

MINISTERIAL REGULATIONS No.3 (B.E. 2527)

Issued under the Mercantile Marine Promotion act, B.E. 2521 (1978)

Translation

By virtue of Section 17 (2), Section 22 and Section 35 of the Mercantile Marine Promotion act, B.E. 2521 (1978), the Minister of Transport and Communications hereby issues Ministerial regulations, as follows:

Article 1

Goods ordered or imported from abroad by a person being party to a contract with any government unit, government organization, government agency, or State enterprise for carrying out the said contract, and are to be carried by sea on the route where Thai vessels are in carriage service and their spaces are available, shall be carriage service and their spaces are available, shall be carried by Thai vessels;

Irrespective of whether such goods be ordered or imported by the person himself, his agent or forwarding agent, or ordered or imported for him by any other person;

Also irrespective of whether such goods be finished ones for delivery under the contract, ones for use in or facilitating performance of the contract, or ones to be used or employed in manufacturing or to be composed with others to make the goods for delivery under the contract;

Unless permission has been obtained from the office of the Maritime Promotion Commission, or they are goods which, according to the notification of the Minister of transport and Communications, may be carried by non-Thai vessels.

For the purpose of this Article, "forwarding agent" means a contractor who collects and manages to have the goods shipped, not only by his branch or agent but also by a goods collector who assigns another person to carry the goods from one place to another under the responsibility of such forwarding agent.

Article 2

The Minister of Transport and Communications shall be empowered to specify routes where Thai vessels are in carriage service and their spaces are available under Article 1., and to specify that the following goods be exempted from carriage by Thai vessels on the specified routes:

- (1) Goods that are to be carried by specializes vessels or require the method of carriage not available among Thai vessels; or
- (2) Goods of which quantity and for which freight monies, in of shipment of import, are not exceeding the ones specified by the Minister of Transport and Communications.

Quantity of goods and amount of freight monies to be exempted under sub-paragraph (2) shall be specified by regarding that such exemption be rather beneficial to shippers and the Government activities than disadvantageous to maritime transport operators whose Thai vessels are in carriage service on those routes.

Article 3

Freight monies for the purpose of special fee payment according to Section 22 shall be the remount of freight monies taken in calculation of import duty by Customs Department, except in case of which it is unascertainable where it shall be calculated according to the rules of calculating amount of freight monies for import duty payment applied by Customs Department.

In case where paragraph 1 is not applicable it shall be calculated on basis of average of freight rates charged by other maritime transport operators whose vessels were in services on the same route during the time period when shipments of the goods of the goods took place.

In case where paragraph 2 is not applicable it shall be assessed on basis of freight rate statistics or records published by international organization of private shipments of the goods took place.

In case where paragraph 2 is not applicable it shall be assessed on basis of freight rate statistics or records published by international organization or private institution to be specified by the office of the international organization differs from that private institution, the higher one shall be taken.

In specifying and organization or institution according to paragraph 3 the office of the Maritime Promotion Commission shall take into account reliability and general acceptance by international shipping communities of such organization or institution.

If goods subject to special fee payment are only partial, while freight amount shown or arrived by calculation or assessment according to paragraph 1,2 or 3, may be the case, in that case, is that for the whole shipment, the height for the purpose of special fee payment shall be calculated in proportion thereto.

Article 4

The person who is liable to special fee payment shall make such payment to the competent official at the Office of the Maritime Promotion Commission within seven days from the date when the carrying vessel of such goods entered into Thailand. If payment is not made within the time limit, interest of seven and a half percent per annum shall be charged from the remaining unpaid special fee.

Article 5

Pending the issuance of Notification by the Minister of Transport and Communications pursuant to Article 2, the Notification of the Minister of Transport Communications; re: specifying Shipping Routes Where Goods Ordered or Imported from Abroad are Required to be Carried by Thai Vessels, dated 10 August, B.E. 2524 shall be applied *mutatis mutandis* unless and until the Minister of Transport and Communications shall issue the Notification providing otherwise.

Article 6

This Ministerial Regulations shall come into force after the expiration of thirty days from the date of their publication in the Government Gazette.

Given on the 7th day of June, B.E. 2527

(Signature) Samak Sundaravej

Minister of Transport and Communications

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