

## National Metrological System Development Act, B.E. 2540 (1997)

Translation

Bhumibhol Adulyadej, Rex.

Given on the 28<sup>th</sup> Day of August, B.E. 2540;

Being the 52<sup>nd</sup> Year of the Present Reign

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on national metrological system development;

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

### Section 1

This Act is called the "National Metrological System Development Act, B.E. 2540 (1997)"

### Section 2

This Act shall come into force after the expiration of sixty days from the date of its publication in the Government Gazette.

### Section 3

In this Act:

"metrology" means scientific activities concerning examination, adjustment and measurement and calibration of equipments and devices used for performing measurement or analyses;

"national standard" means standards of the system of equipment, device or reference material used for performing measurement which have the method of maintenance, the method of operation and the traceability to the international standard as the reference standard of the highest accuracy of the country;

"metrological system development" means scientific study and research relating to equipments, devices or reference materials used for performing measurement for the accuracy of the aforesaid equipments, devices or reference materials in accordance with the international standard including activities to promote the dissemination of such accuracy of measurement, procurement and maintenance of measuring equipments and devices;

"performing measurement" means performing of measurement based upon scientific units specified to be international units of measurement, such as units of length, mass, time, electric current, temperature, luminous intensity, sound pressure level and amount of substance;

"Fund" means the Fund for Metrology System Development;

"Board" means the Board of the National Metrology;

"Institute" means the National Metrology Institute;

"Director" means Director of the National Metrology Institute;

"Minister" means the Minister having charge and control of the execution of this Act.

### Section 4

There shall be a Board called the "Board of the National Metrology" consisting of Minister of Science, Technology and Environment as Chairman, Permanent Secretary for Science, Technology and Environment as Vice-chairman, a representative of Ministry of Finance, a representative of Ministry of Commerce, a representative of Ministry of Science,

Technology and Environment, a representative of Ministry of Industry, a representative of Ministry of Transport and Communications, a representative of Ministry of University Affairs, a representative of the Bureau of the Budget, a representative of the National Economic and Social Development Board, a representative of the Chamber of Commerce of Thailand, a representative of the Industrial Federation of Thailand, and not more than five qualified persons appointed by the Council of Ministers from the competent persons on metrology as the members and the Director as a member and secretary.

## **Section 5**

The Board shall have the following powers and duties:

- (1) to lay down principle plan and submit policies and measures concerning metrological system development to the Council of Ministers;
- (2) to consider and submit a suggestion in connection with the issuance of a notification under Section 11 and the prescription of rules under Section 14 and Section 18 to the Ministers;
- (3) to prescribe rules on fund expenditure upon approval of the Council of Ministers under Section 22;
- (4) to submit recommendations to any agency and person on operation, maintenance, examination, repairing and other activities in connection with equipments, devices or reference materials used for performing measurement;
- (5) to issue regulations governing recruitment, appointment, prescription of positions, prescription of rate of salary or wage, promotion of salary or wage, providence fund or welfare, removal from office, disciplinary measure and punishment of official;
- (6) to approve financial plan and annual budget of the Institute;
- (7) to perform other duties of the Board as provided by law.

## **Section 6**

A qualified member shall hold office for a term of two years as from the date of appointment. The qualified member who vacates office at the expiration of the term may be re-appointed.

## **Section 7**

Apart from vacating office at the expiration of the term under Section 6, the qualified member shall vacate his office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers for reason of misconduct, deficiency or dishonesty in exercising the duty or incapability;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final judgment of imprisonment, except for an offence committed through negligence or a petty offence.

In the case where a qualified member is appointed during the term of the Board, whether it is an additional appointment or a substitution appointment, the appointee shall hold office or shall be the qualified member for the remaining term of the qualified member already appointed.

## **Section 8**

At a meeting of the Board, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present or unable to

perform his duty, the Vice-chairman shall preside over the meeting. If the Vice-chairman is not present or unable to perform this duty, the members present shall elect one from among themselves to preside over the meeting.

The decision of the meeting shall be made by a majority of votes.

Each member shall have one vote. In case of an equality of votes, the Chairman shall have an additional vote as the casting vote.

### **Section 9**

The Board shall have the power to appoint a sub-committee to consider or to carry out any activity entrusted by the Board. The provisions of Section 8 shall apply *mutatis mutandis*.

### **Section 10**

The Chairman, the Vice-chairman, members of the Board and the sub-committee shall receive meeting allowances and remunerations in accordance with the rules prescribed by the Council of Ministers.

### **Section 11**

For the promotion of using equipments, devices and reference materials having the accuracy in accordance with the international standard used for performing measurement, the Minister shall have the power to issue notifications, by and with the advice of the Board, as follows:

- (1) prescribing equipments, devices or reference materials used for performing measurement as the equipments, devices or reference materials having accurateness according to international standard to be national standard;
- (2) prescribing the units of measurement for various activities for the uniformity of the system in accordance with the international standard;
- (3) prescribing standard requirements for performance, maintenance, calibration, repairing and other activities concerning the equipments, devices or reference materials used for performing measurement;
- (4) prescribing any activity necessary for the execution of this Act.

### **Section 12**

There shall be established an institute to be called the "National Metrology Institute", which shall be a juristic person under the supervision of the Ministry of Science, Technology and Environment.

The activities of the Institute shall not be subject to the law on labor relations.

The Institute shall not be a government agency or state enterprise under the law on budgetary procedure or other laws and the income of the Institute shall not be remitted as State revenue.

### **Section 13**

The Institute shall have the following objectives:

- (1) to act on academic matters and administrative works for the Board as well as cooperating in planning, management and supporting other organizations and persons on the development of metrology;
- (2) to develop metrology system, procure and maintain national standards and standard reference materials of the country for all fields of measurement in accordance with the international metrology system including the dissemination of accurateness of measurement to the national standards;
- (3) to promote careers on metrology and effectiveness of the calibration laboratory.

## Section 14

The Institute shall have the power and duty to carry out various activities within the objectives as specified in Section 13 and such power shall include;

- (1) managing the fund in accordance with the law and regulation prescribed by the Minister;
- (2) studying, surveying and analyzing in various subjects as the basis for laying down the objective, policy and for preparing plans and measures for the metrological system development of the country proposed to the Board for consideration;
- (3) issuing a certificate under the rules, procedures and conditions prescribed by the Institute for the certified equipments and devices or reference materials, which have the accuracy in accordance with the national standards;
- (4) studying, developing metrology technology and supporting metrology research and development of government, private entrepreneurs and educational institutes; promoting cooperation on such activities between government, private sectors and educational institutes and other countries;
- (5) supporting calibration laboratories of private sectors to participate in metrological activities and the system of dissemination of accurateness, providing information and giving advice on metrology technology and other services relating to metrology;
- (6) supporting enhancement of efficiency of study and development of metrology technology, system of accurateness of measuring equipments and devices, traceability, including arrangement for project investments and for project in connection with dissemination of metrology technology from abroad to ensure the effectiveness of the metrology system of the country as reliable and acceptable to the international metrology system;
- (7) conducting and promoting the development of metrological infrastructure of the country including development of human resources of government and private sectors;
- (8) carrying out any activity prescribed by law to be the duty of the Institute and as entrusted by the Board;
- (9) acquiring ownership, hiring, leasing, hire-purchasing, selling by hire-purchase, borrowing, lending, exchanging, transferring, accepting transfer and selling or disposing by any means of immovable or movable properties, other securities as well as accepting properties donated to it;
- (10) accepting remuneration for the use of study and development of measurement technology and service fee for the service rendered including making an agreement and prescribing conditions on such remuneration and fee upon the approval of the Board;
- (11) making agreements and cooperating with local and foreign institutes or organizations on activities relating to education, development of measurement technology and traceability;
- (12) establishing and providing funds for education, development of measurement technology and traceability and invention or development of measuring equipments or devices or technical knowledge used as standard for metrological activities;
- (13) participating in business joint venture or investing with other persons or holding share of a limited company for the benefit of development of metrology system of the country;
- (14) raising loans, borrowing money, extending loans or lending money with surety or security for the education, development relating to measurement technology and for the service of calibration of equipments and devices;

- (15) performing other activities necessary for the execution of this Act. Raising loans, borrowing money, extending loans or lending money or investing under paragraph one shall be made according to the regulations prescribed by the Minister. If the amount is in excess of the amount stipulated in the regulation, the prior approval of the Council of Ministers must be obtained.

### **Section 15**

The Institute shall have a director appointed by the Board with the approval of the Council of Ministers.

The Director shall hold office for a term of four years from the date of the appointment and may be re-appointed but not for more than two consecutive terms.

The Director shall receive salary in accordance with the prescription of the Board.

### **Section 16**

The Director must

- (1) be of Thai nationality;
- (2) have management competence and metrological knowledge;
- (3) be able to work full-time for the Institute;
- (4) not be a bankrupt;
- (5) not be an incompetent or quasi-incompetent person;
- (6) not have been imprisoned by a final judgment to a term of imprisonment, except for a petty offence or an offence committed through negligence;
- (7) not be a government official, state enterprise official, official of local administration, local government executive, political official, member of local council or member of the National Legislative Assembly.

### **Section 17**

Apart from vacating office at the end of term under Section 15 paragraph two, the Director vacates office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Board with the approval of the Council of Ministers;
- (4) lacking qualification or being under any prohibition under Section 16.

### **Section 18**

The Director shall have the duty to administer the affairs of the Institute in accordance with the objectives, powers and duties of the Institute and with policies, rules and regulations prescribed by the Board or the Ministers and shall have the power of supervision of all officials and employees.

The Director shall be responsible to the Board for the administration of the affairs of the Institute.

### **Section 19**

In respect of external relations, the Director shall represent the Institution. For this purpose, the Director may delegate power to any official to conduct any certain business on his behalf provided it is not contrary to the regulations laid down by the Board.

Any act executed by the Director in violation of the regulations under paragraph one shall not be binding on the Institute unless it has been ratified by the Board.

A regulation restricted the powers of the Director to execute under paragraph one shall be published in the Government Gazette.

## **Section 20**

When the Director vacates office, the Board shall appoint any officer of the Institute to be the Acting Director.

In the execution of duties as the Director according to this Section, the Acting Director shall have the same powers and duties as the Director.

## **Section 21**

There shall be a fund of the Institute, called the "Fund for Metrological System Development" consisting of:

- (1) initial capital provided by the government;
- (2) money and properties transferred from the Thailand Institute of Scientific and Technological Research;
- (3) money and properties transferred from the Department of Science Service, Ministry of Science, Technology and Environment;
- (4) government subsidies allocated under the annual State appropriations;
- (5) subsidies from foreign countries and international organizations;
- (6) donations from other persons to the Fund;
- (7) interest or income of the Fund;
- (8) benefit derived from remuneration of using the study and the use of education and development of measurement technology, or traceability and from service fees;
- (9) other money and properties vested in the Fund.

In the case where the Fund is insufficient to meet the expenses to operate the Institute and other burdens and the Fund is unable to acquire income from other sources, the government shall provide the Fund with the necessary money from State appropriations.

## **Section 22**

The payment of the Fund shall be made according to regulations prescribed by the Board with the approval of the Council of Ministers on the following activities;

- (1) operation and supporting of metrology research and development, development of infrastructure, human resource development, evaluation, research publications and promotion the utilization of institute's work;
- (2) administration of the Fund;
- (3) operation of the Institute;
- (4) activities executed by the Chairman, Vice-chairman, members of the Board and sub-committee members, including meeting allowances and other remuneration of the aforesaid persons.

## **Section 23**

The Institute shall set up and maintain an appropriate accounting system.

The Institute shall prepare and submit a balance sheet, working account and profit and loss account to the auditor every year within one hundred and twenty days after the end of the accounting year.

A normal accounting year shall commence on 1st January and end on 31st December of every year. The first accounting year shall commence on the date of the coming into force of this Act and end on 31 December of that year,

The Office of the Auditor-General of Thailand shall be the auditor of the Institute for every accounting year and shall prepare an audit report to the Board.

## **Section 24**

The Institute shall submit an annual report to the Board for submission to the Council of Ministers showing balance sheet, working account and profit and loss account certified by the auditor together with the auditing report and the result of work carried out by the Institute in the preceding year.

## **Section 25**

At the initial period when there is no appointment of the Director under Section 15, the Minister shall appoint a government official or an official attached to the Ministry of Science, Technology and Environment to act temporarily pending the appointment of the Director.

## **Section 26**

All activities, properties, rights, liabilities and budgetary appropriations as well as officials and employees of Thailand Institute of Scientific and Technological Research concerning metrology work existing on the date of the coming into force of this Act shall be transferred to the Institute.

Any official or employee of Thailand Institute of Scientific and Technological Research performing activities under paragraph one, who does not volunteer to transfer to work as an officer or employee of the Institute shall notify to the superior official within thirty days from the date of the coming into force of this Act.

The official or employee transferred to be the official or the employee of the Institute shall receive salary or wage as well as to enjoy the same rights and benefits as he or she used to receive or enjoy until he or she is accepted and appointed to the position in the Institute provided that he shall not received lower salary or wage than he or she used to receive and shall be regarded as dismissal from service owing to the abolition or dissolution of the position with the right to receive aid fund according to the regulations of Thailand Institute of Scientific and Technological Research on Aid Fund and /or other compensations according to regulations of Thailand Institute of Scientific and Technological Research concerning compensations and remuneration of working, as the case may be.

For the purpose of computing the length of service for the calculation of gratuities and pensions according to regulations of the Institute, any transferred official under this Section who wishes to include length of government service prior to the transfer in the length of service for official of the Institute shall be entitled to waive the right to receive the gratuities or pensions.

The waiver of receiving aid under paragraph four shall be given within thirty days from the date of the transfer.

The transferring under this Section shall be subject to an agreement between the Minister and the Institute.

## **Section 27**

All activities, properties, rights, liabilities and budgetary appropriations of the Department of Science Service, Ministry of Science, Technology and Environment concerning the Project on Metrology and Scientific Laboratory Accreditation and the Project on Improvement and Expansion Scientific Metrology existing on the date of the coming into force of this Act shall be transferred to the Institute.

Any government official or employee of the Department of Science Service, Ministry of Science, Technology and Environment working in the Projects prescribed in paragraph one who volunteers to transfer to work as an official or employee of the Institute and notify to the superior official who has the power to accept and appoint within thirty days from the date of coming into force of this Act, such official or employee shall be transferred to be the official or employee of the Institute.

The government officials or employees, in paragraph two, transferred to be officials or employees of the Institute shall receive salaries or wages as well as to enjoy the same rights and benefits as he used to receive or enjoy until he is accepted and appointed to the

position in the Institute provided that they shall not receive lower salaries or wages than he or she used to receive.

The transferring of government officials in paragraph two shall be regarded as dismissal from service owing to the abolition or dissolution of the position according to the regulations under the law on civil service.

The transferring of employees in paragraph two shall be regarded as dismissal from service owing to the abolition or dissolution of the position according to the regulations of the Ministry of Finance on permanent employees of the government.

The government officials or employees transferred in paragraph two shall receive gratuities, pensions or remuneration according to the law on gratuities and pensions for officials or according to the regulations of Ministry of Finance on gratuities for employees, as the case may be.

For the purpose of computing the length of service for the calculation of gratuities working life for determination of gratuity or pension according to regulations of the Institute, any government official or employee transferred under paragraph two who wishes to include length of government service or length of service prior to the transfer in the length of service for officer or employee of the Institute shall be entitled to waive the right to receive the gratuities or pensions.

The waiver of receiving gratuities or pensions according to paragraph seven shall be given within thirty days from the date of transfer. In the case of the government officials, the process shall be according to the law on gratuities and pensions for government officials. In the case of the employees, shall be in writing and their names as evidence submitted to the employer for further submission to the Ministry of Finance for acknowledgment.

The transferring under this Section shall be subject to an agreement between the Minister and the Institute.

### **Section 28**

The Minister of Science, Technology and Environment shall have charge and control of the execution of this Act and shall have the power to issue notification and regulations for the execution of this Act.

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

Countersigned by

General Chavalit Yongjaiyuth

Prime Minister

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