

Fuel Trade Act, B.E. 2543 (2000)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 15th day of November B.E. 2543 (2000);

Being the 55th Year of the present Reign.

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

It was expedient to amend the law on fuel.

This Act has some provisions relating the restriction of the rights and liberty of individuals, but by implication of Section 29 in conjunction with Section 35, Section 48 and Section 50 of the Constitution of the Kingdom the restriction can be implemented by virtue of the law.

By and with the advice and consent of the Parliament, His Majesty the King graciously ordered the enactment of this Act as follows:

Section 1

This Act shall be called the "Fuel Trade Act, B.E. 2543 (2000)".

Section 2

This Act shall come into force after the lapse of the sixty days period that commences from the date of its publication in the Government Gazette.

Section 3

The following shall be repealed:

- (1) Fuel Act, B.E. 2521
- (2) Fuel Act (No. 2), B.E. 2522

Section 4

In this Act:

"Fuel" means liquefied petroleum gas, gasoline, aviation fuel, kerosene oil, diesel oil, fuel oil, lubricant, any other petroleum products used or able to be used as fuel or lubricant, natural gas, crude oil, or any other materials used or able to be used as raw materials in refinery or to produce the above said products. It shall include any other materials used or able to be used as fuel or lubricant provided by the ministerial regulations published in the Government Gazette.

"Fuel trader" means a person who trades in fuel by means of purchasing, importing into the kingdom or acquiring by any means whatsoever for distribution purpose and it shall include a person who refines or produces fuel. However, it shall not include concessionaire as specified in the Petroleum Act.

"Fuel transporter" means a person who conveys fuel which is not his for money payment by special vehicle for carrying fuel.

"Fuel service station" means a place where fuel is distributed to people by means of filling or putting in fuel container of vehicle, with oil meters in accordance with the law on measurement systems permanently equipped; and also means a place where fuel is distributed to people as provided by the ministerial regulations.

"Annual trade volume" means volume of each type of fuel which has been imported into the kingdom, purchased, refined, produced, or acquired in a period of one year. It shall not include the volume that has been provided for keeping in reserve in accordance with the law.

"Year" means the calendar year.

"Competent officer" means a civil service officer appointed by the Minister to undertake actions in compliance with this Act.

"Director General" means the Director General of the Department of Commercial Registration, or the person assigned by the Director General.

"Minister" means a Minister in charge of this Act.

Section 5

This Act shall have no effect upon ministries, agencies and departments.

Section 6

The Minister of Commerce shall have charge and control of the execution of this Act; and shall have power to appoint the competent officer, issue the ministerial regulations prescribing fees not exceeding the rates provided in the Annex of this Act, prescribe other activities and issue notification for executing this Act.

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

Chapter 1

Fuel Trade and Transportation

Section 7

Any person is fuel trader having trade volume of each type of fuel or in all types altogether per year from one hundred thousands metric tons or upwards, or fuel trader of only liquefied petroleum gas having trade volume per year from fifty thousands metric tons or upwards shall have a license to operate fuel trading granted by the Minister.

Application for license, issuance of license and qualification of license holder shall be in accordance with the rules prescribed in the ministerial regulations.

Any person applying for being fuel trader under this Section shall not be the fuel trader whose trading license has been revoked under Section 34 and the period from the revocation date is less than one year, and the directors, managers or persons authorized to act on behalf of the applicant shall not be the directors, managers or persons authorized to act on behalf of fuel trader whose trading license has been revoked, and the period from the revocation date is less than one year.

Section 8

In issuance of the license under Section 7, the Minister may set forth conditions relating any trading operation, as he thinks fit.

In necessary circumstance relating national security, prevention and remedy on fuel shortage, as well as determination and control of fuel quality, the Minister may issue alteration, change or additional conditions to the conditions that already have been prescribed. In case there is no condition set, the Minister may set forth conditions, as he thinks fit.

Section 9

Fuel trader under Section 7 wishing to stop his business operation as being approved shall notify the Minister at least 90 days in advance. In case there is fuel remaining under possession of such fuel trader at the date of closure, such person shall distribute all the remains of fuel within 90 days as from the date of closure.

Section 10

Any person being fuel trader having trade volume per year not as much as the volume prescribed in Section 7, but having trade volume per year of each type of fuel or all types altogether exceeding the volume prescribed by the Minister, or having capacity of tank that is able to keep in stock fuel exceeding the volume prescribed by the Minister must register with the Director General.

The application for registration and registration procedure shall be in accordance with the rules and procedures prescribed in the ministerial regulations.

After the Minister having notified the determination of the volume or the capacity of tank for keeping fuel under paragraph one, or the alteration of the volume or tank capacity of fuel which has already been prescribed, the fuel trader carrying out trading and required to register must submit an application for registration under paragraph one within sixty days from the date on which notification comes into force.

Section 11

Any person being fuel trader carrying out fuel trade by establishing fuel service station must register with the Director General.

The application for registration and registration procedure shall be in accordance with the rules and procedures prescribed in the ministerial regulations.

The provisions of paragraph one shall have no effect upon fuel trader under Section 7 and fuel trader under Section 10.

Section 12

Any person being fuel transporter of the type and volume prescribed by the Minister shall be required to submit information in accordance with the forms prescribed by the Director General within the period of sixty days from the date of such notification comes into force.

After the Minister having notified the determination of type or volume of fuel mentioned in paragraph one or the alteration of the type or volume which has already been prescribed, fuel transporter being carrying out fuel transportation and required to submit information shall submit his information to the Director General in accordance with the forms prescribed by the Director General within sixty days from the date on which the notification comes into force.

Where there is change in items filed under paragraph one or paragraph two, fuel transporter shall submit additional information in accordance with the forms prescribed by the Director General within thirty days from the date of change.

Section 13

The Director General may require fuel trader under Section 10 and fuel trader under Section 11 to comply with conditions relating organizing of fuel trade system, prevention and remedy on fuel shortage or fuel counterfeit, as it is necessary.

Section 14

Where there is change in items approved under Section 7 or registered under Section 10 or Section 11, fuel trader shall notify the change in accordance with the forms prescribed by the Director General within thirty days from the date of change.

In case fuel trader under Section 10, fuel trader under Section 11 or fuel transporter under Section 12 stops the business operation, a notification on the stoppage shall be filed with the Director General within thirty days from the stoppage date in accordance with the form prescribed by the Director General, in order to delete the entry from the register.

Section 15

Fuel trader under Section 7, fuel trader under Section 10, fuel trader under Section 11 or fuel transporter under Section 12 shall be required to pay annual fee in accordance with the rules, procedures and rates prescribed in the ministerial regulations throughout the

period of operation. If fuel trader fails to pay annual fee when due, an additional fine of 3 percent per month shall be paid, and if the fee is still not paid without due reasons, the competent officer shall have the power to order a suspension of the business operation until full amount of fee and fine is duly paid.

Where any person being ordered by the competent officer to stop the business operation under paragraph one still carries on the business operation, it shall be deemed that such person is carrying out fuel trade operation without license under Section 7, or registration under Section 10 or Section 11, or carrying out fuel transportation without notifying information under Section 12, as the case may be.

Chapter 2

Notification and publication of Information

Section 16

Fuel trader under Section 7 shall be required to submit books of account in accordance with the forms and items prescribed in the ministerial regulations on volume of fuel of each type being imported into the kingdom, purchased, refined, produced, acquired or having already been distributed, and remaining volume in stock of each month and storage location to the competent officer no later than the fifteenth of the following month.

Fuel trader under Section 10 shall be required to submit books of account in accordance with the forms and items prescribed by the Minister on volume of fuel of each type being imported into the kingdom, purchased, refined, produced, acquired or having already been distributed, and remaining volume in stock of each month to the competent officer no later than the fifteenth of the following month.

In necessary circumstance relating the benefits of national security, the Minister shall be empowered to issue an order in writing or a notification in the Government Gazette requiring fuel trader to submit additional information on the volume of fuel other than what is to be submitted in compliance with paragraph one and paragraph two, and shall be in accordance with the forms and period set forth by the Minister.

Section 17

Fuel trader under Section 7 shall be required to submit to the competent officer a plan of fuel that will be imported into the kingdom, refined, produced or distributed for the following three-month period no later than the twentieth of each month, and shall be in accordance with the forms and items prescribed in the ministerial regulations.

In necessary circumstance related to forming a plan on fuel consumption of the country and catching up with the world oil situation, the Minister shall be empowered to issue a written order or a notification in the Government Gazette requiring fuel trader to submit to the competent officer additional detailed implementation plan other than whatever is prescribed in paragraph one concerning import, purchase, refining, production or distribution of fuel in accordance with the forms and period prescribed by the Minister.

Fuel trader shall carry out its fuel trade in compliance with the pre-submitted plan under paragraph one and implementation plan under paragraph two, unless there are reasonable grounds for failure to comply with such provisions.

Section 18

The competent officer may disclose or publicize context, fact or any information obtained from executing this Act in accordance with the rules and procedures prescribed by the Director General.

Chapter 3

Prevention and Remedy on Fuel Shortage

Section 19

Fuel trader under Section 7 shall submit the annual trade volume forty-five days in advance of the beginning of each trade year in order to request for an approval from the Director General. In case where fuel trader is a new comer and requests to start trading in between the trade year, such fuel trader shall submit simultaneously annual trade volume for an approval and application for trading license of fuel trader under Section 7, in accordance with the rules and procedures prescribed in the ministerial regulations.

Fuel trader under paragraph one may submit alteration of the annual trade volume, in accordance with the rules and procedures prescribed in the ministerial regulations.

In case where fuel trader has submitted annual trade volume under paragraph one for an approval, or alteration of the annual trade volume under paragraph two, the Director General may grant an approval for the mentioned volume or prescribe the annual trade volume as he thinks fit, and such volume shall be deemed the annual trade volume of such fuel trader in that year.

Fuel trader shall carry out his fuel trade in compliance with the annual trade volume approved by the Director General, unless there are reasonable grounds for failure to comply with such provisions.

Section 20

Fuel trader under Section 7 shall be required to keep fuel in reserve at all times of types prescribed by the Director General and at the storage place under paragraph four. Such volume shall not be less than the rate prescribed by the Director General, but not be in excess of thirty percent of the annual trade volume.

For the benefits of fuel stockpiling under paragraph one, fuel trader under Section 7 who does not carry out trade throughout the year or starts carrying out trade in between the year shall determine his annual trade volume as if carrying out trade throughout the year by multiplying monthly average of trade volume within the period of operation by twelve.

In case where the Director General does not approve or prescribe annual trade volume of any fuel trader under Section 7 before the beginning of the year, such fuel trader shall keep fuel in reserve by the volume previously kept in reserve last year until the Director General approved or prescribed the annual trade volume for such fuel trader.

The storage place for keeping fuel in reserve shall be approved by the Director General. Rules, procedures, conditions for application and conditions to be complied with for the approved person shall be in compliance with whatever prescribed by the Director General.

In case of necessary circumstance related to national security, prevention and remedy on fuel shortage, and determination and control of quality of fuel, the Director General shall be empowered to issue an order of relaxation on compliance with the rules, procedures and conditions prescribed under paragraph four.

Section 21

Fuel trader under Section 7 may assign other person to keep in reserve of fuel for him in the storage place approved by the Director General under Section 20 paragraph four and paragraph five, and the provisions of Section 20 paragraph four and paragraph five shall apply mutatis mutandis.

The assignment under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Director General, and published in the Government Gazette.

Section 22

The determination of type and rate of fuel to be kept in reserve under Section 20 paragraph one shall be published in the Government Gazette.

The notifications on determination of type and rate of fuel to be kept in reserve under paragraph one and on alteration of type and rate of fuel to be kept in reserve, provided that such alteration represents an increase in rate, shall come into force on the date prescribed in notification, but shall not be less than ninety days from the date of its publication in the Government Gazette.

In the notification on alteration of type and rate of fuel to be kept in reserve, the Director General may set forth conditions for fuel trader to further keep in reserve of fuel of type and rate previously kept in reserve for a certain period of time, as it is necessary.

Section 23

In case where fuel trader submits evidences in writing which gives indications that certain events have prevented such fuel trader from maintaining reserve of fuel at the rate prescribed, or that such reserve, if maintained, shall cause prejudice to such fuel trader, the Minister shall be empowered to issue an order of a temporarily exemption, or a reduction on volume of fuel to be kept in reserve during a certain period of time, as he thinks fit. The Director General may set forth conditions for such relaxation.

Section 24

Under necessary circumstance relating prevention and remedy on fuel shortage, the Director General shall be empowered to issue an order in writing or a notification in the Government Gazette to fuel trader for suspending distribution of a certain type of fuel, or continuing distribution of a certain type of fuel, or distribution of fuel kept in reserve under Section 20. The Director General may set forth conditions for such distribution.

Chapter 4

Determination and Control of Quality

Section 25

The Director General shall be empowered to prescribe appearance and quality of fuel to be enforced throughout the Kingdom. In necessary circumstance, the Director General may prescribe appearance and quality of fuel to be enforced within a certain region or several regions, as he thinks fit; or require that fuel trader of a certain type of fuel to submit appearance and quality of fuel for an approval in accordance with the rules and procedures prescribed by the Director General. The Director General may set forth conditions for the approved person to comply with.

The determination under paragraph one and the date of enforcement shall be published in the Government Gazette.

Fuel trader shall be prohibited to distribute fuel of appearance or quality different from whatever prescribed or approved by the Director General, or not approved by the Director General, or approved but the conditions prescribed under paragraph one has not been complied with. In case fuel trader, with reasonable causes, fails to comply with this provision, the Director General may issue an order of temporary relaxation.

The provisions in paragraph three shall have no effect upon distribution or possession for distribution purpose of used lubricant or used grease which fuel trader does not distribute as lubricant or grease.

Section 26

For benefits of inspection of fuel quality, the Director General shall be empowered to set forth conditions for fuel trader under Section 7 to comply with as follows:

- (1) collect samples of fuel kept in stock or possessed for distribution purpose, and submit to the competent officer in accordance with the rules and procedures and within the period of time prescribed by the Director General as necessity.

- (2) perform appearance and quality inspection of fuel kept in stock or possessed for distribution purpose and then reports the results to the official in accordance with the rules, procedures and within the period of time prescribed by the Director General.

In case where any fuel trader under Section 7 is unable to comply with (2), the competent officer shall arrange for such appearance and quality inspection of fuel in accordance with Section 28. The expense associated with such inspection shall be borne by the fuel trader.

Section 27

For benefits of inspecting fuel appearance and quality, the competent officer shall be empowered to order fuel trader under Section 10 or fuel trader under Section 11 or fuel transporter under Section 12 to collect samples and submit to the competent officer in order to be performed appearance and quality inspection, as it deems necessary from time to time.

The collection of samples of fuel shall be in accordance with the rules and procedures prescribed by the Director General.

Section 28

In inspection of appearance and quality of fuel that the competent officer acquired in accordance with this Act, the Director General may, at his own discretion, appoint fuel trader under Section 7 or any person as an inspector. However, the appointment shall be in accordance with the rules, procedures and conditions prescribed by the Director General.

Section 29

In case it is found that any fuel trader carries out distribution or has under possession for distribution purpose of fuel of appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one, the competent officer shall be empowered to order a suspension of distribution of such fuel and seal fuel nozzle.

In case where fuel trader under paragraph one wishing to continue distribution or have under possession for distribution of such fuel, a request for correction of appearance and quality of such fuel must be filed to the Director General.

The correction of appearance and quality of fuel under paragraph two shall be in accordance with the rules, procedures and conditions prescribed by the Director General.

After the appearance and quality of such fuel have been corrected to comply with whatever prescribed or approved by the Director General under Section 25 paragraph one, the fuel trader shall submit a request to the competent officer in order to obtain an approval for continuing distribution of mentioned fuel. When it is proved by the competent officer that the appearance and quality of such fuel is in accordance with whatever prescribed or approved by the Director General under Section 25 paragraph one, the suspension order shall be repealed and the seal on nozzle shall be untied. The cancellation order shall come into force from the date set by the competent officer.

The sealing on fuel nozzle and request for distribution of fuel under this Section shall be in accordance with the rules and procedures prescribed by the Director General.

Section 30

Transportation of fuel by fuel trader under Section 7, fuel trader under Section 10 or fuel trader under Section 11 shall be in accordance with the rules and procedures prescribed by the Director General and published in the Government Gazette.

Fuel trader under Section 7, fuel trader under Section 10 or fuel trader under Section 11 carrying out transportation of fuel of each cargo from 3,000 liters and upwards shall be prohibited to assign other person, except for fuel transporter under Section 12 to transport such fuel of the type which quality is prescribed by the Director General in accordance with Section 25, except a temporarily relaxation upon necessity and with a permission from the competent officer.

Chapter 5

Powers and Duties of the Competent Officer

Section 31

For benefits of inspecting compliance with the provisions of this Act, the competent officer shall have power and duties as follows:

- (1) to enter upon the office, refinery, place of production, storage and place of distribution of fuel belonged to fuel trader or fuel transporter during sunrise and sunset or office hours of such places.
- (2) to collect samples to be inspected of any type of fuel in possession of fuel trader or fuel transporter or any person in charge of fuel transport vehicle, at a maximum volume of five liters of each sample
- (3) to order fuel trader or fuel transporter to inspect volume of fuel and then report results to the competent officer
- (4) in case where fuel trader hinders the competent officer from executing his duties in accordance with (1) or (2) by not allowing the entry, and believable evidences indicate that delayed action would render the benefit of inspection valueless, the competent officer shall be empowered to open or break doors or windows of building, fence or barrier, seal, stamp, holder or binder; or to conduct by any means to acquire sample of fuel, or to inspect upon volume of fuel, but however, shall avoid causing any damage as much as possible.
- (5) in case there is evidence indicating violation or failure of compliance with provisions of this Act, the competent officer shall be empowered to seize or detain fuel, container, accessory or any objects related.
- (6) to order fuel trader or fuel transporter to submit books of account, documents and any evidence regarding fuel.
- (7) to issue a summon to person concerned for inquiring or to submit books of account, documents and any evidence at the office of the competent officer.

The competent officer shall collect sample of fuel for inspection in accordance with (2) from fuel trader under Section 7, fuel trader under Section 10 and fuel trader under Section 11 at least once a year.

Section 32

Any person concerned shall accord due facilities to the competent office in respect of execution of his duties under this Act where it deems appropriate.

Section 33

In carrying out duty under this Act, the competent officer must present his identity card to the person concerned.

The identity card shall be in accordance with the form prescribed in the ministerial regulations published in the Government Gazette.

Chapter 6

License Revocation

Section 34

The Minister may revoke trading license issued to fuel trader under Section 7 in case fuel trader has conducted any of the followings without reasonable causes:

- (1) fail to comply with conditions prescribed by the Minister under Section 8
- (2) fail to submit annual trade volume under Section 9 paragraph one

- (3) fail to keep fuel in reserve under Section 20 for thirty consecutive days or continually for more than sixty day altogether per year
- (4) violate provisions of this Act and be the case that the court gives final judgment to such person for violation under Section 60 to a term of imprisonment from 3 months and upwards

The revocation of license under paragraph one shall not be a cause for exoneration of such fuel trader from punishment under this Act.

Chapter 7

Punishment

Section 35

Any person violates the provisions under Section 7 shall be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding one million Baht or not exceeding value of fuel being traded and other interests acquired by such person depending on whichever is greater, or to both.

Section 36

Fuel trader under Section 7 who fails to comply with the conditions set by the Minister under Section 8 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 37

Fuel trader under Section 7 who stops his business operation without notifying to the Minister in accordance with Section 9 or fails to comply with Section 14 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 38

Any person fails to comply with Section 10 or Section 11 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred thousand Baht or not exceeding value of fuel being trade and other interests acquired by such person depending on whichever is greater, or to both.

Section 39

Fuel trader under Section 10 or fuel trader under Section 11 who fails to comply with the conditions under Section 13 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 40

Fuel trader under Section 10, fuel trader under Section 11 or fuel transporter under Section 12 who fails to comply with Section 14 shall be liable to a fine not exceeding fifty thousand Baht.

Section 41

Any person fails to comply with Section 12 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both

Section 42

Fuel trader under Section 7 or fuel trader under Section 10 who fails to comply with Section 16 or submits false account or documents in accordance with Section 16 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 43

Fuel trader under Section 7 who fails to submit the plan under Section 17 paragraph one or fails to submit the additional detailed implementation plan under Section 17 paragraph two or willfully fails to conduct his business in accordance with the plan under Section 17

without due reasons shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 44

Fuel trader under Section 7 who fails to submit his annual trade volume to the Director General for an approval according to Section 14 paragraph one shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty thousand Baht, or to both, and to an additional fine not exceeding five thousand Baht per day until such requirement has been found to be correctly complied with.

Section 45

Fuel trader under Section 7 who willfully fails to submit the annual trade volume to be approved by the Director General under paragraph one of Section 14 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty thousand Baht, or to both, and to a fine not exceeding five thousand Baht per day until such requirement has been found to be correctly complied with.

Section 46

Fuel trader under Section 7 who fails to comply with Section 20 paragraph one or paragraph four, or fails to comply with conditions prescribed by the Director General according to Section 22 paragraph three shall be liable to imprisonment for a term not exceeding six months or to a fine from five hundred thousand Baht to one million Baht per day until such requirement has been found to be correctly complied with, or to both.

Section 47

Fuel trader who fails to comply with the order or conditions under Section 24 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht, or to both.

Section 48

Fuel trader who violates Section 25 paragraph three shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht, or to both.

Section 49

Any person carrying out adulteration of fuel or by any means making appearance or quality of fuel different from whatever prescribed or approved by the Director General according to Section 25 paragraph one, for distribution purpose, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht, or to both.

In case where the offender being fuel trader under Section 7, fuel trader under Section 10, fuel trader under Section 11, or fuel transporter under Section 12 shall be liable to imprisonment for a term not exceeding five years or to a fine from fifty thousand Baht to five hundred thousand Baht, or to both.

Section 50

Any person has under possession of fuel with appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one at a volume of two hundred liters and upwards shall be presumed that such person carrying out adulteration of fuel for distribution purpose, except when it can be proved that:

- (1) He has under possession of such fuel for his own use.
- (2) He has under possession of such fuel in accordance with the rules and procedures prescribed in a law regarding control of fuel or other laws.
- (3) He has acquired such fuel without knowing that such fuel having appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one, or
- (4) He has acquired or has under possession of fuel for usage other than usage as fuel under this Act.

In case the person having under possession of fuel according to paragraph one being fuel trader under Section 7, fuel trader under Section 10, fuel trader under Section 11 or fuel transporter under Section 12, who is required by the Minister or the Director General to comply with the conditions on fuel quality inspection by any method under Section 8, Section 13 or Section 30 paragraph one, as the case may be, where such method has been conducted, he may have knowledge that such fuel having appearance or quality different from what prescribed or approved by the Director General under Section 25 paragraph one, the claim according to (3) in paragraph one shall be dismissed, except the investigation showing that such person has complied with the conditions on fuel quality inspection and the results have not shown that such fuel being of appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one.

The provisions in paragraph one and paragraph two shall have no effect upon fuel trader having under possession of fuel of appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one but being granted a relaxation by the Director General under Section 25 paragraph three, and used lubricant or used grease under Section 25 paragraph four.

Section 51

In case where any person carrying out distribution or having under possession for distribution purpose of fuel of appearance or quality different from whatever prescribed or approved by the Director General under Section 25 paragraph one or offender under Section 48 being an employee or a person assigned by fuel trader or fuel transporter, or such offense taking place within the office or at the place of distribution or in a fuel transporting vehicle belonged to fuel trader or fuel transporter, it shall be presumed that such fuel trader or fuel transporter collaborates with such offense, except where it can be proved that he had exercised reasonable precautions to prevent such offense from happening.

Section 52

Any person submits false results of test for appearance or quality of fuel according to Section 26 (2) or Section 28 shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding fifty thousand Baht, or to both.

If the offense under paragraph one being conducted with bad motive, such offender shall be liable to twice punishment imposed under paragraph one.

Section 53

Fuel trader under Section 7 who fails to comply with Section 26 shall be liable to a fine from one thousand Baht to fifty thousand Baht.

Section 54

Fuel trader under Section 10, fuel trader under Section 11 and fuel transporter under Section 12 who fails to comply with Section 27 shall be liable to a fine from one thousand Baht to fifty thousand Baht.

Section 55

Any person carrying on distribution of fuel having suspension order from the competent officer, or breaking the seal on fuel nozzle sealed by the competent officer under Section 29 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 56

Fuel trader under Section 7 who fails to comply with Section 30 paragraph one shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht, or to both.

Fuel trader under Section 7 who fails to comply with Section 30 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht, or to both.

Fuel trader under Section 10 or fuel trader under Section 11 who fails to comply with Section 30 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht, or to both.

Fuel trader under Section 10 or fuel trader under Section 11 who fails to comply with paragraph two of Section 30 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht, or to both.

Section 57

Any person who hinders the competent officer from executing his duties under Section 31 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht, or to both.

Section 58

Any person who fails to comply with an order by the competent officer under Section 31 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty five thousand Baht, or both, and to a fine not exceeding one thousand Baht per day until such order has been found to be correctly complied with.

Section 59

Any person who fails to comply with Section 32 shall be liable to a fine not exceeding twenty five thousand Baht.

Section 60

In case a juristic person commits offence and is liable to a punishment under this Act, the board of director, managers or persons authorized to act on behalf of such juristic person shall also be liable to punishment as provided for such violation, except it can be proved that such person has no part in committing the offence.

Section 61

Fuel or any asset that the court ruled to be forfeited shall be submitted to the Department of Commercial Registration for destroying or managing, as it thinks fit.

In case such fuel or assets must be destroyed, the court shall order the owner of such fuel to pay occurring expense to the official.

Section 62

Where the penalty for the offense under this Act is only a fine or imprisonment for a term not exceeding one year, the Director General shall be empowered to settle the case by fining.

In case an inquiring officer found that any person commits the offences under paragraph one and such person agreed to pay the fine, the inquiring officer shall submit the case to the Director General or assigned person within seven days as from the date of settlement.

Upon the accused having paid the fine in accordance with the amount settled within the designated period, such case shall be settled in accordance with the provisions of the Code of Criminal Procedure.

If the accused does not agree to the fine or does not pay the fine within the designated period, the case shall be continued.

In case where there is asset that may be forfeited under the law, the assigned officer shall have the power to settle in the following cases:

- (1) the asset of which production, usage, or possession is an offense, where the offender agrees to revert such asset to the Department of Commercial Registration
- (2) the asset acquiring by committing an offence, and there is a law prohibiting its distribution, sale or transfer, where such asset can be rectified, and the offender agreed and rectified such asset
- (3) the asset acquiring by committing an offense, and there is a law prohibiting its distribution, sale or transfer, where such asset can not be rectified, and the offender agreed to revert such asset to the Department of Commercial

Registration; in this case, the offender may also be required to pay the expense for destroying such exhibit.

Chapter 8

Transitory Provisions

Section 63

Fuel trader being granted trading license by the Minister under Section 6 of the Fuel Act B.E. 2521 shall be fuel trader under Section 7 of this Act.

Section 64

Annual trade volume and storage place of fuel approved by the Minister under the Fuel Act B.E. 2521 shall be the annual trade volume and storage place approved by the Director General under this Act.

Section 65

Fuel trader required to apply for registration according to Section 10 or Section 11, and fuel transporter required to submit information according to Section 12 of this Act, shall submit an application or registration according to Section 10 or Section 11 or information according to Section 12 of this Act to the Director General, as the case may be, within sixty days from the date of this Act has come into force.

Section 66

All ministerial regulations, notifications, rules, orders or conditions issued or prescribed according to the Fuel Act B.E.2521 being in force on the date this Act becomes effective shall still be in effect to the extent that they are not conflicting with or are contradictory to the provisions of this Act until the ministerial regulations, notifications, rules, orders or conditions issued under this Act are in effect.

Countersigned by
Mr. Chuan Leekpai
Prime Minister

Published in the Government Gazette Vol. 117 part 111a, dated 29th November B.E.2543

Schedule of Fees

(1) Application	Per application	100 Baht
(2) Registration	Per registration	1,000 Baht
(3) Trading License	Per license	20,000 Baht
(4) Operation of fuel trade for fuel trader under Section 7	Per annum	100,000 Baht
(5) Operation of fuel trade for fuel trader under Section 10	Per annum	50,000 Baht
(6) Operation of fuel trade for fuel trader under Section 11	Per annum	5,000 Baht
(7) Operation of fuel transportation for fuel transporter under Section 12	Per annum	5,000 Baht

In issuance of the ministerial regulations prescribing fees, the fee may be set variedly in accordance with size and business of fuel trader or fuel transporter.

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