

## Radio Communications Act, B.E. 2498 (1955)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 22<sup>nd</sup> Day of January B.E.2498;

Being the 10<sup>th</sup> Year of the Present Reign

By Royal Command of His Majesty King Bhumibhol Adulyadej, it is hereby proclaimed that:  
Whereas it is appropriate to revise the law on radio communications;  
His Majesty the King, by and with the advice and consent of the Assembly of the House of Representatives, is graciously pleased to enact the following Act:

### Section 1

This Act shall be called the "Radio Communications Act, B.E. 2498 (1955)"

### Section 2

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

### Section 3

The followings are hereby repealed:

- (1) Radio Communications Act, B.E.2478;
- (2) Radio Communications Act (No.2), B.E.2481;
- (3) Radio Communications Act (No.3), B.E.2483;
- (4) Radio Communications Act (No.4), B.E.2485;
- (5) Radio Communications Act (No.5), B.E.2491;
- (6) Radio Communications Act (No.6), B.E.2497;
- (7) All other laws, rules, and regulations insofar as they are provided for in this Act, or are contrary to, or inconsistent with this Act.

### Section 4

In this Act:

"hertzian waves" means electromagnetic waves having frequencies ranging from 10 kilohertz to 3,000,000 megahertz;

"radio communications" means the transmission or reception of signs, signals, writing, images and sounds, or intelligence of any nature by means of hertzian waves;

"radio communication equipment" means radio communication transmitter, radio communication receiver, or radio communication transceiver but does not include radio and television broadcasting receiver, and radio communication transmitter, radio communication receiver, or radio communication transceiver using hertzian waves which have the characteristics or types of service as specified in the Ministerial Regulations;

For the purpose of controlling the use of radio communication equipment, any radio communication component as specified in the Ministerial Regulations shall be deemed as radio communication equipment.

"radio operator" means any person who operates radio communication equipment;

"radio communication station" means the place where the radio-communications are taken place;

"make" includes manufacture, modify, or re-assemble;

"import" means import into the Kingdom;

"export" means export out of the Kingdom;

"trade" includes the possession for selling or repairing;

"Authorized Licensing Officer" means the officer appointed by the Minister under this Act;

"Minister" means the Minister who is in charge and controls the execution of this Act.

## **Section 5**

Except Section 11 and Section 12, this Act shall not be enforced upon:

- (1) Ministries, Government Bureau, Government Departments,
- (2) The juristic persons as specified in the Ministerial Regulations.

## **Section 6**

Any person is prohibited to make, possess, use, import, export, or trade any radio communication equipment unless that person has been granted a license from the Authorized Licensing Officer.

In case where it is deemed appropriate, the Minister shall have the authority to issue the Ministerial Regulations in which they specify radio communication equipment of some characteristics or radio communication equipment used in some services to be exempted from all or some licenses indicated in paragraph one.

## **Section 7**

Any person is prohibited to perform the duties of a radio operator in a position specified in the Ministerial Regulations unless that person has been granted a license from the Authorized Licensing Officer.

## **Section 8**

Any person is prohibited to receive news by means of radio-communications from abroad for advertising purpose unless that person has been granted a license from the Authorized Licensing Officer.

## **Section 9**

Licenses under this Act shall be as follows:

- (1) License for making, shall be valid for one hundred eighty days from the date of issuance;
- (2) License for possessing, shall be valid for one year from the date of issuance;
- (3) License for using, shall be valid as long as the radio communication equipment is serviceable for use;
- (4) License for importing, shall be valid for one hundred eighty days from the date of issuance;
- (5) License for exporting, shall be valid for thirty days from the date of issuance;
- (6) License for trading, shall be valid for one year from the date of issuance, except one issued exclusively for repairing of which it shall be valid for five years;
- (7) License for installing a radio communication station, shall be valid as long as the licensee uses the station in accordance with the terms and conditions specified in the license;
- (8) Radio Operator's License, shall be valid for five years from the date of issuance;
- (9) License for receiving news by means of radio communications from abroad for advertising purpose, shall be valid for one year from the date of issuance.

Licensee under (1), (3), (4), (5), (6), or (7) shall be deemed that he is also granted to possess the radio communication equipment involved with each corresponding license mentioned.

## **Section 10**

The Minister shall have the authority to issue a special license to a person for the installation of aviation radio communication station exclusively for the safety purpose of civil aviation. The Minister may impose any condition upon the issuance of such special license.

The licensee shall observe all conditions imposed by the Minister.

## **Section 11**

Any person is prohibited to install a radio communication station unless that person has been granted a license from the Authorized Licensing Officer.

The radio communication station shall use the exact frequency as specified in the Radio Regulations annexed to the International Telecommunication Convention.

In order to conform with paragraph one and paragraph two, the Director General of the Post and Telegraph Department shall have the authority to impose the conditions for the installation of a radio communication station and the Director General or the designated person shall have the authority to control and specify the frequency used by the radio communication station.

In the case where it is deemed appropriate, the Minister shall have the authority to issue the Ministerial Regulations in which they specify the radio communication station used in some services to be exempted from licensing requirements as indicated in paragraph one.

## **Section 11 bis**

The Minister shall have the authority to make an announcement that those who use the assigned frequency for any services or any natures are required to pay to the Government an appropriate charge for the use of the assigned frequency.

The announcement as indicated in paragraph one shall be published in the Government Gazette.

## **Section 12**

A radio communication station is prohibited to operate radio-communication services for any other purposes except for those specified in its license, or for governmental services of the Ministries, Government Bureau, Government Departments, or for the services of the juristic persons under Section 5.

## **Section 13**

Any vehicle is prohibited to use radio communication equipment unless its use is pursuant to the Ministerial Regulations or the special provisions temporarily granted by the Minister.

## **Section 14**

For the purpose of maintaining the public order or defending the realm, the Minister shall have the authority to issue a provisional order to the competent authority to seize, put to use, prohibit the use of, or prohibit the removal of radio communication equipment, or part thereof, within the period and under the conditions specified in the said order.

## **Section 15**

The Authorized Licensing Officer or the designated person shall have the authority to order that those who unintentionally cause interference or obstruction to radio communications shall cease such action or alter the article which produces such action or remove the said article from the area of interference.

## **Section 16**

Any person is prohibited from transmitting or preparing to transmit, by means of radio communications, any message known to be false or any other messages unauthorized by the competent authority which might cause damage to the country or its people.

### **Section 17**

Any person is prohibited to intercept, utilize, or wrongfully disclose any news received by means of radio communications which are not intended for public interest or which might cause damage to the country or its people.

### **Section 18**

In order to inspect any radio communication equipment, part thereof, a radio communication station, an article which causes interference or obstruction to radio communications, or its license, the Authorized Licensing Officer or the designated person shall have the authority to enter the building, premises, or vehicle of any person at a reasonable time.

When it appears that any person has violated this Act or there is a reasonable cause to suspect him of committing such violation, the Authorized Licensing Officer or the designated person indicated in paragraph one, shall have the authority to arrest that person together with the exhibit used in the commission of that violation for proceeding with the case.

### **Section 19**

In case where the licensee acts in contrary to the provisions of this Act, the Ministerial Regulations issued pursuant hereto, or the conditions specified in his license, the Authorized Licensing Officer shall have the authority to order cancellation or suspension of such person's license.

The licensee may appeal to the Director General of the Post and Telegraph Department within thirty days from the date of cancellation or suspension of his license. The decision of the Director General of the Post and Telegraph Department shall be final.

### **Section 20**

The Government shall not be responsible in case of loss or damage of any sort which may arise from the difficulties in the use of radio communication equipment belonging to the Government and shall not be responsible for the reception, transmission, or passing of any radio communication message.

In the case mentioned in the previous paragraph, the competent authority shall also bear no responsibility unless such authority has caused the loss or damage willfully, fraudulently or negligently.

### **Section 21**

The Authorized Licensing Officer shall have the authority to assess fine for violation of this Act.

### **Section 22**

Under judgment that a person is guilty of violation under this Act, the court may also order to forfeit the article used in such violation for the official use of the Post and Telegraph Department.

### **Section 23**

Any person who is in contravention of Section 6, Section 11 or Section 16 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand Baht or imprisonment not exceeding five years or both.

### **Section 24**

In case there is any contravention of Section 12 or Section 13, the person in charge of the radio communication station or the person in charge of the radio communication equipment and persons involved in such contravention shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand Baht or imprisonment not exceeding two years or both.

## **Section 25**

Any person who is in contravention of Section 7, Section 8 or Section 17 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand Baht or imprisonment not exceeding two years or both.

## **Section 26**

Any person who intentionally causes interference or obstruction to radio communications shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand Baht or imprisonment not exceeding five years or both.

## **Section 27**

Any person who is in contravention of the order of the Authorized Licensing Officer or the designated person, under the provisions of Section 15, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand Baht or imprisonment not exceeding two years or both.

## **Section 28**

All licenses and certificates issued under the laws on radio-communications prior to the date coming into force of this Act shall remain valid until their dates of expiration.

## **Section 29**

The Minister of Transport and Communications shall be in charge of this Act and shall have the authority to appoint an Authorized Licensing Officer and issue the Ministerial Regulations:

- (1) laying down rules for the application for, and issuance of, licenses;
- (2) prescribing procedures for cancellation and suspension of licenses;
- (3) prescribing fee schedules in accordance with this Act;
- (4) prescribing specifications for radio communication equipment and qualifications for radio operators;
- (5) prescribing any other matters for the carrying out of this Act.

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

Countersigned by

Field Marshal P. Pibulsonggram

Prime Minister

As amended by the Radio Communications Act (No.2), B.E.2504 and the Radio Communications Act (No.3), B.E.2535.

### **Disclaimer**

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