

## Lawyers Act, B.E. 2528 (1985)

Translation

BHUMIPHOL ADULYADEJ REX.  
Given this 10<sup>th</sup> day of September B.E.2528  
Being the 40<sup>th</sup> year of the present Reign

His Majesty Bhumiphol Adulyadej has been graciously pleased to proclaim that,  
Whereas it is deemed expedient to enact a law on legal profession,  
Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the  
National Assembly, as follows:

### Section 1

This Act shall be called the "Lawyers Act, B.E. 2528 (1985)"

### Section 2

This Act shall come into force upon the expiration of the ninety days period after the date of its publication in the Government Gazette.

### Section 3

The Lawyers Act, B.E.2508 and the Lawyers Act (2nd Edition) shall be repealed.

Other laws, ordinances and regulations, in so far as they are already provided for by this Act, or are contrary to or inconsistent with this Act, shall be superseded by this Act.

### Section 4

In this Act:

"Lawyer" means a person who has been registered as a lawyer and a license, therefore, has been issued to him by the Law Society.

"Chancellor" means the Chancellor of the Law Society.

"President" means President of the Law Society.

"Governor" means a Governor of the Law Society.

"Board" means the Board of Governors of the Law Society.

"Member" means member of the Law Society.

"Regulation" means the Regulation of the Law Society.

"License" means a license to become a lawyer.

"Minister" means the Minister who takes the responsibility for the execution of this Act.

### Section 5

The Minister of Justice shall take responsibility for the execution of this Act and shall have the power to issue Ministerial Regulations for the fixing of fees within the limit prescribed by this Act and to regulate other activities in fulfillment of this Act.

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

## **CHAPTER 1**

### **THE LAW SOCIETY**

#### **Section 6**

There shall be established a body called "Law Society" comprising of the Board of Governors and Members, the objectives, the powers and duties of which are prescribed by this Act.

The Law Society shall possess a juristic personality.

#### **Section 7**

The Law Society shall have the following objectives:

- (1) To promote legal education and the practice of law
- (2) To supervise the conduct of lawyers
- (3) To promote the unity and the integrity of the Members
- (4) To promote and manage welfare for Members
- (5) To promote, assist, advise, disseminate and inform the public of matters relating to law

#### **Section 8**

The Law Society shall have the following powers and duties:

- (1) The registration and the issuance of Licenses pursuant to this Act
- (2) The fulfillment of the Law Society's objectives in accordance with the power and duties prescribed by this Act.

#### **Section 9**

The Law Society may receive income from the following:

- (1) Registration fee, dues and fees fixed pursuant to this Act;
- (2) Government allowance;
- (3) Assets, properties or other activities;
- (4) Assets or properties donated by others for the carrying out of the Law Society's objectives.

#### **Section 10**

The Minister shall act as the Chancellor of the Law Society and shall have powers and duties as specified in this Act.

## **CHAPTER 2**

### **MEMBER**

#### **Section 11**

A Member of the Law Society shall be a Lawyer under this Act.

#### **Section 12**

A Member shall have the following powers and duties:

- (1) To address to the Board this written opinion as to the carrying out of function or the powers and duties of the Law Society. A requisition to the Board of Governors may be made jointly by 50 Members or more for deliberation of any

specific matter relating to the function or the powers or duties of the Law Society. The Board shall comply with such requisition and shall inform the Members of the result of the deliberation.

- (2) To ask question relating to any administrative actions taken by the Board and/or matters relating to the general administration of the Law Society in the General Meeting.
- (3) To elect or be elected as the President or Governor.
- (4) To uphold the integrity of the profession and to observe the code of professional ethics contemplated by this Act.

### **Section 13**

Membership of a Member shall cease upon:

- (1) Death
- (2) Determination pursuant to Section 44.

## **CHAPTER 3 THE BOARD OF GOVERNORS**

### **Section 14**

There shall be a committee called "Board of Governors" composed of one Governor who is a representative of the Ministry of Justice, one Governor who is a representative of the Thai Bar Association, the President and other Governors not exceeding 23 in number who are elected by Members at large; at least 9 of such elected Governors shall be Members whose permanent offices for the practice of law are located in the Regions pursuant to the Royal Decree Appointing Chief Justice of the Regions; at least one Governor representing one Region.

### **Section 15**

The President shall, with the consent of the Board, appoint Governors elected pursuant to Section 14 as Vice-President, Secretary-General, Registrar, Treasurer, Welfare Officer, Public Relations Officer or other officers of the Law Society as he may deem appropriate. The Officers so appointed shall have the powers and duties as prescribed by the Regulation.

### **Section 16**

The President and an elected Governor shall hold office for a term of 3 years. Neither President nor elected Governor shall serve more than 2 consecutive terms.

### **Section 17**

A lawyer who has been registered and obtained a License at least 30 days prior to the date fixed for the election of the President and Governors shall be entitled to vote for the President and/or the Governors.

To run for the President or a Governor, a candidate lawyer must have been registered and obtained a License for a period of not less than 5 years prior to the election date.

### **Section 18**

In an election of the President and Governors under Section 14, a lawyer must vote in person and by a secret ballot. A lawyer who practices in a provincial area may cast his vote at his respective provincial constituency or at the General Meeting.

The election shall be carried out in accordance with the Regulation.

## **Section 19**

The Committee on Professional Ethics shall have the powers and duties to supervise the election of the President and Governors in accordance with the Regulation and Law.

## **Section 20**

Where the Board, the President or any Governor has failed to carry out the objectives of the Law Society or caused serious injury to the Law Society, the Minister shall have the power to dismiss the Board, the President or any Governor from office.

In case the order is to be given by the Minister under the foregoing paragraph, an enquiry committee composed of a representative of the Ministry of Justice, two representative from the Thai Bar Association one of Whom is a public prosecutor in service and the other is a lawyer, and four other lawyers shall be appointed by the Minister to investigate the matter. The enquiry committee so appointed shall complete its investigation expeditiously and shall submit its report to the Minister for his review and decision.

The order of the Minister shall be final.

## **Section 21**

Except by rotation upon expiry of the term, the President or a Governor shall individually vacate his office upon:

- (1) Death;
- (2) Resignation;
- (3) Loss of eligibility under Section 17 paragraph two;
- (4) Dismissal order of the Minister under Section 20;
- (5) Determination pursuant to Section 44;
- (6) Disability which prevents him from the performance of his duty or upon becoming a person of unsound mind;
- (7) Becoming bankrupt by a final judgment of a court; or
- (8) Being convicted by a final judgment for an imprisonment term.

## **Section 22**

In case the entire Board vacates office en masse and a new Board has not been elected, the outgoing Board shall remain in office and carry out its functions until a new Board takes office except in the case the Board is dissolved by the Minister under Section 20 where the Committee on Professional Ethics shall take over the power and the duty of the Board and the Chairman of the Committee for Professional Conduct shall act as the President on a temporary basis until a new Board is installed.

In carrying out temporary duties pending the election of a new Board, the outgoing Board or the Committee on Professional Ethics, as the case may be, shall have the powers and duties under section 27(1) but the carrying out of such powers and duties shall be limited to regular administrative work of the Law Society, the stoppage or interruption of which may cause damage to the Law Society, and, for the election of a new Board within 60 days after the date on which the outgoing Board vacates office; in the later case, the Board or the Committee may appoint a subcommittee to assist it in the election work.

## **Section 23**

If the office of the President or an elected Governor shall become vacated prior to the expiration of the term, the vacancy shall be filled by a by-election within 60 days except in the case where the remaining portion of the term is less than 180 days.

The President or the Governor who succeeded by way of the by-election shall be entitled to hold office for the period, which his predecessor was otherwise entitled to remain.

## **Section 24**

To attain a quorum, the meeting the Board must be attended by not less than half of the total Governors. The meeting shall be chaired by the President or a person acting in his place.

A resolution of the Board shall be passed by a majority of votes. Each Governor shall have one vote. In case of a tie of votes, the Chairman of the meeting shall cast a second vote.

## **Section 25**

In case the President vacates his office before the expiration of his term or is unable to act, the Vice-President shall act in his place. In the event the Vice-President is absent or unable to act, a Governor appointed by the Board shall assume the position of the President.

## **Section 26**

The Chancellor or his representative may attend and express his view in the meeting of the Board or send his opinion in writing to the Law Society on any matter, but he shall not be entitled to vote.

## **Section 27**

The Board shall have the following powers and duties:

1. To manage the Law Society in accordance with the objectives described in Section 7;
2. To appoint sub-committees for the deliberation or the carrying out of any activities within the scope of objectives of the Law Society, except those activities which, by their nature and characteristics, may not be delegated.
3. To issue Regulations on the matters contemplated by this Act and the Regulation relative to:
  - a. Admission and exclusion of Members;
  - b. Collection and payment of dues and fees;
  - c. Notification on relocation of lawyers' office;
  - d. Meeting of the Board and sub-committees;
  - e. Other matters within the scope of objectives of the Law Society or falling within the province of the Law Society by operation of other laws, including the nomination, supervision, maintenance of discipline and the termination of the service of the Law Society's staff.

## **Section 28**

The Regulation to which an approval has been given by the Chancellor shall be effective upon its publication in the Government Gazette.

## **Section 29**

The President to the Chancellor without delay shall submit a Draft Regulation. The Chancellor may veto the Regulation with clarifications. The Regulation shall be deemed to have been approved by the Chancellor if he does not exercise the veto right within 30 days after the receipt thereof.

## **Section 30**

In case the draft Regulation is vetoed by the Chancellor, the Board shall re-convene and review the reasons given by the Chancellor. If the draft Regulation is confirmed at least two-thirds of the total number of Governors in the second meeting, the President shall re-submit the draft Regulation to the Chancellor for approval. If an approval is not obtained or the draft Regulation is not returned within 15 days, the President shall publish the Regulation in the Government Gazette.

### **Section 31**

Lawyers at least one hundred in number may jointly request the Board to amend a Regulation.

### **Section 32**

The President shall represent the Law Society in its dealings with third parties. He may delegate his power to any Governor to perform any specific task in writing.

## **CHAPTER 4 REGISTRATION AND LICENSE**

### **Section 33**

No person shall be allowed to appear in court, prepare a plaint or an answer, appellate plaint or appellate answer for both Court of Appeal and the Supreme Court, motion, petition or statements incidental to court proceedings on behalf of another person unless he has been registered as a lawyer with a valid License and has not been disbarred. The foregoing shall not apply to a person who acts in his official capacity as a competent officer of a government agency, organization or state enterprise pursuant to procedural law or other laws.

### **Section 34**

The application for registration and License, the acceptance of registration, the issuance of License, the renewal of License and the termination of practice shall be in accordance with the guidelines and procedures prescribed by the Ministerial Regulations.

### **Section 35**

An applicant for registration and a License shall have the following qualifications:

- (1) Being of Thai nationality;
- (2) Being at least 20 years of age on the date of the application;
- (3) Having graduated with a Bachelor's Degree or an Associate Degree in law or a certificate in law equivalent to the Bachelor's Degree or Associate Degree From an educational institution accredited by the Law Society and being a member of the Thai Bar Association;
- (4) Not being a person of indecent behavior or delinquent morals or a person whose conduct is indicative of dishonesty;
- (5) Not being imprisoned by a final judgment;
- (6) Never having been imprisoned by a final judgment for an offence which, in the Board's discretion, will impair the integrity of the profession;
- (7) Not being a bankrupt by a final judgment;
- (8) Not having an ailment which is contagious and repugnant to the public;
- (9) Not being physically disabled or mentally informed which may cause professional incompetence;
- (10) Not being a government official or a local government official with permanent salary and position except a political official and
- (11) Not being disqualified pursuant to Section 71.

### **Section 36**

Subject to Section 38, the Board shall accept the registration and issue a License forthwith if it is satisfied that the applicant possesses full qualifications under Section 35. In

case the registration and a License is denied, the reason for such denial must be given by the Board. In such a case, the applicant may lodge an appeal with the Chancellor pursuant to the rules and procedures prescribed by the Regulation.

The decision of the Chancellor shall be final.

### **Section 37**

A lawyer who has been registered and has obtained a License or a renewal thereof shall become a Member of the Law Society.

### **Section 38**

In case an applicant has never practiced law, has never served as a judge, a judge of military court, a public prosecutor, a prosecutor for military court or a lawyer under the law relating to the organization of the military courts, the registration shall be accepted and a License granted by the Board only after the applicant has successfully completed a training in professional ethics, basic principle of advocacy and the legal profession. An exception shall be given to an applicant who has been apprenticed in a law office for a minimum period of one year.

The Board may, if it deems appropriate, waive the requirement for training for any applicant.

The curriculum, methods and the period of training described in paragraph one shall be prescribed by the Regulation.

### **Section 39**

A License shall be valid for two years after the date of issuance except that a License, a fee for which has been paid at the rate applicable to the life membership, shall be valid until the death of the holder thereof.

A lawyer holding two-years License shall apply for a renewal within 90 days before the expiration date of his License if he wishes to continue the practice, Each renewal shall be valid for two years from the last expiry date.

In case an application for renewal is denied by the Board, Section 36 paragraph two shall apply mutatis mutandis. The appellate decision of the Chancellor shall be final.

### **Section 40**

A lawyer who fails to renew his License pursuant to Section 39 paragraph two may apply for a renewal within 60 days after the expiry date of his License, provided he pays the renewal fee plus a surcharge at twenty percent of the renewal fee.

### **Section 41**

A License shall be in the form and substance prescribed by the Regulation and shall contain the name, day, month, and year of birth, home address as per official register, location of office and photograph of the License holder as well as the serial number, the date of issuance and the expiry date of the License.

In case the License is lost or substantially damaged, the License holder shall apply for a substitute License within 30 days after the loss or damage is known.

### **Section 42**

A lawyer must register only one office for his practice; such office shall be stated in the application for his registration and License or in the notification to the Registrar in case of a subsequent relocation.

The Registrar shall enter the lawyer's office under the foregoing paragraph in the Register.

### **Section 43**

If it becomes known to the Board that a person does not possess qualifications under Section 35, whether such lack of the qualifications occurs before or after the registration

and the issuance of License, the person shall be disqualified as a lawyer and his name shall be removed from the Register.

The foregoing paragraph shall not apply to a lawyer who has been imprisoned by a final judgment after he was registered and licensed by the Law Society.

The provision of the second paragraph of Section 36 shall apply mutatis mutandis in case of the removal of name pursuant to the first paragraph of this Section. The appellate decision of the Chancellor shall be final.

The provision of Section 70 shall be applicable mutatis mutandis for the removal of name under the first paragraph of this Section.

#### **Section 44**

A person shall cease to become a lawyer upon:

- (1) Death;
- (2) Notification of his termination of practice;
- (3) Failure to renew his License pursuant to Section 39 paragraph two;
- (4) Removal of name from the Register under Section 43; and
- (5) Being disbarred pursuant to Section 66, 67, 68, or 69.

### **CHAPTER 5 GENERAL MEETING**

#### **Section 45**

The General Meeting of the law Society may be the Annual General Meeting or the Extraordinary General Meeting.

#### **Section 46**

The Board shall cause the Annual General Meeting to be held once a year within April.

#### **Section 47**

The Board may call an Extra-ordinary General Meeting whenever it deems fit.

The Board shall call an Extra-ordinary General Meeting within 30 days after having received a written request to that effect signed by at least 100 Members. The Board may decide not to comply with the request if it deems that the matters for which the Extra-ordinary General Meeting is requested are not relevant to the Law Society or do not deserve the deliberation of the General Meeting of the Law Society.

The requisition pursuant to paragraph two shall specify clearly the purposes, the agenda and the reasons for which the meeting is requested.

#### **Section 48**

One or more Members whose signature appeared on the request shall be notified and reasons given by the Board within 30 days after the receipt of the request if the Board has decided not to call the Meeting which was requested pursuant to Section 47 paragraph two. In such a case, all Members who are signatories to the request may prepare and submit a protest to the Chancellor pursuant to the rules and procedures prescribed by the Regulation.

The decision of the Chancellor shall be final. In case the Chancellor decides in favor of the protest, the Board shall be bound to call the Extra-ordinary General Meeting within 30 days after the receipt of the decision of the chancellor.

### **Section 49**

To attain a quorum, a General Meeting must be attended in person by at least 300 Members. If the President is absent or unable to act, the General Meeting shall be chaired by the Vice-President or, failing him, by a Member elected to chair that particular Meeting by the Meeting by the Members in attendance.

A resolution shall be passed by a majority of votes. Each Member shall have one vote. In case of a tie of votes, the Chairman of the Meeting shall cast a second vote.

### **Section 50**

Subject to the provisions of this Act, the General Meetings of the Law Society shall be in accordance with the Regulations.

## **CHAPTER 6**

### **ETHICS**

### **Section 51**

A lawyer shall abide by the Regulation on Professional Ethics.

A violation of or a non-compliance with the Regulation under paragraph one shall constitute a breach of professional ethics.

### **Section 52**

Penalties against a breach of professional ethics are divided into 3 types, which are

- (1) Parole;
- (2) Suspension of practice for a period not exceeding 3 years or
- (3) Deletion of name from the Register.

In the case of a first and minor breach of professional ethics, the persons having the power to impose penalties under Section 66, Section 67 or Section 68, as the case may be, may waive the penalties by reprimanding the offender or requiring a written pledge of good conduct.

### **Section 53**

The Regulation on Professional Ethics shall include the following canons:

- (1) Ethical conduct in court and towards the court;
- (2) Ethical conduct towards clients;
- (3) Ethical conduct towards fellow lawyers;
- (4) Ethical conduct towards litigants in general;
- (5) Personal behavior;
  - (a) Dress and attire and
  - (b) Response to an order of the Committee on Professional Ethics, the Board or the Chancellor, as the case may be.

## **CHAPTER 7**

### **COMMITTEE ON PROFESSIONAL ETHICS**

### **Section 54**

There shall be appointed a Committee on Professional Ethics composed of a Chairman a Vice-Chairman and at least 7 other Committee members fixed by the Board.

Each Committee member shall be appointed by the Board from a pool of lawyers having the following qualifications:

- (1) Having been a lawyer for a total period of not less than 10 years.
- (2) Never having been subject to and disciplinary action or penalty on account of professional misconduct or excluded from the Register.

#### **Section 55**

The appointment of the Committee members under Section 54 shall be effective only upon an approval of the Chancellor.

#### **Section 56**

The President shall notify the Chancellor of the appointment of the Committee on Professional Ethics without delay. If an approval of the Chancellor on the appointment is not received by the President within 30 days after the receipt of the notification by the Chancellor, the approval of such appointment shall be deemed to have been given by the Chancellor.

In the event that Chancellor has notified the President of his disapproval of the Committee or any particular Committee members, the Board shall review the appointment. If the appointment is confirmed by at least two-thirds of the total number of the Governors, the President shall notify the Chancellor accordingly. The appointment shall be effective even if the Chancellor disapproves the appointment or does not give his reply to the President within 15 days.

#### **Section 57**

The Chairman of the Committee shall have the power and duty to supervise and ensure and expeditious proceedings of ethical actions and shall have other powers and duties as prescribed in this Act.

If the Chairman is absent or unable to act, the Vice-Chairman shall act in his place. If the Vice-Chairman is absent or unable to act, the Committee member who has been nominated in writing by the Chairman shall act as the Chairman of the Committee.

#### **Section 58**

A Committee member shall hold office for a term of three years. A retired Committee member may be re-appointed but none shall serve more than two consecutive terms.

If the office of a Committee member shall become vacated prior to the expiration of the term, and the remaining period of the term is 90 days or longer, the vacancy may be filled by the Committee. The provisions of Section 55 and 56 shall apply to the case of replacement appointment *mutatis mutandis*.

The replacement member shall be in office for the period, which his predecessor was otherwise entitled to remain.

#### **Section 59**

In case the entire Committee vacates office en masse and a new Committee has not yet been appointed, the outgoing Committee shall remain in office and carry on the duty until replaced by the new Committee.

The Board shall, upon the vacancy of the Committee and within 60 days after the date of such vacancy, appoint a new Committee.

#### **Section 60**

Membership of the Committee shall cease upon:

- (1) Expiration of the term;
- (2) Death;
- (3) Resignation;
- (4) Being disqualified under Section 54 paragraph two;

(5) Being disqualified as a lawyer under Section 44.

### **Section 61**

In carrying out his duty, a Committee member shall be the competent officer pursuant to the Penal Code. The provisions of the Civil Procedure Code relating to the Challenge of Judges shall apply to the Committee member *mutatis mutandis*.

### **Section 62**

The Committee may appoint one or more lawyers as a subcommittee or working group to assist it on any particular matters falling within the Committee's authority except the making of the decision on ethical matters.

### **Section 63**

In hearing a case of professional ethics, the Committee meeting must be attended by not less than half of the total Committee members to constitute a quorum.

Subject to Section 64 paragraph three and Section 69 paragraph three, the deliberation or the decision on a professional ethics case must be made by majority of votes. Dissenting opinion of the minority shall be allowed.

### **Section 64**

An injured party or a lawyer may bring charge against another lawyer on account of breach of professional ethics. The charge must be made in writing to the Chairman of the Committee.

The rights to bring charge under paragraph one shall be extinguished upon the lapse of one year after the knowledge of the breach and the alleged offender have become known to the person possessing such right, provided that the charge is brought within 3 years after the breach.

A withdrawal of the charge brought under the first paragraph shall terminate the case of breach of professional ethics only if such withdrawal is approved by the Committee's resolution passed by affirmative votes of not less than half of the total Committee members.

### **Section 65**

Upon the receipt of the charge under Section 64 paragraph one, or being notified by the court, a public prosecutor or an interrogation officer, or, upon the knowledge that a circumstance exists which warrants the investigation of the misconduct of any particular lawyer, an investigation team composed of not less than 3 lawyers shall be appointed by the Committee to perform necessary investigation. The investigation team shall have the power to summon a person or persons to give statements and to demand any persons to submit documents or deliver materials to it for the purpose of the investigation.

The investigation report, when completed, shall be submitted to the Chairman of the Committee for his further action under Section 66.

### **Section 66**

In the proceedings of cases on professional ethics, the Committee shall have the power to dispose of the cases, dismiss the charge or impose penalty or take any action against the accused lawyer under Section 52.

### **Section 67**

When an order of the Committee is given pursuant to Section 66, the Chairman of the Committee shall submit the relevant brief to the President within 30 days after the date of the order. The Board shall review the brief and may affirm, revise or reverse the orders of the Committee, impose penalty or take any other action against the accused pursuant to Section 52 as it deem fit. The Board may, prior to taking any action as aforesaid, instruct the Committee to perform additional investigation.

In case no decision is made and sent to the Chairman of the Committee by the Board within 60 days after the receipt of the brief by the President pursuant to the paragraph

one, the order of the Committee shall be deemed to have been affirmed by the Board. In case of additional investigation, the 60-day period shall commence on the date that the additional brief is received by the President.

The affirming order of the Board for the disposal of the case or the dismissal of the charge pursuant to paragraphs one and two shall be final.

### **Section 68**

A lawyer who has been subjected to the penalty or action under Section 52 may appeal the order relating to such penalty or action to the Chancellor within 30 days after being notified of the order. The Chancellor shall review and decide on the appeal and the provision of Section 67 paragraphs one and two, shall apply *mutatis mutandis*.

The decision of the Chancellor shall be final.

### **Section 69**

If a lawyer has been imprisoned by a final judgment, the court of first jurisdiction that read the final judgment shall, unless it is a judgment for an offence committed by negligence or a petty offence, notify the Chairman of the Committee in writing of the judgment.

The Chairman shall, upon receipt of the notification under paragraph one, refer the matter to the Committee for the deletion of the lawyer's name from the Register. The Committee may decide not to delete the name if it views that the offence committed by the lawyer was not serious, did not reflect his dishonesty and would not impair the integrity of the profession.

The decision not to delete the lawyer's name from the Register pursuant to paragraph two must be supported by not less than two-thirds of the total Committee member

The decision to delete or not delete the lawyer's name from the Register shall be reported to the President by the Chairman within 30 days. The decision of the Committee may be affirmed or reversed by the Board

### **Section 70**

In case a final decision has been made to penalize a lawyer or to delete the lawyer's name from the Register, the Registrar shall record such decision in the Register and inform the accused and the complainant accordingly.

If the decision under the paragraph one is for the suspension of practice or the deletion of name from the Register, the Registrar shall report such decision to all courts within the Kingdom and the Thai Bar Association.

### **Section 71**

A person whose name has been deleted from the Register may not re-apply for registration and License unless 5 years shall have elapsed from the date of the deletion.

### **Section 72**

Subject to the provisions of this Act, meeting, investigation, deliberation and decision on matters relating professional ethics shall be in accordance with the Regulation.

## **CHAPTER 8 WELFARE FUND**

### **Section 73**

There shall be established a welfare fund for lawyers consisting of:

1. Money appropriated by the Law Society annually;
2. Properties donated by others and
3. Fruits of (1) and (2)

A lawyer or, in case of his death, his surviving heir who is in distress may request assistance from the welfare fund by submitting his request to the Law Society.

The assistance, the maintenance and the payments of the fund shall be in accordance with the rules and procedures prescribed in the Regulation.

## **CHAPTER 9**

### **LEGAL AID**

#### **Section 74**

There shall be Legal Aid Committee composed of the President, Vice-President and other members, not exceeding 8 in number, appointed by the Board from a pool of lawyers having practiced law for a period of not less than 10 years.

The President shall be the Chairman, the Vice-President the Vice-Chairman, and the Secretary-General the Secretary of the Legal Aid Committee.

#### **Section 75**

The provisions of Section 58 and Section 60 shall apply mutatis mutandis to the members of the Legal Aid Committee who are appointed pursuant to Section 74 paragraph one.

#### **Section 76**

The Legal Aid Committee shall have the following powers and duties:

- (1) Giving legal services to the public under Section 79;
- (2) Maintaining and making payments from the Legal Aid Fund under Section 77;
- (3) Other power and duty as may be prescribed in the Regulation.

#### **Section 77**

There shall be Legal Aid Fund composed of:

- (1) Money allocated annually by the Law Society the amount of which shall not be less than 10 percent of the Law Society's income under Section 9 (1) of the preceding year;
- (2) Government grant-in-aid;
- (3) Properties donated by others and
- (4) Fruits of (1), (2) and (3).

#### **Section 78**

Legal Aid shall be made available only to a person who is indigent and unfairly treated.

#### **Section 79**

Legal Aid may be given under the following schemes:

- (1) Legal advice or consultation;
- (2) Preparation of legal instruments or contacts and
- (3) Assignment of lawyers for court proceedings.

The Legal Aid Committee may assign lawyers to work under the Legal Aid program and fix their fee pursuant to the Regulation.

#### **Section 80**

A report relating to the remaining balance of the Legal Aid Fund together with the balance sheets, income and expense statements certified by the auditor of the Law Society shall be

submitted to the General Meeting by the Legal Aid Committee. The report shall also contain the achievement made and obstruction encountered during the passing year.

Copies of the report and the documents under paragraph one shall also be sent to the Minister for his information by the Chairman of the Legal Aid Committee.

### **Section 81**

Subject to the provisions of this Act, the meeting of the Legal Aid Committee as well as the receipts, payments and keeping of the Legal Aid Fund, and the administration of the Legal Aid program shall be in accordance with the rules and procedures prescribed in the Regulation.

## **CHAPTER 10 PENALTIES**

### **Section 82**

Whoever violates the provision of Section 33 shall be punished with imprisonment not exceeding 2 years or fine not exceeding Baht 40,000 or both.

### **Section 83**

Whoever fails to comply with the summon which requires him to appear and give statements of deliver documents or materials under Section 65 paragraph one, or, if appeared as summoned, does not give statements without proper justification, shall be punished with imprisonment not exceeding one month or fine not exceeding Baht 1,000 or both.

## **TRANSITIONAL PROVISIONS**

### **Section 84**

A person who has been registered as lawyer and obtained a license therefore, whether under first class or second class category, before the effective date of this Act shall be deemed to have been registered and licensed under this Act and the license so obtained shall be deemed the License issued under the Act except that such license shall be valid until 31st December of the year in which this Act comes into force.

A person who does not possess a qualification under Section 35 (3) but has been registered as a lawyer and obtained a license under the second class category before the effective date of this Act may apply for a renewal of his license pursuant to Section 39 and Section 40 hereof of apply for registration and License under this Act. In such a case, he shall become a lawyer under this Act.

The Provisions of Section 35 (1) (2) (4) (5) (6) (7) (8) (9) (10) and (11) shall apply to the lawyer under paragraph two.

### **Section 85**

The Thai Bar Association shall, within 120 days after the effective date of this Act, deliver to the Law Society the lawyers register as well as documents relating to the registration, the issuance and renewal of licenses and the control of professional ethics of lawyers, exclusive of the pending files on professional ethics cases.

### **Section 86**

The Board shall adopt the Regulation on professional ethics under Section 53 within one year after the effective date of this Act.

Pending the adoption of the Regulation under paragraph one, the provisions of Section 12 (1) (2) (3) and (4) of the Lawyers Act B.E. 2477 and the regulations of the Thai Bar Association concerning professional ethics and lawyers' attire shall remain in force as if it is the Regulation on professional ethics under this Act.

### **Section 87**

The Committee on Professional Ethics under Section 54 shall be formed within 90 day after the Regulation pursuant to Section 86 paragraph one, is adopted.

All cases on professional ethics which are pending on the effective date of this Act or occur during the period which the Committee on Professional Ethics pursuant to paragraph one has not yet been appointed shall be governed by law relating to lawyers which was applicable before the effective date of this Act until the final resolution thereof.

For the purpose of paragraph two, the committee on professional ethics and the persons having the power and duty in resolving the cases on professional ethics before the effective date of this Act shall have the power and duty to act under the law relating to lawyers which was prevailing before the effective date of this Act until the final resolution of the cases.

### **Section 88**

At the initial stage, 15 lawyers, each of whom possesses qualifications under Section 17 and at least one-third of that number being members of the executive committee of the Lawyers Association, shall be appointed by the Minister as the Board under Section 14, such appointment to take place within 90 days after the effective date of this Act.

### **Section 89**

Within 7 days after the appointment by the Minister under Section 88, the Board shall elect and appoint one of its members as the President under Section 14.

The Board under paragraph one shall, within 90 days after its appointment, cause to be held the election of the Board under Section 14.

Countersigned by

General Prem Tinsulanonda

Prime Minister

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**Remark:** Reasons for enactment of this Act are as follows:

The law on lawyers has been in force for a long time and has certain provisions that require modifications so as to be suitable for the supervision and promotion of the lawyer's profession. Those are, for example, the establishment of the Lawyers Council to supervise the lawyers, the establishment of the lawyers welfare fund to help lawyers, etc. In addition, it is expedient to have the law on legal aids given directly to the public so that the indigent may have access to the aids in all respects and in timely manner. Therefore, it is imperative that this Act be enacted.

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19 September 1985

## **SCHEDULE OF FEES**

1. Lawyer Registration Baht 2,000
2. License for Life Membership Baht 20,000
3. License for 2 Year Period Baht 2,000
4. Renewal of License Baht 2,000
5. Substitute License Baht 100

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