

Engineer Act, B.E. 2542 (1999)

Translation

Bhumibhol Adulyadej, Rex.

Given on the 19th day of November B.E. 2542 (1999)

Being the 54th Year of the Present Reign

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

Whereas it is expedient to enact a law governing the engineering profession;

This Act contains certain provisions concerning restriction of personal rights and freedoms, which, under Section 29 together with Section 39 and Section 50 of the Constitution of the Kingdom of Thailand, can be done by virtue of the provisions of law;

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

Section 1

This Act shall be called the "Engineer Act, B.E. 2542 (1999)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The following Acts shall be repealed:

- (1) Engineering Profession Act B.E. 2505 (1962);
- (2) Engineering Profession Act (No. 2), B.E. 2512 (1969);
- (3) Engineering Profession Act (No. 3), B.E. 2520 (1977).

Section 4

In this Act:

"Engineering profession" means engineering profession in the fields of civil engineering, mining engineering, mechanical engineering, electrical engineering, industrial engineering and such other fields as prescribed in the ministerial regulations.

"Controlled engineering profession" means the engineering profession as prescribed in the ministerial regulations.

"License" means the license to practice the controlled engineering profession under this Act.

"Person practicing the controlled engineering profession" means a person licensed to practice the controlled engineering profession granted by the Council of Engineers.

"Member" means a Member of the Council of Engineers.

"Committee Member" means a Member of the Council of Engineers Committee.

"Committee" means the Council of Engineers Committee.

"Secretary-general" means a secretary – general of the Council of Engineers.

"Competent officer" means a person who is appointed by the Minister to implement this Act.

"Minister" means the Minister who is in charge of this Act.

Section 5

The Minister of Interior shall be in charge of this Act and shall have the power to appoint competent officers, to issue ministerial regulations, to determine fees not exceeding the rates annexed to this Act, and to issue the ministerial regulations for proper implementation of this Act.

Such ministerial regulations shall come into force upon publication in the Government Gazette.

Chapter 1 **The Council of Engineers**

Section 6

The Council of Engineers shall be established having the objectives and the powers and duties prescribed in this Act.

The Council of Engineers shall be a juristic person.

Section 7

The Council of Engineers shall have the following objectives:

- (1) to promote the education, research and practicing of the engineering profession;
- (2) to promote harmony and conciliation among its members;
- (3) to promote the welfare of and to honor the members;
- (4) to control the behavior and operation of persons practicing the controlled engineering profession in compliance with the standards and etiquette of the engineering profession;
- (5) to support, advise, disseminate and service academic subjects for the people and other organizations in connection with engineering science and technology;
- (6) to provide consultation or advice for the government relating to engineering and technological problems and policies;
- (7) to act as a representative of persons practicing the engineering profession in Thailand;
- (8) to perform any other activity as prescribed in the ministerial regulations.

Section 8

The Council of Engineers shall have the following powers and duties:

- (1) to issue licenses to applicants who apply for practicing the controlled engineering profession;
- (2) to suspend a license or to cancel a license;
- (3) to certify academic degrees, diplomas or certificates for practicing the controlled engineering profession;
- (4) to certify knowledge and expertise for practicing the controlled engineering profession;
- (5) to make recommendations to the Minister relating to the determination and termination of a field of the controlled engineering profession;
- (6) to issue articles of the Council of Engineers governing:
 - (a) determination of prohibited characteristics imposed in Section 12 (6);

- (b) admission of members, member registration fees, maintenance fees and the fees to be collected from members or third persons;
- (c) selection and election of Committee Members under Section 32;
- (d) issuance of licenses, term of licenses, suspension of licenses, cancellation of licenses and certification of knowledge and expertise in practicing the controlled engineering profession;
- (e) qualifications, terms of offices and vacancies of offices of the examiners under the second paragraph of Section 20;
- (f) requirements and qualifications of the applicants for licenses in each level under Section 46;
- (g) qualifications and prohibited characteristics of the applicants for licenses under Section 49;
- (h) etiquette of the engineering profession and improper behavior towards the etiquette which constitutes deterioration in honorable status of the profession;
- (i) standards of the controlled engineering profession;
- (j) conduct of general meetings of the Council of Engineers;
- (k) any activity prescribed in this Act.

Such articles of the Council of Engineers shall be approved by the Special President of the Council and shall come into force upon publication in the Government Gazette.

- (7) to act for implementing objectives of the Council of Engineers.

Section 9

The Council of Engineers may have the following earnings:

- (1) member registration fees, maintenance fees and the fees imposed under this Act;
- (2) subsidies from national budget;
- (3) profits from management of property and activity operation of the Council of Engineers;
- (4) monies and property given to the Council of Engineers;
- (5) benefits gained from the monies and property in (1), (2), (3) and (4).

Section 10

The Minister shall hold the office of the Special President of the Council of Engineers and shall have the powers and duties prescribed in this Act.

Chapter 2

Member

Section 11

Members of the Council of Engineers shall be classified into three categories as follows:

- (1) ordinary member;
- (2) extraordinary member;
- (3) honorary member.

Section 12

The ordinary members shall have the qualifications and shall not possess any of the prohibited characteristics, as follows:

- (1) age not below eighteen years;
- (2) being a Thai nationality;
- (3) having knowledge of the engineering profession by taking a degree, diploma or certificate equivalent to a degree in the field of engineering certified by the Council of Engineers;
- (4) not having improper behavior towards the etiquette which constitutes deterioration in honorable status of the profession as stipulated in the articles of the Council of Engineers;
- (5) not having been imprisoned by the final judgment of a court for an offence relating to acts of improper behavior towards the etiquette which constitutes deterioration in honorable status of the profession as stipulated in the articles of the Council of Engineers;
- (6) not being insane, infirm or infectious as stipulated in the articles of the Council of Engineers.

An extraordinary member must do work relating to the engineering profession and must have qualifications and not have prohibited characteristics as stipulated in the articles of the Council of Engineers.

The honorary members are the qualified persons who are appointed by the general meetings of the Council of Engineers.

Section 13

An ordinary member shall have the following powers and duties:

- (1) to express opinions in the general meetings of the Council of Engineers;
- (2) to vote in the general meetings of the Council of Engineers;
- (3) to express opinions and to question the Committee in writing about the activities of the Council of Engineers, for the Committee consideration. In case where the members totally numbering fifty or more submit to the Committee for consideration of any matter relating to the activities of the Council of Engineers, the Committee must consider and notify the outcome of the consideration to the submitters without delay;
- (4) to select, be elected or be appointed as a Committee Member;
- (5) to pay member registration fees and maintenance fees as stipulated in the articles of the Council of Engineers;
- (6) to maintain honorable status of the profession and to act in compliance with this Act.

An extraordinary member or an honorary member shall have the same rights and duties as those of an ordinary member except for the rights and duties in (2) and (4).

Section 14

Membership of a member shall expire upon:

- (1) death;
- (2) resignation;
- (3) revocation by resolution of the Committee due to lacking of qualifications under Section 12 of an ordinary member or an extraordinary member, as the case may be;

- (4) revocation by a general meeting of the Council of Engineers of the appointment of an honorary member;
- (5) failure to pay member registration fees or maintenance fees without reasonable ground as stipulated in the articles of the Council of Engineers;
- (6) revocation of license by the resolution of the Council of Engineers under Section 64.

Section 15

An ordinary general meeting of members shall be held once a year.

All other general meetings shall be called extraordinary meetings.

Section 16

The Committee shall summon a general meeting whenever necessary.

An ordinary member may request that an extraordinary meeting be held in accordance with the criteria and procedures as stipulated in the articles of the Council of Engineers.

In such case, the Committee shall summon the extraordinary meeting within thirty days after receipt of the request.

Section 17

A general meeting of the Council of Engineers shall not be conducted if the number of ordinary members presenting at the meeting does not reach two hundred and if such meeting was summoned upon the request of the members. In case where it is a general meeting not summoned upon request of the members, such meeting shall be adjourned and another general meeting shall be summoned by the President of the Council of Engineers within forty-five days.

Section 18

The President of the Council of Engineers shall be presiding over a general meeting of the Council of Engineers. If the President of the Council of Engineers is not present or is unable to perform his duty, the Vice-President of the Council of Engineers acting on behalf of the President under Section 34 shall be presiding over the meeting. If the President of the Council of Engineers and the Vice-President of the Council of Engineers are not present or are unable to perform their duties, the members present shall elect one of their members to be chairman of the meeting.

Section 19

The following subjects shall be transacted at an annually ordinary general meeting:

- (1) approval of annual operation of the Committee;
- (2) consideration and approval of annual balance sheets of the Council of Engineers;
- (3) appointment of auditors and fixing up the remuneration of the auditors.

Section 20

One or more examiner(s) shall be appointed by the general meeting of the Council of Engineers from the members or third persons.

The qualifications, terms of offices and vacancies of offices shall be as those stipulated in the articles of the Council of Engineers.

The examiners shall have the power and duty to examine the operation of the Committee and shall make reports and submit them to the general meeting of the Council of Engineers.

Section 21

In the examination of the Committee operation, the examiners shall have the power to enter into the business offices of the Council of Engineers during the business hours. The persons concerned shall provide facilities, assistance or explanations to the examiners as is reasonably expedient.

Section 22

A Committee Member, subcommittee member, official of the Council of Engineers, employee and representative of the Council of Engineers shall have the duty to submit documentary evidence which are kept by or in the custody of them to the examiners and to provide explanations concerning operation in the activities of the Council of Engineers as requested by the examiners.

Section 23

In case where it is found that the Committee fails to operate business in accordance with the annual operation plans or operates business in a manner likely to cause damage or to be contrary to the Council of Engineers objectives, the examiners shall notify the general meeting of the Council of Engineers or the ordinary members thereof as they deem it fit to consider taking any further actions.

Chapter 3 Committee

Section 24

There shall be a Committee of the Council of Engineers consisting of:

- (1) ten Committee Members whom the ordinary members elect from the ordinary members and who do not hold offices as members of the college faculty in any institutions of higher education of academic degree;
- (2) five Committee Members whom the ordinary members elect from the ordinary members and who hold offices as members of the college faculty in any institutions of higher education of academic degree;
- (3) five Committee Members whom the Cabinet appoints from the ordinary members whose names are proposed by the Minister.

The election and the appointment of the Committee Members under the first paragraph shall be considered from the ordinary members from various different controlled engineering fields in proper ratio.

Section 25

When Committee Members are appointed and the result of the election is known in accordance with Section 24, the Special President of the Council shall arrange for a Committee meeting to be held within thirty days and such meeting date shall be considered as the first day of the term of office of the Committee Member.

Section 26

The Committee shall select one Committee Member to hold office as President of the Council of Engineers, another Member to hold office as first Vice-President and another Member to hold office as second Vice-President.

The President shall select one Committee Member to hold office as secretary-general and another Member to hold office as treasurer and may select Committee Members to hold other offices as are necessary, subject to the Committee approval.

The President shall have the power to remove the secretary-general, the treasurer and others as per the second paragraph from office, subject to the Committee approval.

The President, the first Vice-President and the second Vice-President shall each hold office for the duration of the term of office of the Committee Member so elected.

Upon the vacancy of office of the President, the offices of secretary-general, treasurer and others, as per the second paragraph, shall be vacated.

Section 27

A Committee Member shall have the qualifications and shall not possess any of the prohibited characteristics, as follows:

- (1) having been a licensed fellow engineer for not less than ten years or being a licensed charter engineer;
- (2) not having ordered for suspension or cancellation of his license;
- (3) not having been a bankrupt.

Section 28

A Committee Member shall hold office for a term of three years.

An elected Committee Member may not hold office for more than two consecutive terms.

The Committee Member whose term has expired shall continue to do his duty until a new Committee Member is elected or appointed as replacement.

Section 29

Apart from the expiration of the term of office, a Committee Member shall vacate office upon:

- (1) expiration of membership under Section 14;
- (2) disqualification under Section 27;
- (3) resignation;
- (4) dismissal by the Council of Engineers resolution of not less than two-thirds of the votes of the members present at the meeting;
- (5) offices of the elected Committee Members are vacated for more than half of the total number of the elected Committee Members and the remaining terms of offices of such Committee Members are not less than ninety days;
- (6) removal by the Minister under the Cabinet approval as per Section 69.

Section 30

In case where the office of an elected Committee Member is vacated before the expiration of the term of office, the Committee shall elect a Committee Member who is qualified under Section 27 and Section 24 (1) or (2), as the case may be, to be a replacing Committee Member within thirty days following the date of such vacancy. However, if the remaining term of office is less than ninety days, the Committee may or may not elect a replacing Committee Member.

In case where the offices of the Committee Members in the first paragraph are vacated for more than half of the total number of the elected Committee Members and the remaining terms of offices of such Committee Members are upwards of ninety days, a general meeting shall be arranged for to be held to elect new Committee Members to fill the vacancies.

The selected or elected one replacing the vacated office shall retain his office for such time only as the vacated one was entitled to retain the same.

Section 31

In case where an office of the Committee Members appointed under Section 24 (3) is vacated before the expiration of the term of office, a new Committee Member shall be appointed to fill the vacancy within thirty days following the date of such vacancy. However, if the remaining term of office is less than ninety days, such replacement may or may not be made.

The appointed one shall retain his office for such time only as the vacated one was entitled to retain the same.

Section 32

The election of Committee Members under Section 24 (1) and (2), the selection of Committee Members to hold offices stipulated in Section 26 and the selection or election of Committee Members under Section 30 shall be in compliance with the articles of the Council of Engineers.

Section 33

The Committee shall have the following powers and duties:

- (1) to administer and operate the business in compliance with the Council of Engineers objectives and articles;
- (2) to supervise and to do any legal acts against persons who act in violation of this Act;
- (3) to issue the Committee rules governing any acts as provided to be the Committee duties under this Act or as assigned by the general meetings of the Council of Engineers;
- (4) to determine the operation plans and budgets of the Council of Engineers;
- (5) to adjudicate on the appeals which are lodged by the licensees against the decisions of the etiquette committee under Section 62.

Section 34

The President, the first Vice-President, the second Vice-President, the secretary-general and the treasurer shall have the following powers and duties:

- (1) the President shall have the following powers and duties:
 - (a) to be the Council of Engineers representative for any activities involving any third persons;
 - (b) to be the chairman of the Committee meetings and of the general meetings of the Council of Engineers;
 - (c) to perform any activities of the Council of Engineers in compliance with the Committee resolutions.
- (2) the first Vice-President shall be an assistant of the President in activities which are under the control of the President as assigned by the President and shall act for the President during the absence of the President or when the President is unable to perform his duty.
- (3) the second Vice-President shall be an assistant of the President in activities which are under the control of the President as assigned by the President and shall act for the President during the absence of the President and the first Vice-President or when they are unable to perform their duties.
- (4) the secretary-general shall have the following powers and duties:
 - (a) to control and direct the officials of the Council of Engineers at all levels;
 - (b) to act as a secretary at the Committee meetings and the general meetings of the Council of Engineers;
 - (c) to do any acts as assigned by the President.
- (5) the treasurer shall have the power and duties to control, supervise and be responsible for the Council of Engineers accounting, finance and budgeting.

The President may assign the Vice-Presidents, Committee Members, the secretary general and the treasurer or officials of the Council of Engineers to do any of the acts on his behalf as stipulated in the articles of the Council of Engineers.

Chapter 4

Committee Operation

Section 35

At least half of the total number of the Committee Members must be present at a Committee meeting to constitute a quorum.

The President shall be presiding over the meeting. In case where the President is absent or unable to perform his duty, the Vice-President acting for him under Section 34 shall be presiding over the meeting. If the President and the Vice-President are absent or unable to perform their duties, the Committee Members present shall elect one of their Committee Members to be chairman of the meeting.

All resolutions of the meetings shall require a majority of votes. A Committee Member shall have one vote. In case of equal votes, the chairman of the meeting shall have the casting vote.

In case of revocation of membership as per Section 14 (3), the resolution of the meeting shall require not less than two-thirds of votes of the Committee Members present.

Section 36

The Special President of the Council may attend the meeting and explain and express opinions in the Committee meeting or may give opinions in writing to the Council of Engineers with regard to any matters.

Section 37

In the operation of the Committee, the Committee shall make an annual operation plan and budget to be proposed to the general meeting of the Council of Engineers. Upon approval by the resolution of the meeting, the operation can be performed.

The Committee shall make an annual report showing the result of the Committee operation of the previous year, the explanation for the policies, as well as the annual balance sheet and the accounts of earnings and expenses certified by an auditor under the law governing the auditors, to be proposed to the general meeting of the Council of Engineers within one hundred and twenty days from the end of the calendar year.

Section 38

The Committee may appoint a subcommittee for consideration of any matter or performance of any act on behalf of the Committee.

The subcommittee meetings shall be conducted in accordance with the rules stipulated by the Committee.

Section 39

An office of the Council of Engineers shall be established to perform the administrative duties for the Committee and the Council of Engineers.

Section 40

The President of the Council of Engineers shall appoint a Chief of Office of the Council of Engineers under the Committee resolution, from the persons having the qualifications and not possessing any of the prohibited characteristics, as follows:

- (1) being a Thai nationality;
- (2) age not below thirty years;
- (3) not being a bankrupt, insane, or incompetent or quasi-incompetent;
- (4) not having been imprisoned by the final judgment of a court unless the offence is related to an act of negligence or a petty offence;
- (5) any other qualifications specified by the Committee.

Section 41

Determination of holding office, vacancy of office, wages and other conditions of employment in the position of the chief of office of the Council of Engineers shall be in accordance with the forms of employment contract specified by the Council of Engineers.

Section 42

The chief of office of the Council of Engineers shall have the following powers and duties:

- (1) to control and be responsible for general administrative works of the Council of Engineers;
- (2) to oversee and keep the registers of members, registers of the persons licensed to practicing the controlled engineering profession and other registers of the Council of Engineers;
- (3) to administer the property of the Council of Engineers;
- (4) to perform any other activity as assigned by the Committee or the secretary-general.

Chapter 5

Articles of the Council of Engineers

Section 43

Draft articles of the Council of Engineers may be proposed only by the Committee or the ordinary members.

The proposal of draft articles of the Council of Engineers by the ordinary members is allowed only if they are certified by at least one hundred ordinary members.

The Committee shall arrange for the general meeting of the Council of Engineers to be held to consider the proposed draft articles of the Council of Engineers as is appropriate to the situation. The matter of consideration for the draft articles of the Council of Engineers may not be proposed as an unfixed agenda. Such matter must be clearly fixed as an agenda in the notice of summoning the meeting being accompanied by the proposed draft articles of the Council of Engineers.

Section 44

Upon approval of the draft articles of the Council of Engineers by the resolution of the general meeting of the Council of Engineers of not less than half of the total votes of the ordinary members present, the President of the Council of Engineers shall propose the draft articles of the Council of Engineers to the Special President of the Council without delay. The Special President of the Council may withhold such draft articles but is required to give explicit reasons therefore. In case where the draft articles proposed by the President of the Council of Engineers are not withheld within thirty days from the date of receiving, such draft articles shall be deemed to be approved by the Special President of the Council.

If the Special President of the Council withholds any draft articles, the Committee shall arrange for a Committee meeting to be held within thirty days from the date of withholding. At the latter meeting, if the resolution is confirmed by the Committee Members of not less than two-thirds of the total Committee Members, such draft articles shall be deemed to be approved by the Special President of the Council.

Chapter 6

Control of Practicing Engineering Profession

Section 45

No one shall practice the controlled engineering profession or represent himself in any manner to mislead another into understanding him as able to practice any field of the controlled engineering profession unless he is licensed to practice such field granted by the Council of Engineers.

Section 46

Persons practicing the controlled engineering profession in each field shall be classified into 4 levels as follows:

- (1) charter engineer;
- (2) fellow engineer;
- (3) associate engineer;
- (4) corporate engineer.

Criteria and qualifications of the persons practicing the controlled engineering profession in each level shall be in accordance with those stipulated in the articles of the Council of Engineers.

Section 47

No one shall use a word or phrase to represent himself to mislead another into understanding him as an expert at practicing the controlled engineering profession, including employing, hiring and allowing anyone to act for him, unless he has received a certificate or written approval and is an expert at practicing such field of the engineering profession granted by the Council of Engineers or the institutions certified by the Council of Engineers or is licensed with qualifications stipulated in the articles of the Council of Engineers.

Section 48

Issuance of license, term of license, suspension of license, revocation of license and certification of expertise on the practice of the controlled engineering profession shall be in accordance with those stipulated in the articles of the Council of Engineers.

Section 49

An applicant for a license must have qualifications and not have prohibited characteristics as stipulated in the articles of the Council of Engineers.

An applicant who is a natural person must be an ordinary member or extraordinary member of the Council of Engineers. Whenever his membership expires, his license shall expire.

An applicant who is juristic person, regardless of its amount of capital held by aliens, must have at least the following qualification:

- (1) having its principal office in the Kingdom of Thailand.
- (2) at least half of the total partners in a partnership, directors in a company or members in the management of a juristic person; or the managing partner in a partnership. The managing director in a company or the sole executive officer in a juristic person, are licensed under this Act.

Section 50

A licensee must behave in compliance with the etiquette of the engineering profession as stipulated in the articles of the Council of Engineers.

Section 51

Whoever sustains damage or finds any improper behavior towards the etiquette of the engineering profession conducted by a licensee shall be entitled to make allegations against such licensee by submitting a notification thereof to the Council of Engineers.

A Committee Member or any other person has the right to make accusations against a person practicing the controlled engineering profession stating the failure to comply with the etiquette of the controlled engineering profession by notifying thereof to the Council of Engineers.

The right to make allegations in the first paragraph or the right to make accusations in the second paragraph shall expire after one year elapses, as from the day when the sustainer or the accuser is aware of such improper behavior towards the etiquette of the controlled engineering profession and is aware of the offender.

Withdrawal of the allegations or accusations already submitted shall not constitute extinguishments of the actions under this Act.

Section 52

When the Council of Engineers receives the allegations or accusations under Section 51, the secretary-general shall propose such matter to the etiquette committee without delay.

Section 53

There shall be an etiquette committee consisting of one president of etiquette committee members and etiquette committee members in the number fixed by the Committee but not less than three members.

The Committee shall appoint the etiquette committee members under the resolution of general meeting of the Council of Engineers from the members having the following qualifications:

- (1) having been a person practicing the controlled engineering profession for not less than ten years;
- (2) not having been punished for an offence of improper behavior against etiquette.

Section 54

An etiquette committee member shall hold office for a term of three years and may be re-appointed, but shall not hold office for more than two consecutive terms.

The etiquette committee member whose term has expired shall perform the duty until a new etiquette committee member is appointed.

Section 55

Apart from the expiration of the term of office, an etiquette committee member shall vacate office upon:

- (1) resignation;
- (2) expiration of membership under Section 14;
- (3) disqualification under the second paragraph of Section 53;
- (4) dismissal by the Council of Engineers resolution of not less than two-thirds of the votes of the members present at the meeting.

Section 56

In case where an office of the etiquette committee members is vacated before the expiration of the term of office, the Committee shall appoint a new one to fill the vacancy. However, if the remaining term of office of such etiquette committee member is less than ninety days, the Committee may or may not appoint a replacing one.

The appointed etiquette committee member replacing the vacated office shall retain his office for such time only as the vacated one was entitled to retain the same.

Section 57

The etiquette committee shall have the power and duty to consider and adjudicate the matter of allegation that a licensee improperly behaves in breach of the etiquette of the engineering profession.

The etiquette committee procedures and adjudication shall be in accordance with the rules of the Committee.

Section 58

The etiquette committee may appoint a subcommittee for consideration of any matter or performance of any act on behalf of the etiquette committee.

The subcommittee acts in the first paragraph shall be in accordance with those stipulated in the rules of the Committee.

Section 59

In the execution of duties of the etiquette committee and of the subcommittee appointed by the etiquette committee, the etiquette committee members and the subcommittee members shall have the powers to give orders in writing to any person concerned to give a statement or to furnish any document or object which may be useful for their consideration. However, if it is an order to be given to the one who is not a licensee, the prior approval of the Special President of the Council or of the one assigned by the Special President of the Council must be given.

In the execution of duties under this Act, an etiquette committee member or subcommittee member shall be an official under the Criminal Code.

Section 60

The president of etiquette committee members shall give a notice stating the allegations or accusations together with a copy of such allegations or accusations to the alleged or accused licensee in advance not less than fifteen days before the commencement of the hearing.

The alleged or the accused has the right to give explanation or to produce any evidence to the etiquette committee or subcommittee appointed by the etiquette committee within fifteen days following the date of receiving notice from the president of etiquette committee members or within such period specified by the etiquette committee.

Section 61

The etiquette committee shall have the power to make a decision as follows:

- (1) dismiss the allegation;
- (2) issue a warning;
- (3) give a probation;
- (4) suspend a license for a period as is expedient but not exceeding five years;
- (5) revocation of a license.

Section 62

The licensee against whom the etiquette committee made decision as per Section 61 (2), (3), (4) or (5) may appeal against the decision to the Committee within thirty days from the date of receiving such decision.

The appeal shall be in accordance with the criteria and procedures as stipulated in the articles of the Council of Engineers.

The Committee decision shall be given in the form of the Council of Engineers order accompanying with the reasons for the decision and shall be final.

Section 63

No one whose license is suspended shall practice the controlled engineering profession or shall represent himself in any manner as having the right or being able to practice the controlled engineering profession as from the day of being notified of such the Council of Engineers order suspending the license.

Section 64

If a licensee whose license is suspended acts in violation of Section 63, the Council of Engineers shall pass a resolution to revoke his license as from the date of final judgment.

Section 65

A licensee whose license is revoked may not apply for a license until five years elapses as from the date of revocation.

In case where the revoked licensee is a juristic person, it shall be deemed revocation of the licenses of the partners in a partnership, directors in a company, executive officers in a juristic person and officers or employees in a partnership or company or juristic person who are involved in such act causing such partnership or company or juristic person to have its license revoked and such persons(s) shall not be a partner in a partnership, director in a company, executive officer in a juristic person which is licensed under this Act until five years elapses as from the date of revocation.

Chapter 7 Supervision

Section 66

The Minister shall have the powers and duties as follows:

- (1) to supervise and control the operation of the Council of Engineers and the practice of the controlled engineering profession;
- (2) to order the officials to investigate the facts concerning the operation of the Council of Engineers and the practice of the controlled engineering profession;
- (3) to order in writing the Committee Members to explain the facts concerning the activities of the Council of Engineers and may require them to furnish documents concerning the operation or minutes of the Committee meetings;
- (4) to order in writing the Council of Engineers to discontinue or rectify any action which appears to be contrary to the Council of Engineers objectives, laws or articles of the Council of Engineers.

Section 67

To act in compliance with the Minister order under Section 66, a competent officer shall have the power to give orders in writing to any person concerned to give a statement or to furnish any document or object which may be useful for its consideration and shall have the power to enter into Office of the Council of Engineers to examine the documents or evidence therein or in the place where the controlled engineering profession is practiced during the business hours or to order any person concerned to give explanation as requested by the competent officer. In this regard, a competent officer shall be an official under the Criminal Code.

In the execution of powers of the competent officer in the first paragraph, the concerned persons shall provide necessary assistance.

Section 68

In the execution of works of a competent officer, his identification shall be shown to the concerned persons.

The identifications of the competent officers shall be in accordance with the forms specified by the Minister and published in the Government Gazette.

Section 69

If it appears that the Council of Engineers fails to comply with the Minister order under Section 66 or there is any circumstance to show that the Committee, the President of the Council of Engineers or any Committee Member acts in breach of the Council of Engineers objectives or acts in grievous deterioration to the Council of Engineers, the Minister with the Cabinet approval shall have the power to order dismissing such Committee, the President of the Council of Engineers or the Committee Member from the office.

In case where the Minister shall have the order in the first paragraph, the Minister shall appoint five ordinary members to be an investigation committee. The investigation committee must expeditiously complete the investigation and then submit the investigation file and opinions to the Minister for consideration and giving order.

The Minister order shall be final.

Section 70

In case where the Minister has the order under Section 69, all the offices of the Committee Members of the Council of Engineers shall be vacated. The Minister shall appoint persons from the ordinary members of the Council of Engineers in the number equivalent to the number of the Committee Members fixed in Section 24 to be temporary Committee Members as replacement for the vacated offices on the same day when the Minister has the order dismissing the Committee Members from the offices.

The temporary Committee Members under the first paragraph shall have the powers and duties only as is necessary and shall, within thirty days from the date of appointing the temporary Committee Members by the Minister, arrange to have the election and the appointment of the new Committee Members under Section 24.

When the new Committee Members assume their offices, the temporary Committee Members appointed by the Cabinet shall be vacated.

Chapter 8

Penal Provision

Section 71

Any person who contravenes Section 45 or Section 63 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding sixty thousand Baht, or both.

Section 72

Any person who contravenes Section 47 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand Baht, or both.

Section 73

Any person who fails to comply with orders issued by the etiquette committee or subcommittee under Section 59 or of the competent officer under Section 67 shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding one thousand Baht, or both.

Section 74

In case where an offender under this Act is a juristic person, the partners in a partnership, directors in a company, representatives of a juristic person or any person involved in committing such offence shall be liable as co-offenders, inciters or supporters, as the case may be, and shall be punished as imposed for such offence.

The juristic person shall be liable to a fine not exceeding ten times the fine imposed for such offence.

Transitional Provisions

Section 75

The Committee Controlling the Practice of the Engineering Profession under the Engineering Profession Act, B.E. 2505 (1962) shall continue to perform duties of the

Committee under this Act until there is a Committee under Section 24 and shall have the power to issue the articles of the Council of Engineers under Section 8 (6) as is necessary for temporary use. Such articles shall be in force until there is a change of such articles, whereby Section 43 and Section 44 shall not be applied.

The Kor. Wor. Office under the Engineering Profession Act, B.E. 2505 (1962) shall continue to perform duties of Office of the Council of Engineers under Section 39 and the Kor. Wor. Registrars under the Engineering Profession Act, B.E. 2505 (1962) shall continue to perform duties of the chief of Office of the Council of Engineers under Section 42 temporarily until Office of the Council of Engineers has personnel to assume the duties, but not exceeding one hundred and eighty days from the date of commencement of the term of office of the Committee under Section 25.

The election and appointment of the Committee Members under Section 24 shall be complete within one hundred and eighty days from the date of this Act coming into force.

Section 76

Any person who has been licensed to practice the controlled engineering profession as an associate engineer, fellow engineer and charter engineer under the Engineering Profession Act, B.E. 2505 (1962) before the date on which this Act is published in the Government Gazette shall be an ordinary member of the Council of Engineers under this Act.

Any person who has been licensed to practice the controlled engineering profession as special licensee under the Engineering Profession Act, B.E. 2505 (1962), before the date on which this Act is published in the Government Gazette, shall be an extraordinary member of the Council of Engineers under this Act.

After the period fixed in the license elapses or two years elapses as from the date of this Act coming into force, whichever is later, the membership of the members in the first and second paragraphs shall expire unless he applies for and is a member of the Council of Engineers under this Act.

The academic degrees or certificates from the curricula and institutions certified by the Committee Controlling the Practice of the Engineering Profession under the Engineering Profession Act, B.E. 2505 (1962) shall be deemed the academic degrees or certificates certified by the Council of Engineers under Section 8 (3).

Section 77

Any person who has been licensed to practice the controlled engineering profession as Charter Engineer, Fellow Engineer, associate engineer or special licensee under the Engineering Profession Act, B.E. 2505 (1962) and such his license is still in force on the date on which this Act is published in the Government Gazette, shall be a licensee to practice the controlled engineering profession as charter engineer, fellow engineer, associate engineer or corporate engineer under this Act, as the case may be.

For the purpose of Section 27 (1), the period licensed to practice the controlled engineering profession as Fellow Engineer under the Engineering Profession Act, B.E. 2505 (1962) shall be the period licensed as Fellow Engineer under this Act.

Section 78

An application for a license filed before the date of this Act coming into force shall be proceeded until completion and shall be deemed the proceeding taken under this Act, provided that it must be proceeded to completion within two hundred and forty days from the date of this Act coming into force. Should such period elapse, the proceeding shall be taken under this Act.

Any person who is licensed under the first paragraph shall be deemed an ordinary member or extraordinary member of the Council of Engineers as per the provision in Section 76 *mutatis mutandis*.

Section 79

During the period where the ministerial regulations, articles, rules or announcements for the execution of this Act are not issued, the ministerial regulations, articles, rules or

announcements issued under the Engineering Profession Act, B.E. 2505 (1962) shall apply *mutatis mutandis*.

Section 80

Any misconduct against ethics or terms and conditions in the practice of the controlled engineering profession under the Engineering Profession Act, B.E.2505 (1962) which was acted before the date of this Act coming into force whereby there has been no proceeding taken under the Engineering Profession Act, B.E. 2505 (1962), shall be deemed as improper behavior towards etiquette of engineering profession under this Act and shall be proceeded in accordance with the provisions under this Act.

In case where any proceeding was taken against the person who committed misconduct against the ethics or terms and conditions in the practice of the controlled engineering profession before the date of this Act coming into force, such proceeding shall be deemed the proceeding under this Act and shall be taken in accordance with the provisions under this Act.

Countersigned by
Mr. Chuan Leekpai
Prime Minister

Remarks: The reasons for the promulgation of this Act are as follows:

Whereas the engineering sciences have progressed dramatically and are more deeply detailed, including civil engineering, mining engineering, mechanical engineering, electrical engineering, industrial engineering and others. Such engineering profession may have effect to life, body and property of the people considerably. It is expedient to strict controls to scrutinize the knowledge and ability of the persons practicing engineering profession and to follow up and supervise the practice of the profession more closely than before.

In addition, now that an organization of the engineering profession has been firmly established, it is expedient to have the persons practicing the engineering profession be gathered in the organization to take part in the assistance of the country concerning control and supervision for the better benefit. Incidentally, Thailand is required to open for free trade and service soon. Thus, it is expedient to have the public sector and private sector to cooperate closely to enhance the quality of the engineering profession to be ready for competition with other countries. Accordingly, it is expedient to revise the law on the profession and to enact this Act.

Schedule of fees

(1) License for practicing the controlled engineering profession.

Natural person:

- (a) charter engineer 10,000 Baht
- (b) fellow engineer 7,500 Baht
- (c) associate engineer 5,000 Baht
- (d) corporate engineer 5,000 Baht

Juristic person:

License for juristic person 100,000 Baht

(2) Renewal of license for practicing the controlled engineering profession which is applied for renewal before the expiry of license.

Natural person:

- (a) charter engineer 3,000 Baht
- (b) fellow engineer 2,000 Baht
- (c) associate engineer 1,000 Baht
- (d) corporate engineer 1,000 Baht

If apply for renewal after the expiry of the license, additional fees will be charged. = 2,000 Baht

Juristic person:

- (a) renewal of license for juristic person which is applied before the expiry. = 30,000 Baht
- (b) renewal of license for juristic person which is applied after the expiry = 50,000 Baht

(3) Certificate of expertise in practicing the controlled engineering profession = 10,000 Baht

(4) Replacing license or evidence certifying the license given.

Natural person 500 Baht

Juristic person 5,000 Baht

(5) Each test of knowledge in practicing the controlled engineering profession = 2,000 Baht

Ministerial Regulation B.E. 2544 (2001)

Schedule of fees

(1) License for practicing the controlled engineering profession.

Natural person:

- (a) charter engineer 5,000 Baht
- (b) fellow engineer 3,500 Baht
- (c) associate engineer 1,000 Baht

(d) corporate engineer 1,000 Baht

Juristic person:

License for juristic person 10,000 Baht

(2) Renewal of license for practicing the controlled engineering profession which is applied for renewal before the expiry of license.

Natural person:

(a) charter engineer 1,500 Baht

(b) fellow engineer 1,000 Baht

(c) associate engineer 500 Baht

(d) corporate engineer 500 Baht

If apply for renewal after the expiry of the license, additional fees will be charged. = 2,000 Baht

Juristic person:

(a) renewal of license for juristic person which is applied before the expiry. = 3,000 Baht

(b) renewal of license for juristic person which is applied after the expiry. = 5,000 Baht

(3) Certificate of expertise in practicing the controlled engineering profession = 5,000 Baht

(4) Replacing license or evidence certifying the license given.

Natural person 500 Baht

Juristic person 5,000 Baht

(5) Each test of knowledge in practicing the controlled engineering profession = 1,500 Baht

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