

Machine Registration Act (No.2), B.E. 2530 (1987)

Translation

BHUMIBHOL ADULYADEJ REX.

Given on the 23rd day of December, B.E. 2530;

Being the 42nd year of the Present Reign.

His majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that;

Whereas it is expedient to revise the law on machine registration;

BE IT THEREFORE ENACTED BY THE KING, by and with the advice and consent of the Parliament, as follows:

Section 1

This Act shall be called the "Machine Registration Act (No.2), B.E. 2530 (1987)".

Section 2

This Act shall come into force from the day next from the day of its publication in the Government Gazette onward.

Section 3

The following statements shall be added as Section 9 bis, Section 9 ter, and Section 9 quarter of the Machine Registration Act, B.E. 2514.

"Section 9 bis

In case where the registrar denies the machine ownership registration application according to Section 9, the owner of the machine is entitled to appeal in writing to the Minister within sixty days from the day the refusal notice of such registration has been received. The appeal shall be made in accordance with the regulations prescribed by the Minister.

Section 9 ter

When it appears that the issuance of the Machine Registration Certificate has been made by mistake in the essence, or it later appears that the document accompanying the consideration of the registration is not accurate or the facts that are an essence of the registration have been changed, the registrar has the power to revoke that Machine Registration Certificate. Before having the order to revoke the Machine Registration Certificate, the registrar shall notify the machine owner and the stakeholder in writing for a chance to make an objection. If there is no objection from the said persons within sixty days from the day the notice from the registrar has been received, it is regarded that there is no objection made.

In case where there is an objection made within the given period according to Paragraph two, the registrar shall finish the consideration within fifteen days from the day the objection has been received. If the registrar does not agree with the objection, the registrar shall revoke the Machine Registration Certificate of such machine and notify the objector in writing.

In case where the objector does not agree with the order to revoke the Machine Registration Certificate according to Paragraph three, the objector is entitled to appeal to the Minister within sixty days from the day the letter from the registrar has been received. The appeal shall be made in accordance with the regulations prescribed by the Minister.

Section 9 quarter

In case where there is an appeal to the Minister according to Section 9 bis or Section 9 ter, the Minister shall complete the appeal consideration within thirty days from the day the appeal has been received, unless there is a necessity, the appeal period may be extended for another thirty days. If the Minister does not make any decision within the said period, the appeal shall be deemed reasonable. The Minister's decision is final."

Section 4

The statement in Section 10 of the Machine Registration Act, B.E. 2514 shall be repealed and the following shall apply instead.

"Section 10

In case where the Machine Registration Certificate is lost, destroyed or damaged in its essence, the holder of the Machine Registration Certificate shall submit an application to receive a substitute of the Machine Registration Certificate to the registrar issuing the said certificate. An application and issuance of the Machine Registration Certificate shall be in accordance with criteria, methods and conditions prescribed in the ministerial regulation. The form of the Substitute of the Machine Registration Certificate shall be that of the Machine Registration Certificate but the red mark saying "Substitute" shall be stamped on the front side of the Machine Registration Certification. Once the Substitute of the Machine Registration Certificate has been issued, the old Machine Registration Certificate shall be repealed."

Section 5

The statement in Section 11 of the Machine Registration Act, B.E. 2514 shall be repealed and the following shall apply instead.

"Section 11

The owner of the machine registered under this Act wishing to move the machine out of the area of the industrial place of business indicated in the Machine Registration Certificate to be installed at the new industrial place of business or be kept in another place shall submit a written notification showing the intention to move and the finished date to move the machine to the registrar not less than fifteen days prior to the moving of the said machine. For this action, the Machine Registration Certificate and the list of machine to be moved for reinstallation or storage shall also be brought forward for the registrar's examination. Once the registrar approved the list of machine to be moved for reinstallation or storage, the owner of the machine must move the machine exactly as stated in the said list of machine. Once the moving is finished, the registrar shall amend the register to make it correct.

In case where the machine is moved for installation at the new industrial place of business, or for storage in another place under the authority of a different registration office, the owner of the machine shall proceed according to Paragraph one and the registrar of the locality where the said machine is registered shall submit the moving application to the registrar of the locality where the said machine is to be reinstalled or be kept. Once the registrar of such new locality approved the list of machine to be moved for reinstallation or storage, the owner of the machine must move the machine exactly as stated in the said list of machine. And once the moving is finished, the registrar of the new locality shall issue the machine owner the new Machine Registration Certificate. For moving of the machine registered as mortgage, the owner of the machine shall also present the mortgagee's letter of consent to the registrar and the moved machine shall also be regarded as binding continually to the right of mortgage.

In case where the owner of the machine wish to temporarily move the machine out of the industrial place of business for not more than the period of thirty days, the written notification shall be made to the registrar not less than seven days prior to the moving date of the said machine and the place to which the said machine is to be moved or temporarily stored shall be informed as well. If it is necessary to temporarily move the machine out of the area for more than the period of thirty days, the written notification to request for the extension shall be made to the registrar not less than seven days prior to the due period. The registrar has the power to permit the extension as it may think fit but it must not be more than thirty days a time.

In case where the owner of the machine has moved the machine from the former location to be installed at the new location within the area of the industrial place of business, the written notification accompanied by the list of machine to be moved shall be made to the registrar within the period of thirty days from the day the said machine has been moved. The provision of this Section does not apply to the moving of machines required to be moved back and forth in the usual work."

Section 6

The following statements shall be added as Section 13 bis and Section 13 ter of the Machine Registration Act, B.E. 2514.

"Section 13 bis

Any machine registered under this Act is lost, the owner of the machine shall notify the registrar in writing within fifteen days from the day of learning or the day the cause of that action should be learned. The registrar shall have the power to order the revoke of the Machine Registration Certificate for the said machine but if the said machine is registered as mortgage, the registrar shall inform the mortgagee of such loss. In this event, the registrar may order the revoke of the Machine Registration Certificate for the said machine only after receiving the consent from the mortgagee.

In case where the machine according to Paragraph one is destroyed or damaged to the point that it can no longer be used, the owner of the machine shall notify the registrar in writing within fifteen days from the day the cause of such act is learned or should be learned. The registrar has the power to revoke the Machine Registration Certificate for the said machine but if the said machine registered as mortgage is destroyed or damaged, the registrar shall make note of the condition of the said machine and inform the mortgagee of such damage in writing. In this event, the registrar may order the revoke of the Machine Registration Certificate of the said machine only after receiving the consent from the mortgagee.

Section 13 ter

The authority has the power to enter the building which is the location of the machine registered under this Act during the period from sunrise to sunset for the inspection regarding to the compliance with this Act. While performing duty, the authority must present the identification card upon requested by the owner of the machine, the owner of the building or the person involved. The authority's identification card shall be in accordance with the format prescribed in the ministerial regulation."

Section 7

The statement in Section 15 of the Machine Registration Act, B.E. 2514 shall be repealed and the following shall apply instead.

"Section 15

Any machine owner moving the registered machine out of the industrial place of business area to be installed at the new industrial place of business or be stored in another place without making a notice to the registrar or the moving is not exactly

as stated in the list of machine approved by the registrar according to Section 11, Paragraph one or Paragraph two shall be subject to a fine not exceeding ten thousand Baht or five hundred Baht a day from the day of the violation, whichever amount is higher."

Section 8

The following statement shall be added as Section 15, Section 15 ter, Section 15 quarter, and Section 15 quinque of the Machine Registration Act, B.E. 2514.

"Section 15 bis

Any machine owner temporarily moving the registered machine out of the industrial place of business area without making a notice to the registrar according to Section 11, Paragraph four, or moving the machine from the former location to be installed at the new location within the area of the industrial place of business without making a notice to the registrar according to Section 11, Paragraph five shall be subject to a fine not exceeding two thousand Baht.

Section 15 ter

Any person failing to comply with Section 12 shall be subject to a fine not exceeding five thousand Baht.

Section 15 quarter

Any machine owner failing to notify the registrar according to Section 13 bis shall be subject to a fine not exceeding five thousand Baht and the registrar has the power to order a revoke of the Machine Registration Certificate for the said machine. In this event, the statements in Section 9 ter and Section 13 bis shall apply mutatis mutandis.

Section 15 quinque

Any person obstructing or not according conveniences to the authority performing duty under this Act shall be subject to a find not exceeding five thousand Baht."

Section 9

The statement in Section 16 of the Machine Registration Act, B.E. 2514 shall be repealed and the following shall apply instead.

"Section 16

The wrong according to Section 15, Section 15 bis, and Section 15 ter or Section 15 quarter, if the machine is registered as mortgage and the said doing is likely to cause damage to the mortgagee, the doer is subject to an imprisonment not exceeding one year or a fine not exceeding ten thousand Baht or both."

Section 10

The Fee List annexed to the Machine Registration Act B.E. 2514 shall be repealed and be replaced by the Fee List annexed herein.

Countersigned by

General P. Tinsulanont

Prime Minister

Fee

No	Description	Fee not more than (Baht)
1	Machine ownership registration (per machine)	500 or not more than 10,000 if there are many machines to register in the same factory and at the same time.
2	Issuing the Machine Registration Certificate (per copy)	50
3	A registration stamp by the officer on the machine (per stamp)	100 or not more than 1,000 for a stamp made for many machines in the same factory and at the same time
4	New registration fee according to Section 11 or Section 12 (per each time)	250
5	Registration of machine mortgage or sale with the right of redemption	1 per each 1,000 of the mortgage amount or sale with the right of redemption but not more than a maximum of 100,000
6	Registration of title and juristic acts of the registered machines other than mortgage and sale with the right of redemption (per each time)	100
7	Application form or printed forms (per copy)	2
8	Verification of documents kept by the registrar (per each time)	20
9	Making duplicates and certifying (per page)	5

Note: The reason for the proclamation of this Act is that at present the law governing the machine registration does not contain a provision regarding the machine owner's right to appeal the registrar's order, the registrar's power to revoke the Machine Registration Certificate, and the registrar's power to perform an inspection regarding the compliance with this law. It is therefore expedient to prescribe the provision for such case so that the enforcement according this Act can be more complete. Additionally, the provisions concerning the issuing of a substitute for the Machine Registration Certificate and the moving of a machine out of the location should be made clear and accurate to further match the real practice, at the same time the punishments and fee rates should be adjusted to be suitable for the time and period. It is therefore necessary to enact this Act.

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