

Machinery Registration Act, B.E. 2514 (1971)

Translation

BHUMIBHOL ADULYADEJ REX.

Given on the 14th day of April B.E. 2514

Being the 26th year of the Present Reign

His Majesty King Bhumibhol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to have a law on machinery registration so that machinery shall be movable property which can be mortgaged or subject to any juristic act under the Civil and Commercial Code;

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

Section 1

This Act shall be called the "Machinery Registration Act, B.E. 2514 (1971)".

Section 2

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

Section 3

In this Act: "Machinery" means an article consisting of several parts designed to generate, convert, alter or transmit energy, whether by means of water-power, steam, fuel, air, gas, electricity or any power, jointly or severally, and includes equipment, flywheel, pulley, belt, shaft, gear or anything which is arranged for relative performance of work.

"Owner" means a person who holds the right of ownership.

"Machinery Registration" means to register the ownership of machinery and/or to register any juristic act concerning machinery afterwards.

"Registrar" means a Central Machinery Registrar or Changwat Machinery Registrar, as the case may be.

"Competent official" means the Registrar and official appointed by the Minister for the execution of this Act.

"Minister" means the Minister who takes charge and control for the execution of this Act.

Section 4

Any machinery which may be registered under this Act shall be prescribed by a Ministerial Regulation.

Section 5

Machinery registered under this Act shall be regarded as movable property which can be mortgaged under Section 703 (4) of the Civil and Commercial Code, and the provisions of Section 1299, Section 1300 and Section 1301 of the Civil and Commercial Code shall apply *mutatis mutandis*.

Section 6

Any owner of machinery who is desirous to register his machinery shall file an application with the Registrar under this Act in accordance with such principles, procedures and forms as prescribed by a Ministerial Regulation.

Section 7

A Central Machinery Registration office shall be established in the Ministry of Industry having the power and duty to register machinery for every Changwat and to control the Changwat Machinery Registration Offices to be established to carry out this Act.

The Minister shall have the power to notify in the Government Gazette establishing the Changwat Machinery Registration Offices with the power and duty to register machinery in such Changwats, or in other Changwats.

There shall be Central Machinery Registrar in the Central Machinery Registration Office and Changwat Machinery Registrars in the Changwat Machinery Registration Offices. The Central Machinery Registrar shall also have the duty to control the Changwat Machinery Registration Offices.

The Central Machinery Registrar and Changwat Machinery Registrars shall have the power and duty to register machinery.

Section 8

The principles, procedures and forms of machinery registration as well as the affixing or marking of seal of registration on machinery, and the issue of certificate of machinery registration shall be in accordance with that prescribed in the Ministerial Regulations.

Section 9

In conducting machinery registration, the competent official shall be empowered to inquire into facts, and to require an applicant to submit and pertinent document or evidence, or the summon any person concerned to appear before him for giving statement as may be necessary. If there is a reason to believe that such application for registration is not correct, the Registrar may refuse such registration by informing the applicant of the reason thereof in writing.

If the application for registration is correct, the Registrar shall issue a certificate of machinery registration.

Section 10

If the certificate of machinery registration is lost or destroyed, the holder of such certificate shall file an application for a replacement thereof with the Registrar who issued such certificate of machinery registration

A replacement shall contain the same contents and items as those of the certificate of machinery registration.

Section 11

An owner whose machinery has been registered under this Act who is desirous to remove his machinery from the place of installation to some other place within the jurisdiction of the same Registration Office shall inform in writing the Registration of the locality where registration has been effected of such removal and the date on which such removal shall be completed. For this purpose, the certificate of machinery registration, layout, and items of machinery to be removed shall be produced to the Registrar for examination. Upon completion of such removal, the registration shall be made correct.

In the case where machinery shall be removed to other place under the jurisdiction of different Registration Office, the owner of machinery shall comply with the provision of paragraph one, and the Registrar of the locality where machinery have been registered shall inform the Registrar of the locality where such machinery shall be installed, and a new certificate of machinery registration shall then be issued by the Registrar.

In the case where machinery which have been mortgaged are removed, the owner thereof shall produce a letter of consent of the mortgagee to the Registrar, and the machinery so removed shall be deemed to be still under such mortgage.

Section 12

If the machinery registered under this Act is substantially changed from the items which have been registered, the holder of certificate of machinery registration shall produce the certificate thereof to the Registrar who issued such certificate for registration anew within thirty days from the date of such change.

In case where the machinery mortgaged is changed under paragraph one, the owner of machinery shall produce a letter of consent of the mortgagee to the Registrar, and the machinery so changed shall be deemed as replacement of the original machinery.

Section 13

In case of removal of mortgage or redemption of sale of machinery registered under this Act, the owner or seller of machinery shall produce evidence indicating such removal or redemption of the mortgagee or buyer together with the certificate of machinery registration to the Registrar who issued such certificate for registration of removal or redemption.

When the Registrar has examined the evidence to be correct, he shall record down such removal or redemption in the certificate of registration.

Section 14

Any person may, upon payment of fees, inspect documents kept by the Registrar, or request for a certified copy of any of such documents.

Section 15

Whoever violated Section 11 or Section 12 shall be punishable with fine not exceeding Two Thousand Baht.

Section 16

If the offence under Section 15 is committed against machinery mortgaged, and such commission is likely to cause damage to the mortgagee, the offender shall be punishable with a term of imprisonment not exceeding one year or fine not exceeding Two Thousand Baht, or both.

Section 17

The Minister of Industry shall be in charge and control on the execution of this Act, and shall have the power to appoint Registrars and competent officials and to issue Ministerial Regulations prescribing fees not exceeding the rates in the schedule annexed hereto and other matters for the execution of this Act.

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

Countersigned by

Field Marshal THANOM KITTIKACHORN

Prime Minister

Remarks: The reason for the promulgation of this Act is that at present the mortgage of machineries could not be executed under the provisions of the Civil and Commercial Code as machineries are not moveable properties which have been registered. Therefore, it is deemed appropriate to have a law on machinery registration in order that the industrial operators who have registered their machineries may mortgage their machineries, which will assist the industrial operators to have additional operating capital which will be beneficial to the country in industrial development

Published in Government Gaz. Vol. 88, Pt. 44, dated 27th April 1971

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