

## **Port Authority of Thailand Act, B.E. 2494 (1951)**

As Amended until Port Authority of Thailand Act (No.5), B.E.2551 (2008)

**Translation**

In the name of His Majesty King Bhumibol Adulyadej,  
Dhani Nivat Kromamun Bidyalabh Bluitiyakara Regent

Given on the 4th day of May, B.E. 2494

Being the 6th year of the Present Reign

Whereas it is deemed expedient to establish the Port Authority of Thailand as an autonomous body;

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

### **Section 1**

This Act shall be called "Port Authority of Thailand Act, B.E. 2494 (1951)"

### **Section 2**

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

### **Section 3**

All laws, rules and regulations contradicting the provisions of this Act shall be repealed.

### **Section 4**

In this Act

"Port Authority of Thailand" means the port organization established under this Act.

"Port undertaking"<sup>(1)</sup> means a business pertaining to a port and shall include docks and other businesses relating to or being part of a port.

"Board" means the Board of Commissioners of the Port Authority of Thailand.

"Director" means the Director of the Port Authority of Thailand.

"Minister" means the Minister of Communications.

"Authority Area"<sup>(2)</sup> means the area of land and water which is under the control and maintenance of the Port Authority of Thailand.

### **Section 5<sup>(3)</sup>**

The Minister of Communications and the Minister of Finance shall have charge and control of the execution of this Act, and shall have the power to issue Ministerial Regulations concerning the control, development and the provision of facilities and safety to port undertakings and navigation within the Authority Area, and other activities for the execution of this Act.

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

## **CHAPTER I**

### **CONSTITUTION, CAPITAL AND RESERVES**

## **Section 6**

There shall be constituted a port organization to be called the "Port Authority of Thailand" having as its objectives the following:

- (1) Taking over the business of the Office of the Port of Bangkok under the Department of Transportation, Ministry of Communications.
- (2)<sup>(2)</sup> Conducting and promoting port undertakings in the interest of the State and public.
- (3)<sup>(2)</sup> Carrying on other businesses relating or incidental to port undertakings.

"Port Authority of Thailand"<sup>(3)</sup> shall have acronym "PAT"

## **Section 7**

The Port Authority of Thailand shall be a juristic person.

## **Section 8**

The Port Authority of Thailand shall have its principal office in Bangkok and may establish branch offices or agents at any place in the Kingdom and, with the prior approval of the Minister, abroad.

## **Section 8 bis**<sup>(4)</sup>

The Authority Area shall be determined by a Royal Decree to which there shall be annexed a map showing the Authority Area. This map shall be regarded as part of the Royal Decree.

## **Section 9**

The Port Authority of Thailand shall have the powers to act within the scope of its objectives specified in Section 6 and such powers shall include the following:-

- (1) to construct, purchase, acquire, dispose of, hire, let and operate port equipment, services and facilities;
- (2) to purchase, acquire, lease, hire, let, own, possess, dispose of or operate in connection with movable and immovable properties;
- (3) to determine charges for the use of its ports, services and facilities, and to issue regulations regarding the method of payment of such charges;
- (4) to issue regulations regarding safety, the use of its ports services and facilities;
- (5) to borrow money.
- (6)<sup>(5)</sup> to dredge and maintain channels in the Authority Area;
- (7)<sup>(5)</sup> to control, develop and provide facilities and safety in port undertakings and navigation in the Authority Area;
- (8)<sup>(5)</sup> to fix the rates of various dues and charges within the Authority Area.
- (9)<sup>(6)</sup> to issue bonds or any other instruments for the purpose of investment.
- (10)<sup>(7)</sup> to form a limited company or a limited public company for the conduct of port undertakings and other businesses within the scope of the objectives of the Port Authority of Thailand, provided that shares of the said limited company or limited public company shall be held by aliens as defined by the law on alien business in the amount of not exceeding forty-nine percent of its registered capital;
- (11)<sup>(8)</sup> to form a joint venture with other parties or to hold shares of a limited company or a limited public company for the benefit of the businesses of the Port Authority of Thailand.

## **Section 10**

All assets and liabilities of the Office of the Port of Bangkok under the Department of Transportation as well as land which has been expropriated for port development purposes shall be transferred to the Port Authority of Thailand.

### **Section 11**

Any land acquired by the Port Authority of Thailand under this Act or any other act shall not be transferred, except as provided for by a special Act.

### **Section 12**

There shall be transferred to the Port Authority of Thailand an amount of 3 million Baht from the budgetary appropriation for extra-ordinary capital expenditure for Transport Development and such part of the budget allocated for bar dredging, construction works and purchase of equipment for the fiscal year B.E. 2494.

Any expenditure relating to bar dredging, construction works and purchases of materials shall be disbursed by the Port Authority of Thailand as detailed in the budget.

### **Section 13**

The initial capital of the Port Authority of Thailand shall consist of

- (1) all transferred assets after deducting liabilities as provided in Section 10.
- (2) The sum received by the Port Authority of Thailand under Section 12.

### **Section 14**

Any property of the Port Authority of Thailand shall not be subject to enforcement of judicial decision.

### **Section 15**

All rights and duties conferred by any existing laws on the Office of the Port of Bangkok of the Department of Transportation shall be vested in the Port Authority of Thailand.

### **Section 16**

The Board Chairman, the Board, the Director and the staff of the Port Authority of Thailand shall be the "officials" within the meaning of the Penal Code.

### **Section 17<sup>(9)</sup>**

The Port Authority of Thailand shall be exempted from payment of taxes and duties under the Revenue Code, and all of its buildings and land other than those leased shall also be exempted from payment of any taxes, duties or fees under any other law.

### **Section 17 bis<sup>(10)</sup>**

The Port Authority of Thailand shall be exempted from payment of any fees under the law concerning customs.

### **Section 17 ter<sup>(11)</sup>**

All immovable properties belonging to the Port Authority of Thailand leased to any person, whether prior to or after the enforcement of this Act, shall when required to be used in its undertaking, be exempted from being subject to the provisions of the law concerning the control of rents in state of emergency.

### **Section 18**

The reserve funds of the Port Authority of Thailand shall consist of a reserve fund to cover possible losses and such other reserve funds for particular purposes, such as depreciation and improvement, as may be deemed appropriated by the Board.

### **Section 19**

The Port Authority of Thailand shall establish bank accounts in accordance with regulation of the Board, as approved by the Council of Ministers.

## **CHAPTER II SUPERVISION, CONTROL AND MANAGEMENT**

### **Section 20<sup>(3)</sup>**

The Minister shall have the power and duty to control the affairs of the Port Authority of Thailand. For this purpose, he may instruct the Port Authority of Thailand to state facts, give opinions, submit reports, or stop any act which is contrary to the policy of the Government or to the resolution of the Cabinet. He shall also have the power to order the inquiry into the facts concerning the management.

### **Section 21**

Any matter that is to be submitted under the provision hereof by the Port Authority of Thailand or its Board for the consideration of the Council of Ministers shall be first presented to the Ministers for subsequent submission to the Council of Ministers.

### **Section 22<sup>(2)</sup>**

There shall be a Board of Commissioners of the Port Authority of Thailand consisting of a Chairman and not less than six but not more than ten other members, at least one of whom must possess knowledge and experience in port management, and another in economics or finance.

The Chairman and members of the Board shall be appointed by the Council of Ministers. The Director may also be appointed a member of the Board by the Council of Ministers.

The Board shall have the power and duty to lay down the policy, and to control and supervise generally the activities of the Port Authority of Thailand.

### **Section 23**

Persons who shall be appointed Chairman of the Board, members of the Board and Director shall be of Thai nationality and have knowledge of and experience in matters concerning port, Transportation, navigation, commerce, economics or finance.

### **Section 24**

The Board shall represent the Port Authority of Thailand, in the general affairs of the Port Authority of Thailand, but the Board may designate the Director or any other member of the staff as its representative.

### **Section 25**

No person under the following categories shall be eligible for chairmanship or membership of the Board.

- (1) having directly or indirectly any interest in any contract concluded with or in any work executed for the Port Authority of Thailand except in cases where he is merely a shareholder of a company interested in such business;
- (2) being a staff member of the Port Authority of Thailand;
- (3) holding a political post.

### **Section 26**

The appointed Chairman and members of the Board shall hold office for a period of four years but for the initial period one half of the members shall be retired by drawing lots after two years in office. Should it be impossible to divide the number of the directors in half, the figure thereof closest to the half number shall be taken.

A retiring member is eligible for re-appointment.

### **Section 27**

The Chairman and members of the Board shall vacate their offices before the termination of their term of office as provided for in Section 26 upon;

- (1) death;
- (2) resignation from their offices;

- (3) being retired by the Council of Ministers;
- (4) under conditions provided under Section 23 hereof.

In such cases of vacancies, new members shall be appointed to fill the vacancies; the members so appointed shall serve only the un-expired term of the vacating members.

### **Section 28**

The Chairman and members of the Board shall receive remuneration as determined by the Council of Ministers.

### **Section 29**

Subject to the provisions of the last paragraph of Section 22, the Board shall have the following powers and duties;

- (1) to conduct business and to issue rules and regulations as specified in Section 9;
- (2) to appoint, remove, increase or decrease the salaries of advisers, experts and heads of departments who assist the Director, and to determine the salaries of the staff of the Port Authority of Thailand;
- (3) to issue rules of procedures for its meetings and for the conduct of its business;
- (4) to issue rules governing the performance of duties of the staff of the Port Authority of Thailand, the disciplinary and penalty measures and other similar matters;
- (5)<sup>(3)</sup> to fix the rates of various dues and charges within the Authority Area, and the rates of dues and charges for the use of the wharves, and for the facilities and services provided by the Port Authority of Thailand; provided that they are between the maximum and minimum rates fixed by the Council of Ministers.

Powers and duties as provided in (1) may be entrusted to the Director if the Board deems it appropriate.

Any alteration in the rate of charges under (5) shall be made public not less than 15 days in advance.

### **Section 30**

Subject to the approval of the Council of Ministers, the Board of Commissioners shall appoint the Director who may be member of the Board.

The Director's salary shall be determined by the Board subject to the approval of the Council of Ministers. He shall hold office for an unlimited period. However, he may be removed from office by the Board subject to the approval of the Council of Ministers provided that he is found deficient or incompetent in his post.

### **Section 31**

The Director shall administer the affairs of the Port Authority of Thailand in accordance with policies laid down by the Board, and shall be in charge of the staff of the Port Authority of Thailand.

The Director shall be responsible to the Board for the management and operations of the Port Authority of Thailand.

### **Section 31 bis<sup>(4)</sup>**

The Director or employee of the Port Authority of Thailand shall retire from office at the end of the year he completes the age of sixty unless his term of employment is annually extended for another one year but not after completion of the age of sixty-five

The mode of extension of the term of employment shall be in conformity with the regulations of the Board of Commissioners, but, in case of the Director, the extension of the term of employment must also be subject to the approval of the Cabinet.

### **Section 32**

The Director shall have the powers:

- (1) to appoint, remove, increase or decrease salaries of the staff of the Port Authority of Thailand in accordance with the regulations laid down by the Board, except as stipulated in Section 29 (2).
- (2) to issue regulations governing the operation of the Port Authority of Thailand.

### **Section 33**

The Chairman; members of the Board; the Director and the staff of the Port Authority of Thailand may receive bonus in conformity with the regulations set forth by the Council of Ministers.

## **CHAPTER III RELATIONS WITH THE GOVERNMENT**

### **Section 34**

In the conduct of its business, the Port Authority of Thailand shall give due regard to the interest of the State and the public.

### **Section 35**

The Port Authority of Thailand must obtain approval of the Council of Ministers prior to undertaking the following:

- (1) to construct new ports;
- (2) to terminate business in any port under operation;
- (3) to increase or reduce capital;
- (4) to borrow money;
- (5) to dispose of immovable properties.
- (6)<sup>(1)</sup> to form a limited company or a limited public company for the conduct of port undertakings and other businesses within the scope of objectives of the Port Authority of Thailand;
- (7)<sup>(1)</sup> to form a joint venture with other parties or to hold shares of a limited company or a limited public company for the benefit of businesses of the Port Authority of Thailand.

### **Section 36**

The Port Authority of Thailand shall obtain approval from the Minister before issuing rules and regulations governing the performance of duties of, and disciplinary and penalty measures to be imposed upon, the staff of the Port Authority of Thailand and other similar matters.

### **Section 37**

The Port Authority of Thailand shall not issue regulations relating to the use of its services and facilities and charges therefore, which are inconsistent with such general economic and financial policies of the Government as presented by the Council of Ministers to the Board.

### **Section 38**

The Port Authority of Thailand shall prepare an annual budget classified into capital account and operating account; the capital account shall be submitted to the Council of Ministers for consideration and approval. The operating account shall be submitted to the Council of Ministers for their information.

### **Section 39**

The revenue resulting from its operation shall accrue to the Port Authority of Thailand for the purpose of meeting expenses.

The annual revenue remaining after deducting operating expenses and allowing for proper charges, such as charges for maintenance and depreciation; bonus; provident fund for the staff; ordinary reserve fund; reserve for expansion and investment fund as approved under Section 38, shall be turned over to the Treasury as revenue of the State.

If the revenue should be insufficient to meet the said expenses excluding the reserve for contingency and reserve for expansion, and if the Port Authority of Thailand should be unable to obtain funds from other sources, the deficiency shall be covered by the State.

#### **Section 40**

The Board shall prepare an annual report for submission to the Minister. Such report shall give an account of the operation of the Port Authority of Thailand in the previous year, together with a statement on future policies and program contemplated by the Board.

### **CHAPTER IV PETITION AND WELFARE**

#### **Section 41**

The staff of the Port Authority of Thailand shall have the right of petition concerning the imposition of penalty under the regulations issued by the Board.

#### **Section 42**

The Port Authority of Thailand shall provide a Providential Fund for the staff upon retirement, accident, sickness or others.

The rate of contributions to be made by the Port Authority of Thailand and staff, and the class of staff entitled to the benefits therefrom as well as the management of the fund, shall be as stipulated in the Board's regulations.

Such rules and regulations in the foregoing paragraph shall be presented to the Council of Ministers and shall come into force upon the approval of the Council of Ministers.

### **CHAPTER V ACCOUNTS, AUDIT AND EXAMINATION**

#### **Section 43**

The Port Authority of Thailand shall set up and maintain an appropriate accounting system with classifications under major categories to be subjected to an internal audit at regular interval, and shall keep books on:-

- (1) revenue and expenditure;
- (2) properties and debts;

Which shall represent the existing conditions as shall be deemed necessary in each category, including the statements on the origins thereof.

#### **Section 44**

The Board shall appoint one or more auditors to certify the accounts of the Port Authority of Thailand annually.

No member of the Board, the Chairman, the Director, the Representative, or the staff of the Port Authority of Thailand or any person or persons who have personal interests in the business of the Port Authority of Thailand shall be appointed auditor.

### **Section 45**

The auditor is authorized to examine at any appropriate moment all books, accounts and document of the Port Authority of Thailand. In the exercise of his duty, he may question or investigate the Chairman and members of the Board, the Director and others acting as representatives of the Port Authority of Thailand and the staff thereof.

### **Section 46**

The auditor shall submit a report with respect to:

- (1) the appropriate statement received in the course of auditing.
- (2) the extent of completeness of the books and accounts kept by the Port Authority of Thailand and shall state
  - i. the extent to which the balance and accounts thus examined are consistent with the books;
  - ii. the extent to which the balance and accounts thus examined truly represent the existing condition of the Port Authority of Thailand to the best knowledge of the auditor.

### **Section 47**

The Audit Council shall examine the accounts of the Port Authority of Thailand at the request of the Minister.

### **Section 48**

The Port Authority of Thailand shall, within one hundred and twenty days after the end of each financial year, publish its annual report showing its balance sheet, operating account and profit and loss statement as at the end of the year, together with the report of the auditor appointed by the Board under Section 44.

## **CHAPTER 6<sup>(1)</sup>**

### **PENALTIES**

### **Section 49**

Whoever violates or fails to comply with the Ministerial Regulations concerning the control, development and the provision of facilities and safety to port undertakings and navigation within the Authority Area shall be punished with fine not exceeding two thousand baht.

### **Section 50**

Regarding the offences under Section 49, the inquiry official shall have the power to settle them.

Countersigned by

Field Marshal P. Pibulsonggram

President of the Council of Ministers



## **Amendment**

### **Chapter I**

- (1) Expendient Section 3 Port Authority of Thailand Act (No.5), B.E. 2543
- (2) Expendient Section 3 Port Authority of Thailand Act (No.2), B.E. 2499
- (3) Expendient to amend Section 4 Port Authority of Thailand Act (No.2), B.E. 2499

### **Chapter II**

- (1) Expendient to amend Section 4 Port Authority of Thailand Act (No.2), B.E. 2499
- (2) Expendient to amend Section 4 Port Authority of Thailand Act (No.5), B.E. 2543
- (3) Expendient Section 5 Port Authority of Thailand Act (No.5), B.E. 2543
- (4) Expendient Section 5 Port Authority of Thailand Act (No.2), B.E. 2499
- (5) Expendient Section 6 Port Authority of Thailand Act (No.2), B.E. 2499
- (6) Expendient Section 3 Port Authority of Thailand Act (No.4), B.E. 2516
- (7) Expendient Section 6 Port Authority of Thailand Act (No.5), B.E. 2543
- (8) Expendient Section 6 Port Authority of Thailand Act (No.5), B.E. 2543
- (9) Expendient to amend Section 7 Port Authority of Thailand Act (No.2), B.E. 2499
- (10) Expendient Section 8 Port Authority of Thailand Act (No.2), B.E. 2499
- (11) Expendient Section 9 Port Authority of Thailand Act (No.2), B.E. 2499

### **Chapter III**

- (1) Expendient to amend Section 3 Port Authority of Thailand Act (No.3), B.E. 2502
- (2) Expendient to amend Section 10 Port Authority of Thailand Act (No.2), B.E. 2499
- (3) Expendient to amend Section 11 Port Authority of Thailand Act (No.2), B.E. 2499
- (4) Expendient Section 4 Port Authority of Thailand Act (No.3), B.E. 2502

### **Chapter IV**

- (1) Expendient Section 7 Port Authority of Thailand Act (No.5), B.E. 2543

### **Chapter VI**

- (1) Expendient Section 12 Port Authority of Thailand Act (No.2), B.E. 2499

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