall be attached to such Product except for a Standard Part.



The Product under paragraph one which will be installed on a non-type certificated Aircraft which has a special Certificate of Airworthiness under Section 41/62 (2) (d) shall conform to the requirements of the Director General issued under Section 41/20, paragraph two or Section 41/36, paragraph two.

#### **Section 41/74**

The holder of a production certificate for Products who wishes to obtain an Airworthiness Approval Tag for the produced Major Aircraft Appliance, Aircraft Replacement Part, or TSO Article, shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon receiving the application under paragraph one, the Director General shall inspect such Product and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Product meets the standards for Aircraft under Section 34 and is in condition for safe operation, the Director General shall issue an Airworthiness Approval Tag for such Product to the applicant. The provisions of Section 41/64, paragraph two and Section 41/66 shall apply *mutatis mutandis*.

The Airworthiness Approval Tag shall be in accordance with the form specified in a notification by the Director General.

#### **Section 41/75**

Any person who wishes to request an export Airworthiness Approval Tag for a Major Aircraft Appliance, Aircraft Replacement Part or TSO Article shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations. The provisions of Section 41/64 and Section 41/66 shall apply *mutatis mutandis*.

#### **Section 41/76**

An Airworthiness Approval Tag issued by a foreign country specified in a notification by the Director General shall be as effective as the Airworthiness Approval Tag issued under the provisions of this chapter.

The Director General will specify [the country] in a notification under paragraph one only when that country has the standards for issuing the Airworthiness Approval Tag not lower than those stated in this Act.

### **3. CONTINUING AIRWORTHINESS**

#### **Section 41/77**

For the purpose of continuing airworthiness, an Aircraft having a Certificate of Airworthiness shall undergo Maintenance to be in condition for safe operation as follows:

- (1) A type-certificated Aircraft shall undergo Maintenance to retain the condition pursuant to the Approved Design and the Airworthiness Directive under Section 41/82;
- (2) A non-type-certificated Aircraft shall undergo Maintenance to be in condition for safe operation pursuant to the requirements of the Director General issued under Section 41/20, paragraph two and the Airworthiness Directive under Section 41/82.

Rules, procedures and time schedules for Maintenance under paragraph one shall be in accordance with those specified in a notification by the Director General.

#### **Section 41/78**

No alteration to an Aircraft having a Certificate of Airworthiness shall be made so as to differ from the Type Certificate unless written approval has been granted by the Director

General under Section 41/5, paragraph two (1) or Section 41/7, paragraph two, or a Supplemental Type Certificate has been obtained under Section 41/5, paragraph two (2) (a) or Section 41/6, paragraph two.

### **Section 41/79**

Where the Maintenance of an Aircraft having a Certificate of Airworthiness requires a replacement part for replacement, modification or alteration on the Aircraft or Major Aircraft Appliance, the replacement part to be used shall be:

- (1) A Product produced by the holder of a production certificate for Products or a part modified or newly manufactured by the holder of a Repair Station Certificate to be used for Maintenance under Section 41/105; or
- (2) A part produced by the Aircraft owner, Aircraft registrant or Air Operator for his own use under Section 41/44, or a Standard Part.

### **Section 41/80**

An Aircraft registrant has the following duties:

- (1) To provide Maintenance recordkeeping of the Aircraft, [and] Major Aircraft Appliances, and to retain Airworthiness Approval Tags for the Major Aircraft Appliances, Aircraft Replacement Parts and TSO Articles used in Maintenance as evidence of the Maintenance;
- (2) To make a Maintenance report for the Aircraft, and submit it to the Director General every six months;
- (3) To make a report concerning the important substances stated in Section 32;
- (4) To inform that the Aircraft is missing without delay.

The performance of the duties under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

If there is an Air Operator for any Aircraft, the Air Operator shall assume the duties under paragraph one.

### **Section 41/81**

When there are reasonable grounds to suspect that an Aircraft having a Certificate of Airworthiness is unsafe for operation, the Competent Official has the powers to order in writing that the Aircraft registrant shall carry out an inspection, and also to specify particulars and a period of time for completion of the inspection.

Upon inspecting the Aircraft under paragraph one and finding defects, the Aircraft registrant shall perform Maintenance of the Aircraft under Section 41/77, keep a Maintenance record, and make a Maintenance report under Section 41/80. In addition, if the defects have an impact on safe operations, the Aircraft registrant shall immediately notify the Competent Official.

### **Section 41/82**

When it appears that any Aircraft or an Aircraft of any type having a Certificate of Airworthiness is, or might be, unsafe for operation for any grounds and such grounds may apply to other Aircraft constructed pursuant to the type of the aforesaid Aircraft or other similar types of the Aircraft, the Director General has the power to issue the following Airworthiness Directives in order for the Aircraft of such types to be operated safely:

- (1) To inspect or rectify all or some of those Aircraft;
- (2) To remove and replace a Major Aircraft Appliance, TSO Article or Aircraft Part;
- (3) To prescribe or change conditions or limitations on Aircraft operation.

In issuing the Airworthiness Directive under paragraph one, the Director General shall specify particulars and a period of time for execution. The provisions of Section 41/81, paragraph two shall apply *mutatis mutandis*.

### **Section 41/83**

When it is evident that any Aircraft or an Aircraft of any type is unsafe for operation, the Director General shall order that such Aircraft, the Aircraft of such type or other Aircraft of similar types be prohibited from flying, and shall require the Aircraft registrant to rectify such Aircraft until safety for operation is met. When such Aircraft has undergone Maintenance under Section 41/77 and been certified under Section 41/84, the Director General shall cancel the order of flight prohibition.

### **Section 41/84**

An Aircraft which has undergone Maintenance may fly only when certified by the Personnel having the privileges under Section 45 or certified by the repair station under Section 41/101 (1).

### **Section 41/85**

A Certificate of Airworthiness shall become temporarily ineffective, when there appear any of the following events:

- (1) A Major Aircraft Appliance, TSO Article or Aircraft Part replacing on an Aircraft does not have an Airworthiness Approval Tag under Section 41/73, paragraph one;
- (2) The Aircraft has not undergone Maintenance under the rules, procedures and specified periods of time for Maintenance specified in a notification by the Director General under Section 41/77, paragraph two;
- (3) The replacement of the Product under (1) on the Aircraft does not obtain the Replacement Maintenance certification under Section 41/84;
- (4) When an Aircraft Commander requests an engineer to perform Maintenance under Section 41/88.

When an Aircraft has undergone Maintenance under Section 41/77 and certification has been obtained under Section 41/84, the Certificate of Airworthiness of such Aircraft shall recommence to be effective.

### **Section 41/86**

The Director General shall have the power to order suspension of a Certificate of Airworthiness of any Aircraft when a person having the duties under Section 41/80 fails to keep a record or make a report and submit it to the Director General, keeps an untruthful record, or makes an untruthful report.

### **Section 41/87**

The Director General shall have the power to order revocation of a Certificate of Airworthiness of any Aircraft or an Aircraft of any type in the following cases:

- (1) When the Director General issues the Airworthiness Directive under Section 41/82 or when the Director General or the Competent Official issues the order with respect to safety under Section 41/81 or Section 41/83, and such Aircraft or the Aircraft of such type has not undergone Maintenance pursuant to the particulars and periods of time specified in the order/directive of the Director General or the Competent Official without reasonable grounds;
- (2) When a person having the duties under Section 41/80 fails to keep a record or make a report and submit it to the Director General, or, substantially or repeatedly, keeps an untruthful record or makes an untruthful report;
- (3) Such Aircraft or the Aircraft of such type may not be rectified to be safe for operation.

The Director General shall have the power to establish a criterion as may be appropriate to determine when the recordkeeping or report making shall be deemed as substantially or repeatedly untruthful under (2).

#### **Section 41/88**

Upon finding that the Aircraft is not in condition for safe operation, an Aircraft Commander shall request an engineer to perform Maintenance for the Aircraft to be in condition for safe operation before flying the Aircraft.

#### **Section 41/89**

No person shall fly an Aircraft in the following cases:

- (1) There is no Certificate of Airworthiness under Section 41/61;
- (2) A Certificate of Airworthiness becomes invalid under Section 41/70;
- (3) A Certificate of Airworthiness becomes temporarily ineffective under Section 41/85;
- (4) The Aircraft is not inspected pursuant to particulars upon expiration of the period of time specified in the order/directive by the Competent Official or Director General under Section 41/81 or Section 41/82;
- (5) The Aircraft is prohibited from flying pursuant to the order under Section 41/83;
- (6) A Certificate of Airworthiness is suspended under Section 41/86; or
- (7) A Certificate of Airworthiness is revoked under Section 41/87.

#### **Section 41/90**

If it is necessary for any Aircraft prohibited from flying under Section 41/89 to fly back to the base of the Aircraft registrant or Air Operator, to fly to a repair station, or to fly for avoidance of impending danger; or if it is necessary to allow any Aircraft having a Certificate of Airworthiness to make a flight apart from the limitations specified in the Aircraft manual, the Director General may, upon finding that such Aircraft is capable of safe flight for that purpose, permit in writing that the Aircraft fly to that place, subject to the conditions specified by the Director General.

#### **Section 41/91**

Upon finding that any Foreign Aircraft not in flight may be unsafe for operation, the Director General shall communicate with the pertinent officials of the country of the Aircraft registrant. Upon finding that a Foreign Aircraft which is intended to fly may be unsafe or may cause damage, the Director General shall have the power to order that such Aircraft be prohibited from flying in the Kingdom unless it conforms to the conditions specified by the Director General. The provisions of Section 41/90 shall apply *mutatis mutandis*.

#### **Section 41/92**

If the Director General issues an Airworthiness Directive under Section 41/82 or the Director General or Competent Official issues an order with respect to safety under Section 41/81, Section 41/83, Section 41/86, Section 41/87 or Section 41/91, the Director General or Competent Official shall inform such order/directive to the Aircraft registrant, Air Operator and relevant persons, or make a public announcement of such order/directive in accordance with the rules set forth by the Permanent Secretary of the Ministry of Transport.

## **Part 5**

### **Repair Station**

### **Section 41/93**

Subject to Section 41/109, the business operation of a repair station in the Kingdom shall obtain a Repair Station Certificate pursuant to the provisions of this part.

The Repair Station Certificate has three classes, namely:

- (1) Class one for Aircraft maintenance;
- (2) Class two for Major Aircraft Appliance maintenance;
- (3) Class three for TSO Article and Aircraft Part maintenance.

### **Section 41/94**

No person shall operate a repair station business unless a Repair Station Certificate has been obtained from the Director General.

The application for the certificate and the issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 41/95**

A person applying for a Repair Station Certificate shall have the following qualifications and characteristics:

- (1) For a Repair Station Certificate, class one, the qualifications and characteristics pursuant to the rules stated in Section 41/22 shall apply *mutatis mutandis*, except for a Repair Station Certificate for an Aircraft of maximum takeoff mass not exceeding five thousand seven hundred kilograms, to which the Director General may apply the qualifications as stated in (2).
- (2) For a Repair Station Certificate, class two and class three, a juristic person as prescribed in the Ministerial Regulations is required. The provision of Section 41/22 (2), (3) and (4) shall *mutatis mutandis* apply to the qualifications and characteristics of the applicant.

### **Section 41/96**

Before issuing a Repair Station Certificate, the Director General shall examine the qualifications and characteristics of the applicant, as well as the Maintenance places and procedures of the applicant.

The Director General will issue the Repair Station Certificate to the applicant when it appears that the applicant has the qualifications and characteristics as stated in Section 41/95, and places, apparatus, documents and evidence concerning rules of airworthiness, repair station exposition manuals, Maintenance manuals as well as the quality control system and quality assurance system as stated in Section 41/103 (1) are suitable for the business applied for the certificate.

In issuing the Repair Station Certificate, the Director General may specify conditions or limitations on Maintenance in the certificate.

The Repair Station Certificate shall be in accordance with the form specified in a notification by the Director General.

### **Section 41/97**

A Repair Station Certificate shall have a period of validity as follows:

- (1) A Repair Station Certificate, class one, shall have a period of validity not exceeding twenty years each;
- (2) A Repair Station Certificate, class two, shall have a period of validity not exceeding ten years each;
- (3) A Repair Station Certificate, class three, shall have a period of validity not exceeding five years each.

The period of validity of the Repair Station Certificate shall be determined in accordance with the rules prescribed in the Ministerial Regulations.

#### **Section 41/98**

To renew a Repair Station Certificate, the holder of the Repair Station Certificate shall submit an application at least sixty days before expiration of a period of validity in accordance with the rules and procedures prescribed in the Ministerial Regulations. The provisions of Section 41/29, paragraph two and paragraph three shall apply *mutatis mutandis*.

#### **Section 41/99**

The holder of a Repair Station Certificate, class one, shall have the privilege of Maintenance of Aircraft, including Major Aircraft Appliances, TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

The holder of a Repair Station Certificate, class two, shall have the privilege of Maintenance of Major Aircraft Appliances, including TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

The holder of a Repair Station Certificate, class three, shall have the privilege of Maintenance of TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

#### **Section 41/100**

The holder of a Repair Station Certificate shall appoint a Repair Station Accountable Manager to perform the duty of supervision of, and to be responsible for, the general operation of the repair station, and perform the duties under Section 41/103, in which case the Director General shall be informed of the appointment.

The Repair Station Accountable Manager shall have the qualifications and shall not have the prohibited characteristics as prescribed in the Ministerial Regulations.

If it appears that the Repair Station Accountable Manager lacks the qualifications or has the prohibited characteristics under paragraph two, the Director General shall have the power to order the holder of the certificate to replace the Repair Station Accountable Manager.

#### **Section 41/101**

Upon completing the Maintenance of an Aircraft, Major Aircraft Appliance, TSO Article or Aircraft Part, the holder of a Repair Station Certificate shall have the following duties:

- (1) To issue a letter of approval for return to service, in the case of the Aircraft;
- (2) To issue an Airworthiness Approval Tag, in the case of the Major Aircraft Appliance, TSO Article or Aircraft Part, and attach the Airworthiness Approval Tag to the Product as stated in Section 41/73, paragraph one.

The letter of approval for return to service and the Airworthiness Approval Tag under (1) and (2) shall be in accordance with the forms specified by the Director General which shall contain at least the maintained items, Repair Station Certificate's number and pertinent details, including signatures of the officers or engineers appointed under Section 41/102.

Upon installing the Major Aircraft Appliance, TSO Article or Aircraft Part in replacement of the original Product, the repair station shall deliver the Airworthiness Approval Tag for the Product installed to relevant persons in order for the Aircraft registrant to keep a Maintenance record and retain such Airworthiness Approval Tag under Section 41/80 (1).

### **Section 41/102**

The holder of a Repair Station Certificate shall appoint an officer or engineer as an authorized person to sign a letter of approval for return to service and an Airworthiness Approval Tag under Section 41/101. The appointment shall be approved by the Director General.

The officer or engineer who will be appointed under paragraph one shall have the qualifications and shall not have the prohibited characteristics as specified in a notification by the Director General.

The officer or engineer appointed under paragraph one shall perform the duties under the rules set out by the Director General.

### **Section 41/103**

In addition to those stated in Section 41/100 and Section 41/102, the holder of a Repair Station Certificate and the Repair Station Accountable Manager has the following duties:

- (1) To provide:
  - (a) Places used for Maintenance;
  - (b) Apparatus used for Maintenance;
  - (c) Documents and evidence concerning rules on airworthiness of the tasks to be performed;
  - (d) Repair station exposition manuals, Maintenance manuals as well as a quality control system and quality assurance system;
  - (e) Recordkeeping and retention of information about the maintenance tasks performed;
- (2) To recruit an adequate number of knowledgeable and skillful staff to perform the tasks, as well as to provide staff training policies and supervise such staff to perform the tasks in accordance with the Maintenance manuals;
- (3) To report information about Maintenance and causes which have an impact on the airworthiness of the maintained Products;
- (4) Other duties specified by the Director General.

The particulars under (1) (c), (d) and (e) and (3) shall be in accordance with the forms and rules specified in a notification by the Director General.

### **Section 41/104**

The holder of a Repair Station Certificate shall himself perform Maintenance of Aircraft, Major Aircraft Appliances, TSO Articles or Aircraft Parts taken for maintenance.

If it is necessary or appropriate to subcontract any part of the tasks to another person, the holder of the Repair Station Certificate shall supervise the operation of the tasks subcontracted in accordance with the conditions specified by the Director General and shall be responsible for the tasks performed by the subcontractor.

### **Section 41/105**

The holder of a Repair Station Certificate, who wishes to fabricate Aircraft Parts to be used for Maintenance of Aircraft or Major Aircraft Appliances taken for maintenance by him, shall submit an application to the Director General in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon finding that the applicant has the capability to fabricate the Aircraft Parts in line with the standards for airworthiness of Aircraft or Major Aircraft Appliances, the Director General shall grant permission as applied for, and may specify conditions or limitations on fabrication and operation of such parts as may be appropriate.

### **Section 41/106**

For the purpose of controlling Maintenance of Aircraft, Major Aircraft Appliances, TSO Articles or Aircraft Parts, the Director General or Competent Official shall have the power to inspect the operation of a repair station. The provisions of Section 41/57 shall apply *mutatis mutandis*.

### **Section 41/107**

The Director General has the power to suspend a Repair Station Certificate in the following cases:

- (1) The holder of the certificate fails to allow the Director General or Competent Official to carry out actions under his powers and duties, or fails to comply with the order of the Director General or Competent Official under Section 41/100, paragraph three and Section 41/106;
- (2) The holder of the certificate fails to maintain the quality control system, quality assurance system or capability to undergo Maintenance to meet the standards.

### **Section 41/108**

The Director General has the power to revoke a Repair Station Certificate in the following cases:

- (1) The holder of the certificate insolubly lacks the substantial qualifications or lacks other qualifications and fails to rectify it within the specified period of time under the order of the Director General;
- (2) The holder of the certificate is unable to improve the quality control system, quality assurance system or capability to undergo Maintenance to meet the standards within the specified period of time pursuant to the order of suspension by the Director General under Section 41/107 (2);
- (3) The certificate of the holder of the certificate has been suspended more than twice in a period of two years.

### **Section 41/109**

The owner, registrant or Air Operator of a Foreign Aircraft may perform Maintenance of his Aircraft in the Kingdom only when the Director General has been informed in accordance with the rules set out by the Director General, except for Maintenance before/after flying and removal/replacement of Major Aircraft Appliances or Aircraft Parts which such person has the capability to maintain.

In Maintenance of the Aircraft under paragraph one, the owner, registrant or Air Operator shall comply with the rules on Maintenance as set out by the Director General.

### **Section 41/110**

The business operation of Maintenance only [*sic*] of Foreign Aircraft in the Kingdom shall obtain a certificate from the Director General.

The application, issuance, suspension and revocation of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations. The provisions of Section 41/95 shall apply to the qualifications of the applicant *mutatis mutandis*.

### **Section 41/111**

A repair station or center situated in other countries, which is willing to perform Maintenance of Thai Aircraft or maintenance of Major Aircraft Appliances, TSO Articles or Aircraft Parts to be used on Thai Aircraft shall obtain a foreign Repair Station Certificate from the Director General.



The application, issuance, form, period of validity, suspension and revocation of the foreign Repair Station Certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The provisions of Section 41/103 shall apply *mutatis mutandis* to the applicant for the foreign Repair Station Certificate.

## **CHAPTER 5**

### **Personnel**

#### **Section 42**

No person shall act as a personnel unless with the permission of the competent official under to this Act, or with the personnel license issued by any Contracting State to the Convention or by the State which has entered into an agreement with Thailand, provided that the personnel of the aircraft registered according to the Thai law obtain permission from the competent official under this Act.

If the holder of the personnel license issued by any contracting State to the Convention or by the State which has entered into an agreement with Thailand, brings that license to be validated by the competent official, he shall be deemed as having obtained permission from the competent official under to this Act.

#### **Section 43**

The application for, the issuance of, and the validation of personnel licenses shall be governed by the Ministerial Regulations.

#### **Section 44**

A person applying to be personnel must have the following qualifications:

- (1) being of Thai nationality;
- (2) being of good conduct;
- (3) having the age, medical fitness, knowledge and experience as determined in the Regulations of the Civil Aviation Board.

When there is necessity or special cause for any particular case, the Minister shall have the power to exempt the qualifications as determined in this Section.

#### **Section 45**

The privilege of the personnel shall be governed by the Regulations of the Civil Aviation Board.

#### **Section 46**

The personnel license shall be valid for the period of time determined in the Ministerial Regulations.

#### **Section 47**

When it is considered that any personnel has become deficient in the qualification under Section 44 (3) concerning the medical fitness, knowledge or experience, the competent official has the power to order that personnel to undergo a medical examination, theoretical examination, or practical test.

#### **Section 48**

When it appears that any personnel being disqualified under Section 44; or fails to comply with the order of the competent official under to Section 47; or violates the provisions of this Act; or having been sentenced by a judgment to imprisonment according to other laws except for a petty offence, or an offence having punishment on the level of petty, or an

offense committed through negligence; the competent official has the power to suspend or the revoke the license of that personnel.

#### **Section 49**

The personnel must comply with the discipline determined in the Regulations of the Civil Aviation Board.

#### **Section 50**

No personnel shall act as a flight crew member whilst he is suffering from illness or receives injury which may impair his efficiency in performing those duties. If the illness or the suffering from the injury lasts from 14 days upwards, the personnel is prohibited to perform his duties until the physician designated by the competent official shall have examined and issued a certificate stating that personnel has recovered from the illness or the injury, and the competent official has permitted him to resume his duties.

#### **Section 50 bis**

Except in case of emergency which may endanger an Aircraft, no Aircraft Commander shall have the Aircraft taken off or landed at any place other than a Licensed Aerodrome, or a Temporary Takeoff and Landing Area for Aircraft licensed, or designated in the Government Gazette, by the Minister where the Competent Official has specified for that flight.

## **CHAPTER 6**

### **Aerodromes and Air Navigation Facilities**

#### **Section 51**

No person shall establish an aerodrome or air navigation facilities unless with the permission, by the approval of the Minister, of the competent official.

#### **Section 52**

The application for, and the issuance of, license for establishing aerodrome or air navigation facilities shall be governed by the Ministerial Regulations.

#### **Section 53**

No person shall establish any temporary area for the takeoff/landing of aircraft unless with the permission of the competent official.

The licensee under this Section must comply with the procedures and conditions determined by the competent official.

#### **Section 53 bis**

(Repealed)

#### **Section 54**

When it appears that any licensee for establishing aerodrome, air navigation facilities or temporary area for takeoff/landing of aircraft fails to comply with the Ministerial Regulations or procedures and conditions prescribed therefore by the competent official, the competent official shall have the power to suspend or revoke that license.

#### **Section 55**

The Minister shall have the power to issue a notification determining any area, on land or water, as licensed aerodrome or temporary area for the takeoff/landing of aircraft.

#### **Section 56**

The owner or operator of a Licensed Aerodrome providing services to the public shall not monetarily [sic] charge for the use of the Licensed Aerodrome providing services to the public except for service charges, tariffs or any other monetary remuneration as follows:

- (1) Departure passenger service charge under chapter 6 bis;
- (2) Aircraft takeoff and landing service charge;
- (3) Aircraft storage service charge;
- (4) Ramp Services charge;
- (5) Any other service charges, tariffs or monetary remuneration as prescribed by the Royal Decree.

The service charges under (2) and (3) shall be collected at amounts not exceeding the rates prescribed in the Regulations of the Civil Aviation Board, which shall not exceed the rates prescribed in the Ministerial Regulations.

Any other service charges, tariffs or monetary remuneration under (4) and (5) shall be in accordance with the conditions and rates pursuant to the rules approved by the Civil Aviation Board. In such approval, the Civil Aviation Board shall take into account fairness to consumers and the competitiveness of that Aerodrome.

The provisions of this Section shall also apply to a Licensed Temporary Takeoff and Landing Area providing services to the public.

#### **Section 57**

The owner or operator of an Air Navigation Facility providing services to the public shall collect a service charge for the Air Navigation Facility in accordance with the conditions and rates approved by the Civil Aviation Board.

#### **Section 58**

The Minister shall have the power to publish in the Government Gazette, the area adjoining the aerodrome or the site of air navigation facilities as air navigation safety zone.

#### **Section 59**

Within the air navigation safety zone under Section 58, no person shall construct or modify buildings or other structures, or plant trees unless with the permission, in writing of the competent official.

In granting permission under this Section, the competent official may determine any conditions as he thinks fit.

#### **Section 60**

If it appears that there is violation of Section 59 paragraph 1 or violation of conditions under Section 59 paragraph 2, the competent official shall have the power to order, in writing, the violator to demolish the buildings or structures or to cut down or remove the trees within a determined period of time.

In case where there is violation of the order of the competent official under the preceding paragraph, the competent official shall have the power to take measures in demolishing the buildings or structures or cutting down or removing the trees. The expenses incurred for this purpose shall be reimbursed by the violator.

#### **Section 60/1**

Subject to Section 60/34, a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area may open for providing services to the public only when a Public Aerodrome Operating Certificate has been obtained from the Director General.

The Public Aerodrome Operating Certificate shall be in accordance with the categories of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area as prescribed in the Ministerial Regulations which shall be based on the characteristics of locations, sizes of Aircraft to take off and land, number of passengers to use the service, and types of flights.

#### **Section 60/2**

The owner or operator of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area who wishes to open it for providing services to the public shall submit an

application for a Public Aerodrome Operating Certificate to the Director General, together with an aerodrome manual for that Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area and other documents in accordance with the rules and procedures prescribed in the Ministerial Regulations.

### **Section 60/3**

Subject to Section 60/34 and Section 60/35, an applicant for a Public Aerodrome Operating Certificate shall be a juristic person pursuant to the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) shall apply to the qualifications and characteristics of the applicant *mutatis mutandis*.

With respect to a Public Aerodrome Operating Certificate issued for a Temporary Takeoff and Landing Area for Aircraft, the Director General may require other qualifications and characteristics which differ from those stated in paragraph one.

### **Section 60/4**

The provisions of Section 41/23 (1) and (2), Section 41/24, Section 41/25 and Section 41/26 shall *mutatis mutandis* apply to the capital, business management power, and prohibited characteristics of directors, managers or persons having managerial power, of the applicant for the Public Aerodrome Operating Certificate.

### **Section 60/5**

For the purpose of providing public services, when an applicant for a Public Aerodrome Operating Certificate has submitted an application under Section 60/2, the Director General, upon finding that there are reasonable grounds to allow the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area to be operated temporarily, shall have the power to issue a provisional Public Aerodrome Operating Certificate in which conditions or limitations may also be specified.

The provisional Public Aerodrome Operating Certificate shall be effective until the issuance of the Public Aerodrome Operating Certificate or until the date specified by the Director General in the provisional Public Aerodrome Operating Certificate, but not exceeding six months from the issuing date of the certificate.

The provisional Public Aerodrome Operating Certificate under this Section shall be subject to a monthly fee pursuant to the rate prescribed in the Ministerial Regulations.

### **Section 60/6**

The Director General will issue a Public Aerodrome Operating Certificate to an applicant when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 60/3 and Section 60/4;
- (2) The physical characteristics of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area and surrounding obstacles, including facilities, installations, equipment and services both normal and emergency, meet standards prescribed in the Regulations of the Civil Aviation Board;
- (3) A person who will be a Public Aerodrome Manager has a certificate under Section 60/12;
- (4) Rules on the operating procedures, Safety Management System, Security, an internal audit system and an aerodrome manual for the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area are in line with Section 60/15;
- (5) The applicant has an adequate number of competent staff for the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area.

In issuing the Public Aerodrome Operating Certificate, the Director General may specify conditions or limitations on operations as may be appropriate. In addition, for the purpose

of enforcing the provisions of this Act, the Director General shall distinctly identify the conditions or limitations which are of significance in the certificate.

The Public Aerodrome Operating Certificate shall be in accordance with the form specified in a notification by the Director General.

#### **Section 60/7**

A Public Aerodrome Operating Certificate shall have a period of validity of ten years each but not exceeding the period of validity of the Aerodrome establishment license.

#### **Section 60/8**

To renew a Public Aerodrome Operating Certificate, the holder of the Public Aerodrome Operating Certificate shall submit an application to the Director General at least ninety days before the date of expiration of such certificate in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Upon examination of the qualifications and capability of the applicant, the Director General shall extend a period of validity of the certificate pursuant to the period of time stated in Section 60/7 if it appears that the applicant maintains the qualifications and capability to operate the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area in line with the certificate.

Upon submission of the application for renewal of the certificate under paragraph one, the holder of the Public Aerodrome Operating Certificate shall continue operating such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area until the Director General orders that the renewal of the certificate not be permitted.

#### **Section 60/9**

When there are grounds pursuant to Section 60/32 (1), (2) or (3), the Director General shall have the power to amend the conditions or limitations specified in the Public Aerodrome Operating Certificate as may be appropriate.

#### **Section 60/10**

If the holder of a Public Aerodrome Operating Certificate wishes to change the operations so that they will differ from those specified in the Public Aerodrome Operating Certificate, an application together with documents and evidence shall be submitted to the Director General at least sixty days in advance in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 60/11**

The holder of a Public Aerodrome Operating Certificate shall arrange to have one Public Aerodrome Manager as a person responsible and accountable for the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area pursuant to the certificate.

#### **Section 60/12**

The person who will be a Public Aerodrome Manager under Section 60/11 shall be a person who has obtained a Public Aerodrome Manager certificate from the Director General.

The application, issuance and revocation of the Public Aerodrome Manager certificate shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 60/13**

A Public Aerodrome Manager under Section 60/11 shall have the following qualifications:

- (1) Being not less than 35 years of age;
- (2) Having knowledge and skills as prescribed in the Regulations of the Civil Aviation Board;
- (3) Having other qualifications as prescribed in the Ministerial Regulations.

### **Section 60/14**

A Public Aerodrome Manager shall have the same responsibilities and accountabilities for the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area as the holder of a Public Aerodrome Operating Certificate as stated in Section 60/15 (1), (3), (4) and (5), Section 60/16 and Section 60/17.

### **Section 60/15**

The holder of a Public Aerodrome Operating Certificate has the following duties:

- (1) To provide services to the public equally and to collect service charges, tariffs or any other monetary remuneration in compliance with Section 56 and Section 60/37;
- (2) To control the performance of the Public Aerodrome Manager;
- (3) To operate the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area by:
  - (a) Providing, improving and following rules on the operating procedures, Safety Management System, Security and internal audit system of such Licensed Aerodrome and Licensed Temporary Takeoff and Landing Area;
  - (b) Providing sufficient staff and the system for regular supervision of staff performance;
  - (c) Providing a complete set of an aerodrome manual for the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area to the staff and updating or amending the aerodrome manual to be always current;
  - (d) Maintaining the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area, facilities as well as installations and equipment therein to meet standards prescribed in the Regulations of the Civil Aviation Board;
  - (e) Supervising the services in the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area pursuant to the certificate as obtained to meet the standards prescribed in the Regulations of the Civil Aviation Board;
  - (f) Making a report and submitting it to the Competent Official pursuant to the rules set out by the Director General;
- (4) To cooperate with the Director General or Competent Official who carries out actions under Section 60/19, Section 60/20 and Section 60/22;
- (5) To perform other duties as prescribed in the Ministerial Regulations.

The operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under (3) shall be in accordance with the category of the Public Aerodrome Operating Certificate as obtained.

The rules on the operating procedures, internal audit system, system for supervision of staff performance, and aerodrome manual under (3) shall be in accordance with the standards, and shall contain full information, pursuant to the rules set out by the Director General.

### **Section 60/16**

The holder of a Public Aerodrome Operating Certificate shall ensure that the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under the certificate as obtained shall not be used, or shall not be allowed to be used by another person, in breach of the conditions or limitations specified in the Public Aerodrome Operating Certificate.

### **Section 60/17**

For the purpose of Security for operation under a Public Aerodrome Operating Certificate, the holder of a Public Aerodrome Operating Certificate has the following powers and duties:

- (1) To screen passengers, Personnel or workers who will get on an Aircraft, including any articles to be taken on the Aircraft by such persons;
- (2) To screen baggage or articles to be loaded onto an Aircraft;
- (3) To screen persons, vehicles as well as articles that will enter a restricted area of the Aerodrome.

The screening under paragraph one shall be in accordance with the rules and procedures prescribed in the Regulations of the Civil Aviation Board.

In carrying out this Section, the holder of the Public Aerodrome Operating Certificate shall declare the restricted area and appoint an implementation officer, and except in case of necessity and urgency the Director General shall be informed of such appointment in advance, in accordance with the rules set out by the Director General.

The Director General shall have the power to specify qualifications of the implementation officer under this Section. In addition, the holder of the Public Aerodrome Operating Certificate shall keep a record of the implementation chronicle and results pursuant to the rules set out by the Director General.

In performing the duties by the officer under this Section, the officer shall be deemed as an official under the Penal Code.

#### **Section 60/18**

In case of necessity, the holder of a Public Aerodrome Operating Certificate may request the Civil Aviation Board to designate an Air Operator or agent of the Air Operator as a person having the power and duty on behalf of such holder to screen baggage or cargo to be loaded onto the Aircraft which will depart from the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area providing services to the public. The provisions of Section 60/17, paragraph two, paragraph three, paragraph four and paragraph five shall apply [*sic*].

#### **Section 60/19**

In case of necessity for the purpose of public order, the Minister, with the recommendations of the Civil Aviation Board, shall have the power to order the Director General to take action on screening under Section 60/17 and Section 60/18.

#### **Section 60/20**

For the purpose of controlling the operation of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate, the Director General or Competent Official shall have the following powers and duties:

- (1) To enter the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under the Public Aerodrome Operating Certificate pursuant to this chapter between sunrise and sunset or during operation hours of such place in order to inspect the relevant operation and documents or evidence;
- (2) To seize the documents or evidence concerning the operation for the purpose of inspection;
- (3) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration;
- (4) To order suspension of the operation of the public Aerodrome only for the part that fails to conform to the operating procedures, Safety Management System, Security, internal audit system, aerodrome manual for the [public] Aerodrome or conditions or limitations specified by the Director General under Section 60/6, or that may cause unsafe condition to the users.

#### **Section 60/21**

The holder of a Public Aerodrome Operating Certificate shall not transfer the rights under the certificate to other persons unless written permission has been obtained from the Director General.

The submission of the application for transferring the rights under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

### **Section 60/22**

For the purpose of public protection or security, the Director General shall order suspension, in whole or in part, of the operation of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate, or to order the official to assume the operation in lieu until the rationales for such order have no longer existed.

### **Section 60/23**

For the purpose of national security, the Minister, with the approval of the Council of Ministers, shall have the power to order temporary control over the operation of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate.

To order control over the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under this Section, the Minister shall appoint an Aerodrome Control Committee comprising a Chairman appointed by the Minister with the recommendations of the Civil Aviation Board, and not more than six other members, at least one of which shall be a representative of the Ministry of Transport, one of which shall be a person nominated by the Civil Aviation Board and the rest of which shall be other qualified persons.

### **Section 60/24**

The Director General shall in writing inform the order to control the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under Section 60/23 to the holder of the Aerodrome Operating Certificate, shall post it at a conspicuous area at the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area or other places as considered appropriate by the Director General, and shall publish it in at least two nationwide newspapers in three consecutive days.

### **Section 60/25**

Upon having the order to control the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under Section 60/23, the Aerodrome Control Committee shall have the power and duty to manage the operation of such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area.

The Chairman of the Aerodrome Control Committee shall be a representative of the juristic person having obtained a Public Aerodrome Operating Certificate.

In performing the duties, the Aerodrome Control Committee shall have the same powers and duties as those of the Competent Official under Section 60/20 and shall have the power to appoint, and define the powers and duties of, one or more Aerodrome control officers to carry out any actions.

### **Section 60/26**

Upon having the order to control the operation of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under Section 60/23:

- (1) The board of directors, directors and officers of the juristic person having obtained the Public Aerodrome Operating License shall not operate any business of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area which is under the control order of the Minister under Section 60/23 unless otherwise assigned by the Aerodrome Control Committee;
- (2) The directors and officers of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area shall properly manage to preserve assets and benefits of such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area



and shall expeditiously report the Aerodrome Control Committee and deliver property, together with records, documents and others in relation to the business, assets and liabilities to the Aerodrome Control Committee without delay.

### **Section 60/27**

Upon having the order to control the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under Section 60/23, a possessor of property or documents in relation [to] the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area shall inform the Aerodrome Control Committee of such possession without delay.

### **Section 60/28**

In controlling a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under Section 60/23, operating expenses for the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area shall be collected as the public revenue.

The operating expenses for the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under paragraph one shall be collected at the rate of five percent of the revenue of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area during the control over the Aerodrome or temporary takeoff and landing area.

If, in any fiscal year, the operation of such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area is not profitable or is profitable but inadequate for the operating expenses for the Aerodrome or temporary takeoff and landing area pursuant to the rate stated in paragraph two, it shall be exempted or the operating expenses shall be collected at the amount equal to the profitable amount, as the case may be.

### **Section 60/29**

The Aerodrome Control Committee and Aerodrome control officers appointed by the Aerodrome Control Committee may be remunerated as determined by the Minister.

The expenses and remuneration in controlling the Aerodrome shall be paid from the assets of the juristic person having obtained the Public Aerodrome Operating Certificate.

### **Section 60/30**

When the Aerodrome Control Committee finds that the rationales for controlling the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area have no longer existed, a report shall be submitted to the Minister to order cancellation of the control, in which case Section 60/24 shall apply *mutatis mutandis*.

When the Minister has ordered cancellation of the control, the Aerodrome Control Committee shall deliver such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area to the holder of the Public Aerodrome Operating Certificate in accordance with the rules set forth by the Permanent Secretary of the Ministry of Transport.

### **Section 60/31**

The Director General has the power to suspend a Public Aerodrome Operating Certificate in the following cases:

- (1) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager is unable to perform the duties as stated in Section 60/14, Section 60/15, Section 60/16 or Section 60/17 and the Director General has ordered rectification of the operation but the operation cannot be rectified to attain safety within the period of time pursuant to the order of the Director General, the Director General shall determine a period of suspension as may be appropriate. Each period of suspension shall not exceed six months;
- (2) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager fails to allow the Director General or Competent Official to carry out

actions under his powers and duties, or fails to follow the order of the Director General or Competent Official under Section 60/20.

### **Section 60/32**

The Director General has the power to revoke a Public Aerodrome Operating Certificate in the following cases:

- (1) There is necessity of national security;
- (2) There is a major change concerning the physical characteristics of a Licensed Aerodrome or Temporary Takeoff and Landing Area or areas near the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area, which is so different from the time of issuance of the Public Aerodrome Operating Certificate that it causes unsafe condition for the use of such Aerodrome or temporary takeoff and landing area;
- (3) There is a change in safety standards for operation of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area, which has an impact on safety for the operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area in an insoluble manner;
- (4) The holder of a Public Aerodrome Operating Certificate had obtained the certificate as a result of producing false or incomplete facts with intention to unlawfully obtain the certificate;
- (5) The holder of a Public Aerodrome Operating Certificate lacks the qualifications or characteristics under Section 60/3 or Section 60/4, and fails to rectify it within a specified period of time pursuant to the order of the Director General;
- (6) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager violates or fails to comply with Section 60/14, Section 60/15, Section 60/16 and Section 60/17, which caused severely unsafe condition to the users;
- (7) There are orders of suspension of a Public Aerodrome Operating Certificate twice or more within a period of two years.

When the Director General has ordered revocation of the Public Aerodrome Operating Certificate, the holder of the Public Aerodrome Operating Certificate shall return the Public Aerodrome Operating Certificate to the Director General within seven days from the date of acknowledgement of the order of revocation of the certificate.

### **Section 60/33**

For the purpose of continuity of public services, if there is an order to suspend or revoke a Public Aerodrome Operating Certificate under Section 60/31 or Section 60/32, the Director General may propose to the Minister to order the officials to operate the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area temporarily in order to mitigate the difficulties which will happen to the public, in which case Section 60/23, Section 60/24 Section 60/25, Section 60/26, Section 60/27, Section 60/28, Section 60/29 and Section 60/30 shall apply *mutatis mutandis*.

### **Section 60/34**

A Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area operated by the Department of Civil Aviation may open for providing services to the public only if the Safety Management System, Security, internal audit system and aerodrome manual for such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area meet the standards as stated in Section 60/15, paragraph three.

The operation of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under paragraph one shall be subject to the control and audit system as specified by the Civil Aviation Board.

### **Section 60/35**

Subject to Section 60/34, in the case of a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area operated by an administrative agency, the administrative agency which wishes to open it for providing services to the public, shall submit the aerodrome manual, rules on the operating procedures, Safety Management System, Security, and internal audit system of such Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area pursuant to the standards stated in Section 60/15, paragraph three to the Director General, and shall start the operation for providing services to the public onwards until the Director General orders cessation of the operation.

Upon examination of the aerodrome manual, physical characteristics, facilities, installations and equipment, emergency services and other services of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area, obstacles around the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area for safety of Aircraft, responsibilities of the operator of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area, and other documents or evidence under paragraph two, the Director General shall issue a Public Aerodrome Operating License as evidence, if the Director General finds that they meet the standards stated in Section 60/15, paragraph three and the administrative agency under paragraph one has the capability to safely operate the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area.

The operation of the Public Aerodrome by the administrative agency under this Section shall be in accordance with the Regulations of the Civil Aviation Board.

## **CHAPTER 6 bis**

### **Departure Passenger Service Charge**

#### **Section 60/36**

In this chapter,

“Fiscal Year” means a fiscal year for which the owner or operator of a Licensed Aerodrome shall prepare an account pursuant to the law on accounting, but for an administrative agency, State agency and State enterprise which is not a limited company or public company, shall include a budget year pursuant to the law on budget procedure.

#### **Section 60/37**

A departure passenger service charge shall be collected for the purposes of Aerodrome safety and maintenance, procurement and improvement of Aerodrome facilities for passengers, environmental preservation and reduction of pollution caused by the use of an Aerodrome.

The owner or Air Operator of a Licensed Aerodrome may collect a departure passenger service charge from Aircraft passengers at the Licensed Aerodrome when approved by the Minister, with the recommendations of the Civil Aviation Board.

#### **Section 60/38**

The owner or operator of a Licensed Aerodrome who wishes to collect a departure passenger service charge under Section 60/37 shall submit an application to the Director General in order to propose to the Minister for approval in accordance with the rules and procedures prescribed in the Ministerial Regulations.

#### **Section 60/39**

A departure passenger service charge shall be spent on the following matters:

- (1) Repair, improvement or expansion of an Aerodrome;
- (2) Procurement, improvement or operation of Aerodrome facilities for passengers;

- (3) Improvement of Aerodrome safety and Security;
- (4) Construction or installation of equipment to reduce noise effect caused by the use of an Aerodrome;
- (5) Environmental preservation and reduction of pollution caused by the use of an Aerodrome;
- (6) Other matters in association with an Aerodrome as approved by the Minister.

#### **Section 60/40**

The owner or operator of a Licensed Aerodrome approved to collect a departure passenger service charge under Section 60/37, paragraph two shall prepare:

- (1) A budget showing the revenues and expenditures of the departure passenger service charge in accordance with the rules for allocation approved by the Director General;
- (2) An annual budget divided into an investment budget and an operation budget;
- (3) A financial report showing the revenues, expenditures as well as problems and difficulties of receiving and spending the departure passenger service charge received.

The annual budget under (2) shall be submitted to the Director General at least ninety days before the beginning of the Fiscal Year. In addition, if the expense of the investment budget exceeds the amount specified in the Ministerial Regulations, a project shall be proposed to the Minister for approval in advance in accordance with the rules and procedures stipulated by the Minister.

The financial report under (3) shall be submitted to the Director General every half of the Fiscal Year within sixty days from the due date.

#### **Section 60/41**

For the purpose of facilitating passengers, the owner or operator of a Licensed Aerodrome may request the Minister to require that an Aircraft owner or registrant, or an Air Operator collect a departure passenger service charge on the behalf of such person.

The Minister shall have the power to order that the Aircraft owner or registrant or the Air Operator be a collector of the departure passenger service charge in accordance with the rules and procedures prescribed in the Ministerial Regulations, and may also specify that remuneration may be granted to the collector for collecting the departure passenger service charge.

The person under paragraph two has the duty to collect the departure passenger service charge and remit it to the owner or operator of the Licensed Aerodrome in accordance with the rules, procedures and periods of time specified in the Ministerial Regulations. If the total amount of the departure passenger service charge is not remitted in whole or in part within the specified period of time, such person shall reimburse the owner or operator of the Licensed Aerodrome for the amount of the non-remitted service charge together with the surcharge of twenty-five percent per annum.

#### **Section 60/42**

For the purpose of controlling collection and expenditure of the departure passenger service charge, the Director General or Competent Official shall have the following powers and duties:

- (1) To enter a Licensed Aerodrome or place of business of the owner or operator of the Licensed Aerodrome or of a person having a duty to collect pursuant to Section 60/41, paragraph two between sunrise and sunset or during operation hours of such place in order to examine compliance with the provisions of this chapter;

- (2) To examine the budgeting, collection of the departure passenger service charge, and accounting;
- (3) To seize or attach an account, document or evidence concerning the departure passenger service charge;
- (4) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration.

#### **Section 60/43**

For the purpose of managing an Aerodrome used for the general public, the Minister shall have the power to require that the owner or operator of the Licensed Aerodrome remit the money received from collecting a departure passenger service charge at a rate not exceeding ten percent to a working fund account under Section 60/44.

#### **Section 60/44**

The Department of Civil Aviation shall establish a working fund under the law on treasury reserve.

If a Licensed Aerodrome under this chapter is operated by the Department of Civil Aviation, a departure passenger service charge collected by the Department of Civil Aviation under Section 60/37, paragraph two shall be remitted to the working fund under paragraph one.

The expenditure of the working fund account shall be in accordance with objectives, rules and procedures for expenditure under the rules stipulated by the Minister with the approval of the Ministry of Finance. In addition, the Director General shall prepare a financial statement related to receiving and spending the departure passenger service charge received under paragraph two, and submit it to the Minister every six months.

#### **Section 60/45**

If an Air Operator, the owner or operator of an Aerodrome or Temporary Takeoff and Landing Area for Aircraft, the owner or operator of an Air Navigation Facility, or the operator of Ramp Services collects an air fare, air freight or fee, or service charge in excess of the rates specified under Section 20, Section 56, Section 57, Section 60/37, paragraph two or Section 60 *sexies* as the case may be, the Director General shall order that the surplus be remitted to the working fund account under Section 60/44 within a specified period of time but not exceeding fifty days. In the event of failure of remittance, there shall be the surcharge at the rate of twenty-five percent per annum.

If there are reasonable grounds, the Director General may approve the extension of the due time in remitting the surplus or surcharge provided that the interest shall be paid at the average loan interest rate of general commercial banks in accordance with the rules set forth by the Permanent Secretary of the Ministry of Transport.

In case of dispute, the law on administrative procedure on appeals against administrative orders shall apply *mutatis mutandis*.

#### **Section 60/46**

The provisions of this chapter shall also apply to a Licensed Temporary Takeoff and Landing Area which provides public services.

### **CHAPTER 6 *ter***

#### **Ramp Services and Aircraft Technical Services**

#### **Section 60 *quar*ter**

The Minister shall have the power to publish in the Government Gazette to designate a Ramp of a Licensed Aerodrome.

When the Minister has designated any Ramp of the Licensed Aerodrome, no person shall provide Ramp Services or Aircraft Technical Services unless an operator license to provide Ramp Services or Aircraft Technical Services as the case may be has been obtained from the Competent Official, with the approval of the Minister.

**Section 60 quinquies.**

The holder of an operator license for Ramp Services or Aircraft Technical Services shall have the qualifications and characteristics pursuant to the Regulations of the Civil Aviation Board or be a foreign designated airline accepted by Thailand in accordance with an air services agreement and the country which has designated such airline does not impose prohibitions or restrictions upon a Thai designated airline to operate Ramp Services or Aircraft Technical Services in that country.

Rules, procedures and conditions for the issuance, period of validity, suspension and revocation of the operator license for Ramp Services or Aircraft Technical Services shall be prescribed in the Ministerial Regulations.

The holder of the license under this Section shall comply with the conditions specified by the Competent Officer.

**Section 60 sexies.**

An operator of Ramp Services shall not collect a Ramp Services charge in excess of the rate prescribed by the Civil Aviation Board, with the approval of the Minister.

**Section 60 septies.**

No person shall enter a Ramp unless the Security measures stipulated by the owner of a Licensed Aerodrome or person assigned by the owner to be a custodian of the Licensed Aerodrome are complied with.

A person entering a Ramp shall comply with the Regulations of the Civil Aviation Board.

## **CHAPTER 7**

### **Accidents**

**Section 61**

When an accident happens to any Aircraft in the Kingdom or to a Thai Aircraft in other countries, the Aircraft registrant, in the case of the Thai Aircraft, or a representative of the owner, in the case of the Foreign Aircraft, shall inform the accident to the Competent Official without delay and make a report as prescribed in the Regulations of the Civil Aviation Board.

**Section 62**

When any accident occurs to any aircraft in the Kingdom, the aircraft shall be under the custody of the competent official, and no person shall do anything to the aircraft or parts thereof without obtaining permission from the competent official, the administrative official or the police, except in case of necessity to:

- (1) save persons, mails and animals from dangers;
- (2) protect the aircraft from damage by fire or by any other cause;
- (3) prevent dangers to the public;
- (4) remove the aircraft or parts thereof so as not to become obstruction to air navigation or the other mode of transportation;
- (5) remove the aircraft or parts thereof to a place of safety when the aircraft is wrecked on the water, or

- (6) remove things or merchandise to save them from dangers, and it shall, in this case, be done under the supervision of the competent official, the administrative official or the police.

### **Section 63**

The Minister shall have the power to appoint a Committee of Inquiry for conducting an inquiry into any matter connected with the accident of aircraft in the Kingdom.

### **Section 64**

The Committee of Inquiry appointed under Section 63 shall have the following powers:

- (1) To enter any land, house, building or structure where the aircraft or parts thereof having accident, fall or appear;
- (2) To order any person to come to give statements or send documents or any objects which are evidence in connection with the aircraft accident.

## **CHAPTER 8**

### **Power to Inspect, to Seize and to Delay**

### **Section 65**

The competent official shall have the power to demand for inspection the documents under Section 16, and if it appears that there is violation of the provisions of this Act concerning any document, the competent official shall have the power to seize such documents for further proceedings.

### **Section 66**

For the execution of this Act, the competent official shall have the power:

- (1) to enter any premises of the licensed aerodrome, the temporary area for the takeoff/landing of aircraft or the site of air navigation facilities;
- (2) to enter, during working hours, any works or premises in which aircraft or parts thereof are being manufactured, assembled, repaired, or are being inspected and overhauled, and to inspect and examine such work as well as parts thereof, and the drawings relating thereto;
- (3) to get on board, inspect and search any aircraft which, he has reason to believe, contains prohibited goods or goods which are restricted under this Act or any other laws, or goods which have been imported into, or are being exported out of, the Kingdom as evading customs duties;
- (4) to inspect any aircraft already provided with certificate of airworthiness, from time to time as he thinks fit;
- (5) to enter and inspect any place where aircraft is stored;
- (6) to seize prohibited goods or goods which are restricted under this Act or any other laws, or goods which have been imported into, or are being exported out of, the Kingdom as evading customs duties.

### **Section 67**

When there is violation of the provisions of this Act relating to any aircraft, the competent official shall have the power to delay the departure of that aircraft.

### **Section 67/1**

In performing the duties under this Act, the Director General, person assigned by the Director General, or Competent Official shall present an identification card to a person concerned.

## **Section 67/2**

In performing the duties under this Act, the Director General, person assigned by the Director General, or Competent Official shall be an official under the Penal Code.

## **CHAPTER 9 Penalty Provisions**

### **Section 68**

Any person who commits any of the following acts shall be liable to a fine not exceeding fifty thousand Baht:

- (1) Flying an Aircraft without a certificate of registration; Certificate of Airworthiness; journey log book; communication radio license, should there be any communication radio; passenger manifest; and cargo manifest on board the Aircraft under Section 16 (1), (3), (4), (6), (7), (8) or (9);
- (2) Flying an Aircraft on which nationality and registration marks are not displayed or to which an Aircraft identification plate is not affixed under Section 16 (2);
- (3) Flying an Aircraft of which any of the Personnel does not take his own Personnel license on board under Section 16 (5);
- (4) Flying a Private Aircraft without a Private Aircraft license on board the Aircraft under Section 29 *quinquies*;
- (5) Flying an Aircraft in violation of, or non-compliance with, airworthiness limitations or other limitations under Section 41/2, paragraph two or Section 41/4, paragraph one or conditions or limitations on operation under Section 41/9, paragraph two in relation to safety without reasonable grounds.

Any person flying an Aircraft that is not registered under Section 30, that does not have a journey log book under Section 16/1, or that has any of the Personnel who does not have a Personnel license on board the Aircraft under Section 42 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand Baht on both.

### **Section 69**

Any Aircraft registrant or Air Operator who commits any of the following acts shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht or both:

- (1) Failing to provide a journey log book under Section 16/1, paragraph one, or providing an incomplete journey log book under Section 16/1, paragraph two;
- (2) Failing to retain a journey log book as prescribed in the Regulations of the Civil Aviation Board issued under Section 16/1, paragraph three;
- (3) Failing to display nationality and registration marks or affix an Aircraft identification plate as prescribed in the Regulations of the Civil Aviation Board issued under Section 33.

### **Section 70**

Any Aircraft Commander who records no particulars in a journey log book, records incomplete particulars in a journey log book, or records untruthful particulars in a journey log book under Section 16/1, paragraph two shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

### **Section 71**

Any Air Operator who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both:



- (1) Failing to provide a passenger manifest or a cargo manifest under Section 16/3, paragraph one, or providing an incomplete or untruthful manifest;
- (2) Failing to retain a manifest, or to record particulars in a manifest as prescribed in the Regulations of the Civil Aviation Board under Section 16/3, paragraph two.

### **Section 72**

Except in case of emergency which may endanger an Aircraft or persons on board the Aircraft, any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both:

- (1) Having an Aircraft taken off or landed in violation of Section 17 or Section 50 *bis*;
- (2) Flying an Aircraft outside airways specified in the Ministerial Regulations issued under Section 18.

### **Section 73**

Any Aircraft Commander who commits any of the following acts shall be liable to a fine not exceeding fifty thousand Baht:

- (1) Flying an Aircraft without a flight plan under Section 18/1;
- (2) Violating or failing to comply with the air traffic rules prescribed in the Regulations of the Civil Aviation Board issued under Section 18/2;
- (3) Violating or failing to comply with the air traffic rules prescribed in the Regulations of the Civil Aviation Board issued under Section 18/3;
- (4) Violating or failing to comply with those prescribed in the Regulations of the Civil Aviation Board issued under Section 19.

### **Section 74**

[Any] person who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both:

- (1) An Air Operator collects an air fare or freight inconsistent with the rules and procedures prescribed by the Civil Aviation Board or in excess of the rates prescribed in the Ministerial Regulations under Section 20;
- (2) The owner or operator of a Licensed Aerodrome or Temporary Takeoff and Landing Area for Aircraft providing services to the public collects a service charge, a tariff or any other monetary remuneration other than those prescribed in Section 56, paragraph one or in excess of the rates prescribed or approved by the Civil Aviation Board under Section 56, paragraph two or paragraph three as the case may be;
- (3) The owner or operator of an Air Navigation Facility providing services to the public collects a service charge in violation of Section 57;
- (4) The board of directors, directors and officers of a juristic person having obtained a Public Aerodrome Operating Certificate operate any business of the Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area in violation of, or non-compliance with, Section 60/26;
- (5) The owner or operator of a Licensed Aerodrome collects a departure passenger service charge, without obtaining the approval from the Minister, or in excess of those approved by the Minister under Section 60/37, paragraph two;
- (6) Any Ramp Services operator collects a service charge in excess of the rate approved by the Civil Aviation Board under Section 60 *sexies*.

### **Section 75**

Any Aircraft registrant, Air Operator, Personnel, person on board an Aircraft, or holder of a Public Aerodrome Operating Certificate who violates Section 21, paragraph one shall be liable to a fine not exceeding fifty thousand Baht.

Any Air Operator, holder of a Public Aerodrome Operating Certificate, business operator in a Licensed Aerodrome, or person having the duty to comply with the national civil aviation security program or safety program who violates Section 21, paragraph two shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both.

### **Section 76**

Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both:

- (1) Flying an Aircraft to or over a prohibited area or restricted area designated in the Government Gazette by the Minister under Section 22;
- (2) Flying a Thai Aircraft out of the Kingdom without obtaining written permission from the Competent Official under Section 27;
- (3) Flying a Foreign Aircraft over, or having it taken off or landed in, the Kingdom without the right or without obtaining written permission from the Minister under Section 28;
- (4) Flying a foreign military Aircraft over, or having it taken off or landed in the Kingdom without obtaining written permission from the Minister under Section 29.

### **Section 77**

Any person who violates Section 23 or Section 60 *septies*, paragraph one or paragraph two shall be liable to a fine not exceeding fifty thousand Baht.

### **Section 78**

Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand Baht or both:

- (1) Commanding or releasing a pilotless Aircraft or releasing a Parachute without obtaining written permission from the Minister under Section 24;
- (2) Obstructing or avoiding the screening under Section 60/17, Section 60/18 or Section 60/19;
- (3) Obstructing the assumption or control of the operation of a Licensed Aerodrome or Licensed Temporary Takeoff or Landing Area under Section 60/23 or Section 60/33;
- (4) Failing to inform the Aerodrome Control Commission of possession of property or documents in relation to an Aerodrome or Temporary Takeoff or Landing Area, its operation of which is controlled under the order pursuant to Section 60/27.

### **Section 79**

Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht or both:

- (1) Sending or carrying munitions of war on board an Aircraft without obtaining permission from the Minister under Section 25;
- (2) Sending or carrying dangerous goods or animals on board an Aircraft without obtaining permission from the Competent Official under Section 26;
- (3) Being any of the Personnel without obtaining a license from the Competent Official under Section 42.

[Any] Aircraft Commander who makes a flight with knowledge that there is an offender under (1) or (2) [on board] shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both.

## **Section 80**

Any person having obtained permission under Section 24, Section 25, Section 26, Section 53, paragraph two, or Section 60 *quinquies*, paragraph three who violates or fails to comply with the conditions specified in the permission shall be liable to a fine not exceeding fifty thousand Baht.

## **Section 81**

Any person who flies a Private Aircraft without obtaining permission from the Minister under Section 29 *bis*, paragraph one shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both.

## **Section 82**

Any holder of a Private Aircraft operating license who violates or fails to comply with the conditions specified in the attachment to the license under Section 29 *bis*, paragraph two shall be liable to a fine not exceeding fifty thousand Baht, and in the case of a continual offense, also a fine of ten thousand Baht per day until correct compliance.

## **Section 83**

Any Aircraft registrant who fails to return a certificate of registration under Section 32, paragraph two, or any holder of a Public Aerodrome Operating Certificate who fails to return the Public Aerodrome Operating Certificate under Section 60/32, paragraph two shall be liable to a fine not exceeding fifty thousand Baht and also a fine of two thousand Baht per day until return.

## **Section 84**

Any person who displays or uses nationality and registration marks or an Aircraft identification plate on an Aircraft so as to be different from those prescribed in the Regulations of the Civil Aviation Board under Section 33, or flies an Aircraft on which nationality and registration marks or an Aircraft identification plate is displayed or used with knowledge that the nationality and registration marks or Aircraft identification plate is unlawfully displayed or used on the Aircraft shall be liable to imprisonment for a term of one year to seven years or a fine of forty thousand Baht to two hundred eighty thousand Baht or both.

## **Section 85**

Any Holder of the Type Certificate who fails to inform the order of the Director General to [those persons] under Section 41/11, paragraph two shall be liable to a fine not exceeding fifty thousand Baht.

## **Section 86**

Any holder of a production certificate for Products who commits any of the following acts shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht:

- (1) Violating or failing to comply with the Ministerial Regulations issued under Section 41/18 (1), (3), (7) or (8);
- (2) Violating or failing to comply with the forms, procedures, conditions or limitations specified in the production certificate for Products stated in Section 41/31, paragraph one or Section 41/35, paragraph one or Section 41/41 or Section 41/51;
- (3) Failing to inform the Director General of Production of Aircraft Replacement Parts or TSO Articles which have a minor difference from the design under Section 41/42 (1) or Section 41/52 (1).

## **Section 87**

Any holder of a production certificate for, or any person having the right to produce, Products who violates or fails to comply with the Ministerial Regulations issued under Section 41/18 (2) or Section 41/55, paragraph two or Section 41/56 shall be liable to

imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

### **Section 88**

Any holder of a production certificate for Products who violates or fails to comply with the Ministerial Regulations issued under Section 41/18 (4), (5) or (6) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

### **Section 89**

Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding one million Baht or both:

- (1) Producing an Aircraft without obtaining a certificate under Section 41/21;
- (2) Producing a Major Aircraft Appliance without obtaining a certificate under Section 41/32;
- (3) Operating a repair station business without obtaining a certificate under Section 41/94;
- (4) Operating a Maintenance business for Foreign Aircraft in the Kingdom without obtaining a certificate under Section 41/110;
- (5) Opening an Aerodrome or Temporary Takeoff or Landing Area for Aircraft to provide services to the public without obtaining a Public Aerodrome Operating Certificate from the Director General under Section 60/1.

### **Section 90**

Any holder of a Production Certificate for Aircraft or Production Certificate for Major Aircraft Appliances who produces an Aircraft or Major Aircraft Appliance in violation of, or non-compliance with, the conditions or limitations specified by the Director General under Section 41/27, paragraph three or Section 41/33 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

### **Section 91**

Any person who produces an Aircraft Replacement Part without obtaining permission under Section 41/37 or produces a TSO Article without obtaining permission under Section 41/47 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding six hundred thousand Baht or both.

### **Section 92**

Any holder of a Production Certificate for Aircraft Replacement Parts or Production Certificate for TSO Articles who produces an Aircraft Replacement Part or TSO Article so as to make a major difference from the design without obtaining permission from the Director General under Section 41/42 (2) or Section 41/52 (2) shall be liable to a fine of one hundred thousand Baht to one million Baht.

### **Section 93**

Any Aircraft owner, Aircraft registrant or Air Operator who produces a part to be used for Maintenance of his Aircraft or Major Aircraft Appliances without obtaining permission from the Director General under Section 41/44, paragraph one shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both.

### **Section 94**

Any Aircraft owner, Aircraft registrant or Air Operator who produces a part to be used for Maintenance of his Aircraft or Major Aircraft Appliances or uses such part in violation of, or non-compliance with, the conditions or limitations on Production or operation specified by the Director General under Section 41/44, paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.

### **Section 95**

Any person who forges Product marks or codes on Products under Section 41/55 shall be liable to imprisonment for a term of one year to seven years or a fine of two hundred thousand Baht to one million four hundred thousand Baht or both.

### **Section 96**

Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both:

- (1) Failing to allow the Director General or the Competent Official to carry out actions under Section 41/57, Section 60/20, Section 60/42 or Section 66;
- (2) Failing to allow the Aircraft Accident Investigation Committee to carry out actions under Section 64.

### **Section 97**

Any holder of a production certificate for Products who transfers the production certificate without obtaining permission under Section 41/60, or any holder of a Public Aerodrome Operating Certificate who transfers the Public Aerodrome Operating Certificate without obtaining permission under Section 60/21 shall be liable to a fine not exceeding two hundred thousand Baht.

### **Section 98**

Any officer of the holder of a production certificate having obtained a certificate of authority to issue a Certificate of Airworthiness or an Airworthiness Approval Tag who violates or fails to comply with the rules issued under Section 41/66, paragraph four or under Section 41/74, paragraph two; or any officer of the holder of a Public Aerodrome Operating Certificate or Air Operator, or any representative of an Air Operator who violates or fails to comply with the rules and procedures for screening pursuant to the Regulations of the Civil Aviation Board issued under Section 60/17, paragraph two and such act is not an offense relating to malfeasance in office under the Penal Code shall be liable to a fine not exceeding fifty thousand Baht.

### **Section 99**

Any person who maintains an Aircraft by using a Product in violation of Section 41/79 shall be liable to imprisonment for a term of six months to five years or a fine of one hundred thousand Baht to one million Baht or both.

### **Section 100**

Any Aircraft registrant or Air Operator who violates or fails to perform the duties under 41/80 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

### **Section 101**

Any person who flies an Aircraft in violation of Section 41/89 shall be liable to imprisonment for a term of one year to seven years or a fine of forty thousand Baht to two hundred thousand Baht or both.

### **Section 102**

Any person who flies an Aircraft in violation of, or non-compliance with, the conditions specified by the Director General under Section 41/90 or Section 41/91 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

### **Section 103**

Any holder of a Repair Station Certificate who commits any of the following acts shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht:

- (1) Violating or failing to comply with the procedures, conditions or limitations specified in the Repair Station Certificate under Section 41/99;

- (2) Violating or failing to comply with the conditions specified by the Director General in supervising the operation subcontracted under Section 41/104, paragraph two;
- (3) Violating or failing to comply with the conditions or limitations on fabrication of Aircraft Parts specified by the Director General in the permission for fabrication thereof to be used for Maintenance under Section 41/105, paragraph two.

#### **Section 104**

Any officer or engineer of a repair station having the power to sign a letter of approval for return to service/Airworthiness Approval Tag who makes false approval under Section 41/101, paragraph one (1) and [sic] (2) shall be liable to imprisonment for a term of six months to five years or a fine of twenty thousand Baht to two hundred thousand Baht or both.

Any Repair Station Accountable Manager who is so careless that an officer or engineer of a repair station makes false approval under paragraph one shall be as liable as the officer or engineer of the repair station under paragraph one.

Any officer or engineer of a repair station having the power to sign a letter of approval for return to service/Airworthiness Approval Tag who violates or fails to comply with the rules issued under Section 41/1002, paragraph three shall be liable to a fine not exceeding fifty thousand Baht.

#### **Section 105**

Any holder of a Repair Station Certificate or any Repair Station Accountable Manager who violates or fails to comply with the duties stated in Section 41/103 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

#### **Section 106**

Any holder of a Repair Station Certificate who fabricates an Aircraft Part for his own use without obtaining permission from the Director General under Section 41/105, paragraph one shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding four hundred thousand Baht or both.

#### **Section 107**

Any owner, registrant or Air Operator of a Foreign Aircraft who fails to inform the Director General of the Maintenance under Section 41/109, paragraph one shall be liable to a fine not exceeding five hundred thousand Baht.

Any owner, registrant or Air Operator of a Foreign Aircraft who violates or fails to comply with the rules issued under Section 41/109, paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.

#### **Section 108**

Any Personnel who commits any of the following acts shall be liable to a fine not exceeding fifty thousand Baht:

- (1) Performing the duties without the privileges as prescribed in the Regulations of the Civil Aviation Board issued under Section 45;
- (2) Failing to comply with the disciplines prescribed in the Regulations of the Civil Aviation Board issued under Section 49;
- (3) Performing the duties in violation of Section 50.

#### **Section 109**

Any person who establishes an Aerodrome or Air Navigation Facility without obtaining permission from the Competent Official under Section 51 or establishes a Temporary Takeoff and Landing Area for Aircraft without obtaining permission from the Competent Official under Section 53, paragraph one shall be liable to imprisonment for a term not exceeding ten years and a fine not exceeding two million Baht.

### **Section 110**

Any holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager who fails to supervise the use of, or allows other persons to use, a Licensed Aerodrome or Licensed Temporary Takeoff and Landing Area under the certificate as obtained, in breach of the conditions or limitations specified in the certificate under Section 60/16 shall be liable to a fine not exceeding two hundred thousand Baht and, in the case of a continued offense, shall also be liable to a fine of ten thousand Baht per day until correct compliance.

If the commission of the offense under paragraph one is an act in breach of the conditions or limitations specified in the certificate as the significant conditions or limitations, [such person] shall be liable to imprisonment for a term not exceeding six months and, in the case of a continued offense, shall also be liable to a fine of twenty thousand Baht until correct compliance.

### **Section 111**

Any person who is a Public Aerodrome Manager without obtaining a certificate from the Director General under Section 60/12 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding one hundred twenty thousand Baht or both.

### **Section 112**

Any holder of a Public Aerodrome Operating Certificate or any Public Aerodrome Manager who violates or fails to comply with the duties stated in Section 60/15 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

### **Section 113**

Any person who operates Ramp Services or Aircraft Technical Services without obtaining permission from the Competent Official under Section 60 *quarter*, paragraph two shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding four hundred thousand Baht or both.

### **Section 114**

Any Aircraft registrant or any representative of an Aircraft owner in the case of a Foreign Aircraft who violates Section 61 shall be liable to a fine not exceeding two hundred thousand Baht.

### **Section 115**

Any person who commits any act when an accident happens to an Aircraft in violation of Section 62 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

### **Section 116**

Any person who has a Product for sale with knowledge that the Product is produced inconsistent with the type or standard indicated in the mark or code affixed to such Product shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

### **Section 117**

Any person who forges a certificate, license, letter of permission, or letter of approval/letter of validation/Airworthiness Approval Tag issued pursuant to the provisions of this Act shall be liable to imprisonment for a term of six months to five years or a fine of twenty thousand Baht to two hundred thousand Baht or both.

Any person who uses or refers to a document made by the commission of the offense under paragraph one shall be as liable as the offender under paragraph one.

If the offender under paragraph two is the person who forges the document under paragraph one, the punishment under paragraph two shall apply only.

### **Section 118**

If an offender under this Act is a juristic person, a director, manager or person responsible for the operation of such juristic person shall also be liable to the punishment provided for

that offense unless it is proved that such person does not know or consent, or does appropriately manage to prevent, that offense.

### **Section 119**

The settlement authority under Section 120 shall have the power to settle all offences under this Act which are punishable by solely a fine or by imprisonment for a term not exceeding one year or a fine.

The Civil Aviation Board may issue regulations stating that recidivism or an offense considered serious is an offense not allowed to be settled by a fine under paragraph one.

### **Section 120**

The settlement authority under this Act is:

- (1) The inquiry official for an offense punishable by solely a fine not exceeding fifty thousand Baht or by imprisonment for a term not exceeding six months or by a fine under Section 77;
- (2) The Director General for an offense punishable by solely a fine not exceeding fifty thousand Baht or by imprisonment for a term not exceeding six months or by a fine, which is not the offense subject to the power of the inquiry official under (1);
- (3) The Offense Settlement Committee appointed by the Minister for an offense punishable by solely a fine exceeding fifty thousand Baht or by imprisonment for a term not exceeding one year or by a fine, which is not an offense subject to the power of the inquiry official under (1) or of the Director General under (2).

In the settlement under this chapter, the settlement authority under (2) or (3) shall impose a fine not exceeding one-half of the punishment provided for such offense.

### **Section 121**

If the commission of an offense under this Act involves property made or possessed to be an offense or property used or possessed for use in the commission of the offense or property acquired by a person through the commission of the offense, such offense may be settled only when the offender consents that the exhibit property, seized or attached, shall become forfeited and vested in the State.

### **Section 122**

There shall be a Settlement Committee appointed by the Minister comprising three persons: a representative of the Ministry of Transport, a representative of the Department of Civil Aviation and a representative of the Office of the Attorney General.

Meetings and proceedings of the Settlement Committee shall be in accordance with those prescribed in a notification by the Minister.

### **Section 123**

If the inquiry official finds that any person who commits an offense under Section 119 is not subject to the power of the inquiry official under Section 120 (1), the inquiry official shall, upon the consent of that person to the settlement, impart the matter to the Department of Civil Aviation within seven days from the date such person expressed the consent to the settlement in order for the settlement authority to further the process.

### **Section 124**

The Civil Aviation Board shall have the power to issue regulations to establish rules and procedures for dealing with the property under Section 121.

### **Section 125**

When the settlement authority has settled a case, the case shall be deemed as settled pursuant to the provisions of the Criminal Procedure Code upon an offender paying a fine of the settled amount within a period of time specified by the settlement authority which shall not exceed thirty days from the date of settlement.



**Section 126**

If an offender who consents to the settlement fails to pay the fine within the period of time under Section 125, the case shall continue and the prescription shall start counting from the due date of the fine pursuant to the order of the settlement authority.

Countersigned by

Field Marshal P. Pibulsonggram

Prime Minister

## Rates of Fees

(1) Permission to send or carry dangerous goods or animals on board Aircraft	10,000 Baht each
(2) Certificate of registration	100,000 Baht each
(3) Private Aircraft operating license	10,000 Baht each
(4) Type Certificate for Aircraft	1,000,000 Baht each
(5) Type Certificate for Major Aircraft Appliances	500,000 Baht each
(6) Supplemental Type Certificate	100,000 Baht each
(7) Certification of Type Certificate for Aircraft or Major Aircraft Appliances or Supplemental Type Certificate issued by a State Party to the Convention	100,000 Baht each
(8) Production Certificate for Aircraft	500,000 Baht each
(9) Provisional Production Certificate for Aircraft	200,000 Baht each
(10) Production Certificate for Major Aircraft Appliances	300,000 Baht each
(11) Production Certificate for Aircraft Replacement Parts	200,000 Baht each
(12) Production Certificate for TSO Articles	200,000 Baht each
(13) Certificate of Airworthiness	100,000 Baht each
(14) Export Certificate of Airworthiness	100,000 Baht each
(15) Airworthiness Approval Tag	10,000 Baht each
(16) Export Airworthiness Approval Tag	10,000 Baht each
(17) Certificate of authority for a designated manufacturing inspection representative to issue a Certificate of Airworthiness and Airworthiness Approval Tag	100,000 Baht each
(18) Repair Station Certificate	100,000 Baht each
(19) Personnel license	20,000 Baht each
(20) Certificate of a Personnel license issued by a State Party to the Convention or a State entering into the agreement with Thailand	4,000 Baht each
(21) Aerodrome establishment license	

Published in the Government Gazette, Vol.71, Part 58, Page 1249, dated 14th September B.E. 2497 (1954)

### **Air Navigation Act B.E. 2497**

**Remarks:** The rationales for promulgation of this Act are: whereas the development of civil aviation in the world has considerably progressed, and especially in a technical side, the number of aircraft flying in the country and to the Kingdom has unprecedentedly multiplied and current aircraft have higher speed and larger size than before, it is necessary to have a stricter control over air navigation operations and air traffic.

Therefore, it is expedient to improve the law on air navigation, include provisions to establish the Civil Aviation Board which has the power to issue regulations in accordance with this Act and Annexes to the Convention on International Civil Aviation done at Chicago on the 7th day of December B.E. 2487 (1944), to which Thailand is a party, and set forth provisions on establishment of air navigation facilities, on accidents, and on qualifications of personnel.

*Government Gazette, Volume 71, Part 58, page 1249, 14 September B.E. 2497.*

### **Air Navigation Act (No. 2) B.E. 2498**

**Remarks:** The rationales for promulgation of this Act are: since it is found that aircraft commanders have had aircraft landed on a place other than a licensed aerodrome or a temporary takeoff and landing area licensed or designated in a notification by the Minister as specified by a competent official, and landed on a secret aerodrome and then flown from the country, which has considerably damaged the aircraft; and it is found that secret aerodromes have been increasingly built; therefore, it is expedient for the national safety to amend the law on air navigation to set forth stricter provisions and at the same time to impose a severer penalty.

*Government Gazette, Volume 72, Part 63, page 1339, 23 August B.E. 2498.*

### **Air Navigation Act (No. 3) B.E. 2502**

**Remarks:** The rationales for promulgation of this Act are: whereas the law on air navigation currently in force has no provision to allow the possessor of aircraft to register the aircraft, it is expedient to allow that the possessor of aircraft who has reasonable grounds for aircraft registration be entitled to such registration when the Minister in charge of the enforcement of the Act considers that there are reasonable grounds to permit the registration.

*Government Gazette, Volume 76, Part 122, Special Edition, page 56, 31 December B.E. 2502.*

### **Air Navigation Act (No. 4) B.E. 2504**

**Remarks:** The rationales for promulgation of this Act are: whereas aerodromes of various countries have recently collected a fee from passengers using an aerodrome as a port of embarkation on aircraft, and Thailand has had an appropriate number of aerodromes providing services to passengers, it is expedient to collect a fee from passengers departing from an aerodrome as widely practiced for the benefit of the State's revenue received and expenditure reduced.

*Government Gazette, Volume 78, Part 76, page 1064, 26 September B.E. 2504.*

### **Air Navigation Act (No. 5) B.E. 2507**

**Remarks:** The rationales for promulgation of this Act are: to be in line with international practice and to be of the orderly manner on collection of fees for using an aerodrome, it is expedient to amend the law on air navigation to the extent of aerodrome fees to suit the situation.

*Government Gazette, Volume 81, Part 66, page 481, 14 July B.E. 2507.*

#### **Air Navigation Act (No. 6) B.E. 2514**

**Remarks:** The rationales for promulgation of this Act are: whereas the development of civil aviation in the world has considerably progressed, and current aircraft have far more weight and larger size than before, it is expedient to amend the aircraft takeoff and landing fee to suit the situation and in accordance with the criteria prescribed in the regulations of the Civil Aviation Board; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 88, Part 106, page 662, 5 October B.E. 2514.*

#### **Air Navigation Act (No. 7) B.E. 2521**

**Remarks:** The rationales for promulgation of this Act are: whereas provision of services in a ramp and technical services is a business closely connected with the safety of aircraft and aircraft passengers, and with facilitation and safety in air navigation and civil aviation, it is expedient to establish rules thereon to make such services orderly and efficient in accordance with international standards by requiring that such services need permission, the rate of the license fee be fixed, the aerodrome fee collected be allowed to be spent in facilitating passengers within the aerodrome for the smooth operations of the aerodrome; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 95, Part 149, Special Edition, page 103, 25 December B.E. 2521.*

#### **Air Navigation Act (No. 8) B.E. 2525**

**Remarks:** The rationales for promulgation of this Act are: since the maximum rates of fees fixed at the end of the Air Navigation Act B.E. 2497 make it inconvenient in changing the rates of fees to suit the economic situation, and fees under the Act are divided into two kinds, namely, fees as taxes and fees as service charges, it is expedient to repeal the maximum rates of fees as attached to the Act, and to distinguish fees as taxes and fees as service charges from each other, in which case the Minister shall have the power to issue the Ministerial Regulations to fix "rates" for fees as taxes and has the power to fix "maximum rates" for fees as service charges, and the Civil Aviation Board shall have the power to fix rates for fees as service charges not exceeding the rates prescribed in the Ministerial Regulations; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 99, Part 108, Special Edition, page 26, 6 August B.E. 2525.*

#### **Air Navigation Act (No. 9) B.E. 2534**

**Remarks:** The rationales for promulgation of this Act are: whereas the Government considers it opportune to allow private persons, natural or juristic, to use private aircraft in order to sustain the development of air transport, and enlarge the number of personnel involved with air transport to be a military reserve in case of necessity; and being aware of the use of private aircraft by private persons may have an impact on the national security and safety, it is necessary to have a strict control over those persons who wish to use private aircraft to apply for a private aircraft license from the Minister of Transport, who has an absolute discretion as to whether the license should be granted or not; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 108, Part 164, Special Edition, page 13, 18 September B.E. 2534.*

#### **Air Navigation Act (No. 10) B.E. 2542**

**Remarks:** The rationales for promulgation of this Act are: whereas the Government currently has a policy toward privatization of State enterprises to be limited companies or

public limited companies in order for the private sector to engage in the investment in and management of businesses operated by State enterprises, which will result in more efficient and flexible operations and reduction in State budget; and whereas it is necessary to gather foreign funds to suit the current economy of Thailand, it is expedient to amend qualifications of an applicant for aircraft registration under the law on air navigation, allowing public limited companies to be qualified to register aircraft, and reducing the number of shares held by persons holding Thai nationality in limited partnerships, limited companies and public limited companies to be in line with such direction; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 116, Part 118, page 39, 25 November B.E. 2542.*

### **Air Navigation Act (No. 11) B.E. 2551**

**Remarks:** The rationales for promulgation of this Act are: whereas the Air Navigation Act B.E. 2497 has long been enforced and has provisions inconsistent with the Convention on International Civil Aviation, to which Thailand is a party, and with international standards of various countries, it is expedient to establish rules for controlling production of aircraft and aircraft parts, empower competent officials to issue airworthiness requirements and directives governing such matters, set forth rules for controlling and certifying public aerodrome operations, and establish rules and procedures for collection and remittance of departure passenger service charges to be in line with the Convention and international standards in order to expand opportunities for the aviation industry of Thailand; therefore, it is necessary to enact this Act.

*Government Gazette, Volume 125, Part 45A, page 9, 7 March B.E. 2551.*

### **Air Navigation Act (No. 12) B.E. 2553**

**Remarks:** The rationales for promulgation of this Act are: whereas in flying an Aircraft, a flight plan should be made and submitted to the air traffic service unit, military unit or other administrative bodies having the powers and duties to provide air traffic services, the rules of which are also stipulated in the Convention on International Civil Aviation to which Thailand is a party, but the Air Navigation Act B.E. 2497 has not yet prescribed provision on making a flight plan and compliance with the air traffic rules which made the military officers uncertain in investigating the aircraft flying into the Kingdom likely to threaten the national security or the public; therefore, it is expedient to add such rules and necessary to enact this Act.

*Government Gazette, Volume 127, Part 36A, page 1, 2 June B.E. 2553.*

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