

Communications Authority of Thailand Act, B.E. 2519 (1976)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 21st Day of September B.E. 2519;

Being the 31st Year of the Present Reign.

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

Whereas it is expedient to establish the Communications Authority of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly as follows:

Section 1

This Act is called the "Communications Authority of Thailand Act, B.E. 2519 (1976)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette except the provisions of Section 4, Section 12 and Section 13 which shall come into force upon the publication of the Notification of the Minister in the Government Gazette, which must not be later than one hundred and fifty days from the date this Act comes into force.

Section 3

Subject to Section 12, the Postal Fund Act, B.E. 2504 shall be repealed.

Section 4

The Post Office Act, B.E. 2477, the Telegraph and Telephone Act, B.E. 2477 and all rules and regulations issued pursuant thereto in so far as they are concerned with the postal and telecommunications service shall continue to be in force in so far as they are not contrary to or inconsistent with the provisions of this Act.

For the purpose of applying the said Acts, rules and regulations as specified in paragraph one, certain words contained therein shall have the following meanings.

(1) In the Post Office Act, B.E. 2477:

The words "Department" and "Post and Telegraph Department" in Section 5, Section 6, Section 7, Section 8, Section 29, Section 30, Section 31, Section 32, Section 34, Section 35, Section 36, Section 43, Section 50, Section 52, Section 53, Section 55, Section 61, Section 67, Section 69, Section 74, Section 75, Section 76, Section 79 and Section 81 shall mean the "Communications Authority of Thailand".

The word "Department" in Section 54 shall mean the "Governor".

The word "Government" in Section 37 shall mean the "Communications Authority of Thailand".

The word "Minister" in Section 22 shall mean the "Board".

The word "Director-General" in Section 9, Section 11, Section 17, Section 21, Section 27, Section 33, Section 35 and Section 51 shall mean the "Board".

The word "Director-General" in Section 12, Section 22, Section 25, Section 36, Section 40, Section 42, Section 48, Section 73 and Section 78 shall mean the "Governor".

The words "official", "competent official" and "postal officer" shall mean the "officials".

(2) In the Telegraph and Telephone Act, B.E. 2477:

The words "Department" and "Post and Telegraph Department" in Section 5, Section 6, Section 14, Section 17, Section 18, Section 19, Section 20 and Section 38 shall mean the "Communications Authority of Thailand".

The word "Government" in Section 12 and Section 13 shall mean the "Communications Authority of Thailand".

The word "Minister" in Section 11 shall mean the "Board".

The word "Director-General" in Section 7 and Section 8 shall mean the "Governor with the approval of the Board".

The word "Director-General" in Section 11 shall mean the "Governor".

The words "official", "Telegraph officer", "telephone officer", "telegraph official" and "telegraph official" shall mean the "officials".

Section 5

In this Act:

"Communications Authority of Thailand" means the Communications Authority of Thailand established under this Act;

"employee" means an employee of the Communications Authority of Thailand;

"official" means an official of the Communications Authority of Thailand;

"Governor" means the Governor of the Communications Authority of Thailand;

"Board" means the Board of the Communications Authority of Thailand;

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

Section 6

The Minister of Communications shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act. Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER 1

Establishment, Capital and Reserves

Section 7

There shall be established the "Communications Authority of Thailand" having the objectives to operate and improve the activities of the post and telecommunications for the benefits of the State and the public and to carry out the business in connection with the activities of the post and telecommunications and other closely connected activities or those which are beneficial to the activities of the post and telecommunications, except those specifically prescribed by laws to be within the powers and duties of other juristic persons.

Section 8

The Communications Authority of Thailand shall be a juristic person.

Section 9

The Communications Authority of Thailand shall establish its head office in the Bangkok Metropolis and may establish a branch office or agent at any other place within or outside the Kingdom. The establishment of a branch office or agent outside the Kingdom shall require prior approval of the Minister.

Section 10

The Communications Authority of Thailand shall have the power to carry out various activities within the scope of its objectives under Section 7 and such power shall include the following:

- (1) to have ownership, possess land and other properties, have real rights, construct, buy, hire, let, sell by hire-purchase, borrow, lend, procure, dispose of, exchange, transfer and accept transfer of land, properties or rights, accept property donated thereto, and to proceed in connection with the equipment and facilities necessary for the activities of the post and telecommunications;

- (2) to provide various post and telecommunications services;
- (3) to prescribe rates of fees, rents and various business and service charges of the post and telecommunications and to lay down rules in connection with the payment thereof;
- (4) to lay down safety rules for the use of post and telecommunications services and facilities; to borrow, overdraw bank accounts, issue bonds or other instruments for investment, lend money with surety or securities;
- (5) to participate in a joint venture for the benefit of the activities of the Communications Authority of Thailand, as well as to become a partner or shareholder of a partnership or juristic person.

Section 11

The capital of the Communications Authority of Thailand consists of;

- (1) initial capital under Section 12;
- (2) money and other properties transferred under Section 13;
- (3) money to be allocated from the budgetary appropriations for operation or expansion.

Section 12

The entire postal fund under the Postal Fund Act, B.E. 2504 including rights, duties and obligations shall be transferred to the Communications Authority of Thailand on the day this section comes into force except the postal fund allocated as expenditure for the fiscal year B.E. 2520 for the Office of the Secretary, International Communications Division, Planning Division and the Office of Frequency Management of the Post and Telegraph Department.

The Postal Fund Act, B.E. 2504 shall continue to be in force for the postal fund not transferred to the Communications Authority of Thailand under paragraph one until the end of the fiscal year B.E. 2520.

The postal fund under paragraph two which still remains at the end of the fiscal year B.E. 2520 shall be remitted to the Treasury under the law on budgetary procedures.

Section 13

All activities, properties, liabilities, officials and employees of the Post and Telegraph Department other than those under the Office of the Secretary, International Communications Division, Planning Division and the Office of Frequency Management shall be transferred to the Communications Authority of Thailand.

Section 14

The properties of the Communications Authority of Thailand which are used for the operation and for the efficiency of the post and telecommunications for the public shall not be subject to the execution of judgment.

Section 15

The Chairman, Vice-Chairmen, Directors, Governor and officials shall be competent officials under the Penal Code.

Section 16

The Communications Authority of Thailand shall acquire the rights and duties prescribed by laws as those of the Post and Telegraph Department in so far as the post and telecommunications services and operation are concerned.

Section 17

The Communications Authority of Thailand shall be exempted from the payment of taxes and duties under the Revenue Code.

Section 18

The reserves of the Communications Authority of Thailand shall consist of ordinary reserves for contingencies, reserves for repayment of debts and reserves for other specific purposes as the Board may deem appropriate.

Section 19

The ordinary reserves may be expended only by the resolution of the Board with the approval of the Minister.

Section 20

The Communications Authority of Thailand shall, subject to the approval of the Board, open an account with the Bank of Thailand or other banks in accordance with the regulations of the Ministry of Finance.

CHAPTER 2 **Supervision, Control and Management**

Section 21

The Minister shall have the powers and duties to exercise general control over the affairs of the Communications Authority of Thailand and, for this purpose, has the power to summon the Chairman, Vice-Chairman, Directors, Governor, officials or employees to give explanation and furnish statement of facts and opinions or to submit reports.

Section 22

The matters which are required to be submitted to the Council of Ministers under this Act shall be submitted by the Minister.

Section 23

There shall be a Board of the Communications Authority of Thailand called the "Board of the Communications Authority of Thailand" consisting of a Chairman, a Vice-Chairman and not less than five but not more than seven other Directors including the Governor who is ex officio Director.

The Directors shall be one having knowledge and experience in postal business, one in telecommunications, one in economics, one in law and one in business administration.

Section 24

The Council of Ministers shall appoint the Chairman, Vice-Chairman and Directors of the Communications Authority of Thailand.

Section 25

The Chairman, Vice-Chairman and Directors must possess the qualifications under (1) and (2) and must not be under the prohibitions under (3), (4), (5), (6) and (7) as follows:

- (1) being of Thai nationality;
- (2) being over sixty-five years of age;
- (3) being or having been a bankrupt;
- (4) having been imprisoned by a final judgment to imprisonment except for an offense committed through negligence or a petty offense;
- (5) being a political official or holding a political position;
- (6) being an executive member or official of a political party;
- (7) having direct or indirect interest in any contract with the Communications Authority of Thailand or in any business done for the Communications Authority of Thailand.

Section 26

The appointed Chairman, Vice-Chairman and Directors shall hold office for a term of three years. In case of new or additional appointment, the appointee shall hold office only for the remaining term of the members already appointed.

Upon the expiration of the term under paragraph one, if new members have not yet been appointed, the Chairman, Vice-Chairman and Directors whose terms of office have expired shall remain in office until the new Board assumes office.

The Chairman, Vice-Chairman and Directors who vacate office at the end of term may be re-appointed.

Section 27

The Chairman, Vice-Chairman and Directors shall vacate office before the end of term under Section 26 upon:

- (1) death;
- (2) resignation;
- (3) removal by the Council of Ministers;
- (4) being an incompetent or quasi-incompetent person;
- (5) being absent from more than three consecutive Board meetings without justification;
- (6) lacking any qualification or being under any prohibition under Section 25.

Section 28

The Council of Ministers shall determine the remuneration for the Chairman, Vice-Chairman and Directors.

The Chairman, Vice-Chairman, Directors, Governor and officials may receive bonuses in accordance with the regulations prescribed by the Council of Ministers.

Section 29

Subject to Section 38 and Section 39, the Board shall have the powers and duties to lay down policies and exercise general control of the business of the Communications Authority of Thailand. Such powers shall include the following;

- (1) to issue rules or regulations ensuring the conduct of works in compliance with the objectives;
- (2) to issue rules or regulations on business administration;
- (3) to issue rules or regulations on the meetings;
- (4) to issue rules or regulations on business prescribed by the postal laws;
- (5) to issue regulations on recruitment, appointment, increase or decrease of salaries, cut of salaries, removal from office, disciplinary measures, punishments and appeals against punishment of officials and employees as well as to determine the number of positions, scales of salaries and wages and other remuneration for officials and employees;
- (6) to prescribe the rates of fees, rents, charges and other service charges;
- (7) to prescribe the rates of provident funds for the Governor and officials and to issue rules on payment thereof.

If the rules or regulations on the business administration under (2) contain any restriction on the exercise of the power of the Governor in executing any juristic act, the Minister shall have it published in the Government Gazette.

Section 30

The Board shall appoint the Governor who must have knowledge and experience in the communications and/or business administration.

The Governor shall receive salaries as determined by the Board. The appointment and the determination of the rates of salaries of the Governor shall require an approval of the Council of Ministers.

Section 31

The Governor shall possess the qualifications under (1), (2) and (3) and shall not be under the prohibitions under (4), (5), (6), (7) and (8) as follows;

- (1) being of Thai nationality;
- (2) not being over sixty-years of age;
- (3) being able to work full time for the Communications Authority of Thailand;

- (4) being or having been a bankrupt;
- (5) having been imprisoned by a final judgment to imprisonment except for an offense committed through negligence or a petty offense;
- (6) being a government official having permanent position or salaries, or a political official, employee of a Ministry, Department or public body having equivalent status, an official of local administration or Bangkok Metropolitan Administration, or holding a political position including membership of a local council and local administrator;
- (7) being an executive member or official of a political party;
- (8) having direct or indirect interest in a contract with the Communications Authority of Thailand or in the business done for the Communications Authority of Thailand.

Section 32

The Governor shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Board;
- (4) being an incompetent or quasi-incompetent person;
- (5) being absent from more than three consecutive Board meetings without justification;
- (6) lacking any qualification or being under any prohibition under section 30 or section 31.

The resolution of the Board removing the Governor under (3) shall require votes of not less than three-fourths of the total number of Directors excluding the Governor and the approval of the Council of Ministers.

Section 33

The Governor shall be the person to administer the affairs of the Communications Authority of Thailand in accordance with the laws, regulations and policies laid down by the Board and shall have the power to control all officials and employees.

The Governor shall be responsible to the Board for the administration of the affairs of the Communications Authority of Thailand.

Section 34

The Governor shall have the power:

- (1) to recruit, appoint, remove from office, promote, reduce or cut salaries as well as impose disciplinary punishments upon officials and employees, subject to the regulations prescribed by the Board;
- (2) to issue rules on the conduct of works of the Communications Authority of Thailand which are not contrary to or inconsistent with the rules and regulations prescribed by the Board.

Section 35

In respect of its external relations, the Governor shall represent the Communications Authority of Thailand and act as its agent and, for this purpose, may delegate his authority to an agent of the Communications Authority of Thailand appointed under Section 9 or any person to carry out any specific act, subject to the rules or regulations prescribed by the Board.

Section 36

The uniforms and insignia of the officials shall be of such descriptions, types and categories as prescribed in the Ministerial Regulations.

Section 37

Whoever, without authority, wears the uniform or uses the insignia of the officials in order to induce others to believe that he is so entitled, or wears the uniform or insignia imitation so

as to cause others to believe that he is an official, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Bath or to both.

CHAPTER 3

Relations with the Government

Section 38

In carrying out of the affairs of the Communications Authority of Thailand, the benefits of the State and the public shall be taken into account.

Section 39

The Communications Authority of Thailand shall obtain prior approval of the Council of Ministers for the following undertakings:

- (1) any undertakings as prescribed in Section 10 (5) and (6) involving an amount of money in excess of five million Bath each time;
- (2) disposing of immovable property of more than one million Bath in value; prescribing rates of fees, rents, charges and other service charges.

Section 40

The Communications Authority of Thailand shall prepare an annual budget which shall be divided into capital account and working account. The capital account shall be submitted to the Council of Ministers for consideration and approval while the working account shall be submitted to the Council of Ministers for information.

Section 41

Income received from the operation of the Communications Authority of Thailand shall belong to the Communications Authority of Thailand for various expenditures. The annual income, after deducting appropriate operation expenses and other charges, i.e. maintenance, depreciation, contribution to the aid fund for workers of the Communications Authority of Thailand, ordinary reserves for contingency, reserves for work expansion and capital investment as approved by the Council of Ministers, shall be remitted as State revenues.

If the income is insufficient to meet the said expenses excluding the reserves specified in paragraph two and the Communications Authority of Thailand is unable to acquire fund from other sources, the State shall provide the Communications Authority of Thailand with the fund in such amount as may be necessary.

Section 42

The Board shall submit to the Minister an annual report which shall contain the result of works completed by the Communications Authority of Thailand in the preceding year together with statement of policy of the Board, project and plans to be implemented in the future.

The report under paragraph one shall be completed and submitted to the Minister within ninety days from the last day of the calendar year.

CHAPTER 4

Appeals and Aids

Section 43

The officials and employees shall have the right to appeal against punishments in accordance with the rules or regulations prescribed by the Board.

Section 44

The Communications Authority of Thailand shall establish an aid fund for the welfare of workers of the Communications Authority of Thailand in the event of retirement, accidents, illness or other cases deserving aids.

The establishment of the aid fund under paragraph one, classification of the recipients, procedure for giving aids as well as the management of the fund shall be in accordance with the rules or regulations prescribed by the Board.

CHAPTER 5

Accounts, Audit and Examination

Section 45

The Communications Authority of Thailand shall set up and maintain an appropriate accounting system in accordance with the categories of the main works, cause regular internal audit and have books of accounts in which the following particulars shall be entered:

- (1) receipts and expenditures;
- (2) assets and liabilities; which shall represent the actual and appropriate conditions of works in accordance with their categories together with the particulars which are the sources of such entries.

Section 46

Each year, the Office of Auditor-General shall examine and audit the accounts and finance of the Communications Authority of Thailand.

Section 47

The auditor shall have the power to examine all books of accounts and documents of the Communications Authority of Thailand and shall, for this purpose, have the power to interrogate the Chairman, Vice-Chairman, Directors, Governor, officials and employees of the Communications Authority of Thailand.

Section 48

The auditor shall submit an auditing report to the Council of Ministers within one hundred and twenty days after the end of the accounting year and the Communications Authority of Thailand shall publish the annual report of the preceding year showing the balance-sheet, working account and profit and loss account duly certified by the auditor within one hundred and fifty days after the end of the accounting year.

Transitory Provisions

Section 49

Pending the transfer of the business, properties, liabilities, officials and employees pursuant to section 13, the Post and Telegraph Department shall continue to carry on the business until the Minister issues a Notification under section 2.

Section 50

After the Minister has issued the Notification under section 2, the officials and employees of the Post and Telegraph Department shall acquire the status of officials and employees of the Communications Authority of Thailand as from the date of the said Notification and shall receive salaries equal to the amount formerly received until they are duly employed by the Governor under section 34 (1).

The retirement of officials of the Post and Telegraph Department under paragraph one shall be regarded as retirement from active service owing to the abolition or dissolution of the positions under the law on gratuities and pensions for Government officials.

The retirement of employees of the Post and Telegraph Department under paragraph one shall be regarded as retirement owing to the abolition or reduction of the positions and the employees shall receive gratuities in accordance with the rules on gratuities for employees B.E. 2519.

Section 51

Those who have been permitted to do any business in accordance with the Post Office Act, B.E. 2477 and the Telegraph and Telephone Act, B.E. 2477 shall continue to have the right to carry on their business under the permitted conditions and duration.

Countersigned by
M.R. Seni Pramoj
Prime Minister

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