

**Prices of Goods and Services Act, B.E. 2542 (1999)**

**Translation**

BHUMIBOL ADULYADEJ, REX.

Given on the 22nd Day of March B.E. 2542;

Being the 54th Year of the Present Reign

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

Whereas it is expedient to revise the law on price determination of goods and prevention of monopoly;

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 3, Section 35, Section 36, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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 "Prices of Goods and Services Act, B.E. 2542 (1999)".

**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The Act on Price Determination of Goods and Prevention of Monopoly, B.E. 2522 (1979) shall be repealed.

**Section 4**

In this Act:

"business" means an agricultural, industrial, commercial, service activity or other similar activities;

"goods" means an object which may be used or consumed, including a document of ownership in such object;

"service" means an agreement to undertake work, grant of any right, grant of use or grant of benefit in a property or any activity in consideration of a money payment or other benefits;

"distribute" means sell, exchange, give, disseminate, transfer of possession rights in goods to other persons or to provide a service;

"produce" means make, mix, blend, assemble, invent, convert, transform, modify, select, sort, pack or any act which creates goods regardless of the method employed, including the creation of a trade name or trademark for such goods whether self-made or made through the engagement of others;

"price" includes consideration for distribution;

"Commission" means the Central Commission on Prices of Goods and Services or the Provincial Commission on Prices of Goods and Services;

"Office" means the Office of the Central Commission on Prices of Goods and Services or the Office of the Provincial Commission on Prices of Goods and Services;

"Secretary-General" means the Secretary-General of the Central Commission on Prices of Goods and Services;

“competent official” means an official appointed by the Minister to perform an act under this Act;

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

### **Section 5**

This Act shall apply to the central administration, regional administration, local administration or other activities prescribed by Ministerial Regulation.

### **Section 6**

The Minister of Commerce shall have charge and control of the execution of this Act and shall have the power to appoint competent officials for the execution of this Act.

## **CHAPTER I**

### **Central Commission on Prices of Goods and Services**

#### **Section 7**

There shall be a Central Commission on Prices of Goods and Services, abbreviated as “CCP”, consisting of the Minister of Commerce as Chairman, Permanent Secretary for Commerce and Secretary-General of the Central Commission on Prices of Goods and Services as Vice Chairman, and not less than four but not more than eight qualified persons appointed by the Council of Ministers at least one-half of whom should be appointed from qualified persons in the private sector as members and the Secretary-General shall be a member and secretary.

#### **Section 8**

A qualified person appointed as a member shall not be a political official, holder of a political office, committee member or holder of an office responsible for the management of a political party.

#### **Section 9**

The CCP shall have powers and duties as follows:

- (1) to issue a Notification prescribing any particular goods or services as controlled goods or services under Section 24;
- (2) to prescribe measures to be implemented with respect to controlled goods or services under Section 25;
- (3) to order a producer or a distributor of controlled goods or services to give statements of fact under Section 26;
- (4) to give approval to the Notification issued under Section 27;
- (5) to prescribe rules, procedures and conditions for the display of prices of goods or services under Section 28;
- (6) to prescribe rules and procedures for the determination of the acts which are considered as amounting to the unreasonable lowering or raising of prices or resulting in the fluctuation of prices of goods or services under Section 29 paragraph two;
- (7) to prescribe regulations on payment of rewards and awards under Section 33;
- (8) to supervise and give directions to the extent that is necessary in order to ensure that the distribution of controlled goods or services is sufficient for public demand. In this regard, the CCP may entrust the Provincial Commission on Prices of Goods and Services, the Secretary-General or a competent official to act on its behalf;
- (9) to consider a complaint that a grievance or injury is suffered in consequence of an act which has an adverse effect on prices;

- (10) to invite any particular person to give a statement of fact, explanation, advice or opinion;
- (11) to perform any other act as provided by law to be the powers and duties of the CCP.

#### **Section 10**

Qualified members under Section 7 shall hold office for a term of two years.

At the expiration of such term in paragraph one, if newly qualified members have not yet been appointed, the qualified members vacating office at the expiration of term shall remain in office to perform duties for the time being until newly appointed qualified members take office.

Qualified members vacating office at the expiration of term may be reappointed but may not be appointed for two consecutive terms.

#### **Section 11**

The provisions in Section 75, Section 76, Section 77, Section 78, Section 79, Section 80, Section 81, Section 82 and Section 83 of the Administrative Procedure Act, B.E. 2539 (1996) shall apply *mutatis mutandis* to the appointment of qualified members, the vacation of office of qualified members and meetings of the Commission, and a qualified member shall also vacate office upon possessing a prohibition under Section 8.

#### **Section 12**

In a province other than Bangkok Metropolis, there shall be a Provincial Commission on Prices of Goods and Services, abbreviated as "PCP", consisting of the Provincial Governor as Chairman and not less five but not more than nine qualified persons appointed by the Provincial Governor at least one-third of whom shall be qualified persons from the private sector as members and the Provincial Commercial Officer shall be a member and secretary.

The selection of persons for appointment as qualified members shall be in accordance with Regulations prescribed by the CCP.

The PCP shall have powers and duties under this Act in such province.

#### **Section 13**

The PCP shall have powers and duties as follows:

- (1) to perform an act in accordance with Section 25, Section 27 paragraph two, Section 28, Section 29 paragraph two and Section 33;
- (2) to consider complaints that a grievance or injury is suffered in consequence of an act which has an adverse effect on prices;
- (3) to invite any particular person to give a statement of fact, explanation, advice or opinion;
- (4) to perform an act pursuant to a Notification or order of the CCP and perform any particular act as entrusted by the CCP.

The exercise of powers by the PCP under paragraph one shall not be inconsistent with or contrary to the prescriptions of the CCP under Section 9.

#### **Section 14**

The provisions in Section 10 and Section 11 shall apply to the PCP *mutatis mutandis*.

#### **Section 15**

The Commission may appoint a sub-committee to conduct an investigation or study and give an opinion on any matter or perform any act on its behalf and the provisions in Section 11 shall apply *mutatis mutandis* to a meeting of the sub-committee.

## **CHAPTER II**

### **Office of the Commission on Prices of Goods and Services**

## **Section 16**

There shall be an Office of the Central Commission on Prices of Goods and Services, abbreviated as "Office of the CCP", within the Department of Internal Trade, Ministry of Commerce, consisting of the Director-General of the Department of Internal Trade as Secretary-General, being the superior official and responsible for the performance of official affairs of the Office, and shall have powers and duties as follows:

- (1) to carry out the administrative work of the CCP and sub-committee and act as a center for coordination with the PCP;
- (2) to study, analyze and research with respect to goods or services, prices and business operations, including the proposal of projects, plans or measures with respect to the determination of prices of goods and services to the CCP;
- (3) to monitor movements in the prices of controlled goods or services and oversee the behavior of business operators for reporting to the CCP;
- (4) to receive complaints that a grievance or injury is suffered in consequence of an act which has an adverse effect on prices;
- (5) to prescribe Regulations for the benefit of performance of work of the Office of the CCP;
- (6) to perform activities under Notifications, Regulations and resolutions of the CCP and to perform other activities as entrusted by the CCP.

## **Section 17**

There shall be an Office of the Provincial Commission on Prices of Goods and Services, abbreviated as "Office of the PCP", in every province, with the Provincial Commercial Officer as the Head of Office, being the superior official and responsible for the performance of official affairs of the Office and having the powers and duties as follows:

- (1) to carry out the administrative work of the PCP and sub-committee appointed by the PCP and coordinate with the CCP;
- (2) to perform activities under Section 16 (2), (3) and (4) within the area of such province and submit matters to the PCP;
- (3) to prescribe Regulations for the benefit of performing the official affairs of the Office of the PCP;
- (4) to perform activities in accordance with Notifications, Regulations and resolutions of the CCP and PCP and perform other activities entrusted by the PCP.

## **Section 18**

In the performance of an act under this Act, a competent official shall have the powers and duties as follow:

- (1) to issue a summons to any person to give an oral statement, facts or a written statement or furnish accounts, registers, documents or any evidence for inspection or consideration; but in the case of a submission of documents or evidence relating to capital costs, formulae or ingredients of goods or other services which are not goods or controlled services, there shall be a prior written permission of the Secretary-General or Chairman of the PCP;
- (2) to enter any place of business, place of production, place of distribution, place of purchase, place of storage of a business operator or any person or other places when there is a reasonable ground to believe that there has been a violation of this Act, or to enter a vehicle belonging to any person or order the owner or controller of the vehicle to halt or park for inspection in accordance with this Act, or to search and seize evidence or properties which may be confiscated under this Act, or arrest an offender in respect of a violation of Section 30 or Section 31 in the absence of a search warrant in the following cases:
  - (a) when a flagrant offence is in progress in a place or vehicle;
  - (b) the flagrant offender, during pursuit, flees into or there are strong grounds that he or she is hiding in a place or vehicle;

- (c) when there is a reasonable suspicion that evidence or property which may be confiscated under this Act is in a place or vehicle together with a reasonable ground of belief that a delay in obtaining a search warrant would result in the evidence or property being moved, hidden, destroyed or converted from its original form;
- (d) when the person to be arrested is an owner of the place or vehicle and the arrest is made pursuant to an arrest warrant or can be made without a warrant.

In this regard, the competent official shall have the power to interrogate facts or summon accounts, registers, documents or other evidence from the business operator, owner or controller of the vehicle or relevant person, as well as to order such person in the place or vehicle to perform acts as necessary;

- (3) in the case of an apparent evidential ground for a belief that there has been a violation of Section 30 or Section 31, there shall be a power to withhold, attach or seize goods, vehicles, documents or other evidence with respect to the commission of the offence; but the seizure of goods, vehicles, documents or evidence shall be made pursuant to a prior written permission of the Chairman of the Commission.

### **Section 19**

In the performance of duty by a competent official, a relevant person shall give facilitation as necessary.

### **Section 20**

In the performance of duty, a competent official shall produce an identification card to the relevant person.

The identification card shall be in accordance with the form prescribed by the Minister in a Notification published in the Government Gazette.

### **Section 21**

A summons under Section 18 (1) shall be delivered by a competent official to the domicile or place of business of the person specified in the summons between sunrise and sunset or during the office hours of such person, or may be delivered by reply registered post.

In the case where delivery under paragraph one is made by a competent official but the person specified in the summons refuses to accept the summons without a reasonable ground, the competent official shall request an administrative official or police official to act as a witness in laying down the summons at such place, but if the person specified in the summons is not found at the domicile or place of business of such person, delivery may also be made to an *sui juris* person who lives or work in the place of dwelling or place of business, and if a person is not found or found but no person accepts deliver on the recipient's behalf, such summons shall be posted at an obvious place at the domicile or place of business in the presence of an administrative official or police official as a witness.

Upon the completion of an act of a competent official under paragraph one or paragraph two, the person specified in the summons shall be deemed as having received such summons. If the summons is posted, such summons shall be deemed as having been received upon the expiration of five days as from the date of posting of the summons. However, if delivery is made by reply registered post, the summons shall be deemed as having been received upon the expiration of five days as from the date of receipt.

### **Section 22**

In the performance of acts under this Act, the Central Commission, Provincial Commission, sub-committee, Secretary-General and competent official shall be competent officials under the Penal Code.

### **Section 23**

For the purpose of an arrest of an offender under this Act, the competent official shall be an administrative official or police official under the Criminal Procedure Code.

An arrest of an offender may be made without an arrest warrant when it appears that a flagrant offence has been committed or there are other grounds which the Criminal Procedure Code provides that an administrative official or police official may make an arrest without an arrest warrant.

## **CHAPTER III**

### **Determination of Prices of Goods and Services**

#### **Section 24**

In order to prevent the fixing of purchase prices, distribution prices or prescription of unfair conditions and trade practices, the CCP upon the approval of the Council of Ministers has the power to issue a Notification prescribing any goods or services as controlled goods or services.

The CCP shall undertake a revision of the exercise of powers under paragraph one at least once a year. If it considers that there has been an alteration or termination of economic conditions or facts forming the basis for the exercise of powers by the CCP, the CCP upon the approval of the Council of Ministers shall issue a Notification to alter or rescind such exercise of power without delay.

A Notification of the CCP shall have the prescribed period of validity but shall not be longer than one year unless a new Notification is issued.

Notifications of the CCP under paragraph one and paragraph two shall come into force upon their publication in the Government Gazette.

#### **Section 25**

Upon the issue of a Notification prescribing controlled goods or services under Section 24, the Commission shall have the following powers:

- (1) to determine the purchase prices or distribution prices of controlled goods or services pursuant to which the purchaser shall not purchase at a price lower than the determined price or the distributor shall not distribute at a price higher than the determined price or to fix the price at a particular level;
- (2) to determine the maximum rate of profit per unit of controlled goods or services or determine the proportional difference between the purchase price and sale price of controlled goods or services in each trading period;
- (3) to prescribe rules, measures and conditions for practices with respect to the production, import into the Kingdom, export from the Kingdom, sale, distribution or storage of controlled goods or services;
- (4) to prescribe areas or periods in which a Notification of the Commission comes into force;
- (5) to require a declaration of the amount, place of storage, capital costs, expenses, production plan, plan of import into the Kingdom, plan of export from the Kingdom, purchase plan, distribution plan and methods for distribution of controlled goods or services to the competent authority;
- (6) to require the storage or an increase in reserve storage of controlled goods and to prescribe the area and place for storing reserve controlled goods;
- (7) to prohibit or permit the export from or import into any area of any controlled goods;
- (8) to direct a business operator to improve the efficiency of production, import into the Kingdom, purchase, distribution or storage of controlled goods or services, including the suspension or reduction of determined expenses that exceed reasonable levels;
- (9) to arrange for the rationing of purchase and distribution of controlled goods or services, including to prescribe rules and procedures for such rationing or

prescribe conditions for the purchase and distribution of controlled goods and services;

- (10) to order the distribution of controlled goods or services in accordance with the prescribed volume and price, as well as to order the distribution to government agencies or any person determined by the Commission;
- (11) to prohibit the distribution, grant, self-use, removal or conversion of controlled goods or services which exceeds the prescribed amount;
- (12) to prescribe measures to prevent the stockpiling of controlled goods or the possession of controlled goods this exceeds the prescribed amount.

The Commission's exercise of powers under paragraph one shall be made by Notification as is necessary under the circumstances of the case after taking into account the burden of the complier, in which case the reasons for issuing the Notification and persons who are required to comply with the Notification shall also be specified. Such a Notification shall come into force as from the day following the date specified in (4), and upon the issue, such Notification shall also be published in the Government Gazette.

The Commission shall undertake revision of the exercise of powers under paragraph one at least once a year in order to secure consistency with economic conditions by taking into account capital costs, production costs, import into the Kingdom, export from the Kingdom, purchase or distribution and the appropriate rate of profit, including the impact on investments to expand production capacity in the subsequent period, and if it considers that there has been an alteration or termination of economic conditions or facts forming the basis for the exercise of powers by the Commission, the Commission shall issue a Notification to alter or rescind such exercise power without delay.

A Notification of the Commission shall have the prescribed period of validity but shall not be longer than one year unless a new Notification is issued.

#### **Section 26**

The CCP shall have the power to notify a producer, distributor, purchaser for redistribution or importer for distribution of controlled goods or services to declare the name, purchase price, distribution price, standard, quality, size, volume, weight per unit as well as the names and quantities of materials which form the components of such goods or services and other characteristics of the controlled goods or services as it exists on the date prescribed by the CCP to the Secretary-General.

Upon the submission of items under paragraph one, the CCP may prohibit such producer, distributor, purchaser for redistribution or importer for redistribution from distributing goods or services having characteristics which differ from that declared or distribute at a higher or lower price than that declared unless permitted by the Secretary-General pursuant to a Regulation prescribed by the CCP.

In the exercise of powers under paragraph one, the provisions of Section 25 paragraph two and paragraph three shall apply *mutatis mutandis*.

#### **Section 27**

In the case of an urgent necessity and secrecy where it is necessary to exercise powers under Section 25 or Section 26 and a meeting of the Commission cannot be convened in a timely manner, the Chairman of the Commission shall have a provisional power to exercise the powers of the Commission under Section 25 or Section 26, and the provisions of Section 25 paragraph two shall apply *mutatis mutandis* to the exercise of such powers.

Upon the issue of a Notification under paragraph one, a submission shall be made to the Commission for consideration within three days as from the day following the date of Notification. If the Commission approves such Notification, the Commission shall issue a Notification for such Notification to remain in force.

However, if the Commission does not approve of the Notification, the Commission shall issue a Notification to repeal such Notification. In this regard, there shall be no prejudice to acts that were performed while such Notification was in force.

A Notification under paragraph two shall come into force upon issue, and upon issue of the Notification, it shall also be published in the Government Gazette.

### **Section 28**

The Commission shall have the power to prescribe producers, distributors, purchasers for distribution or importer for distribution of goods or services to display the price of goods or services. In this regard, the Commission may also prescribe rules, procedures and conditions to display the price of goods and services.

The provisions in Section 25 paragraph two and paragraph three shall apply *mutatis mutandis* to the exercise of powers under paragraph one.

### **Section 29**

A business operator is prohibited from performing any act with an intention to unreasonably cause the suppression, inflation or fluctuation of the price of any goods or services.

The Commission may prescribe rules and procedures which are deemed as causing an unreasonable suppression, inflation or fluctuation of the price of any goods or services. Such rules and procedures shall be published in the Government Gazette.

### **Section 30**

A person shall be prohibited from stockpiling controlled goods by having in possession controlled goods in an amount which exceeds the prescription in the Notification of the Commission under Section 25 (12) or storing controlled goods at a place other than a place of storage declared to a competent official under Section 25 (5) or not distributing controlled goods which are held for distribution or normal sale or refusing distribution or delaying distribution or delivery of controlled goods without reasonable grounds.

### **Section 31**

A business operator of a controlled service shall be prohibited from halting normal services or refusing to provide services or delaying the provision of services without reasonable grounds.

## **CHAPTER IV Miscellaneous**

### **Section 32**

With respect to goods seized under Section 18 (3), if there does not appear to be an owner or possessor or the public prosecutor issues an absolute order of non-prosecution or the Court passes a final judgment of non-confiscation and the owner or possessor does not request their return within ninety days as from the date of seizure, date of acknowledgement of absolute order of non-prosecution or date of final judgment of non-confiscation, as the case may be, such goods shall be deemed as waifs and revert to the State.

If the seized goods are perishable objects, or if a delay would constitute a risk of damage or incurs costs of storage which exceed the price of such goods, the Secretary-General for Bangkok Metropolitan or the Chairman of the PCP for other provinces or a person entrusted by the Secretary-General or the Chairman of the PCP may direct a competent official to sell such goods in open market or sale by other means as considered appropriate prior to the reversion of such objects to the State. The price obtained from the sale of such goods, after deduction of all expenses and charges, shall be held in lieu of the goods.

### **Section 33**

In the case where an offender is arrested, upon the request of a State Attorney, the court may order the payment of a reward to the informer and an award to arrestor at the respective rate of twenty-five and thirty percent of the net price obtained from the sale of exhibit confiscated by court order, or in the case where there is no confiscation of exhibit or the exhibit cannot be sold, payment shall be made from fines paid to the court in accordance with such rates.

In the case where there is no arrestor, a reward of thirty percent of the net amount obtained from the sale of the exhibit confiscated by the court shall be paid to the arrestor,



or in the case where this is no confiscation of exhibit or the exhibit cannot be sold, payment shall be made from fines paid to the court in accordance with such rate.

In the case where an exhibit is captured but the offender is missing, the Commission shall have the power to order the payment of reward and award from the net amount obtained from the sale of exhibit which reverted to the State in accordance with Regulations prescribed by the Commission but shall not exceed the rate prescribed in this Section.

In the case where an offender is arrested and there is a settlement under Section 43, the Commission shall have the power to order the payment of a reward and award from the amount of fine in accordance with Regulations prescribed by the Commission but shall not exceed the rate prescribed in this Section.

## **CHAPTER IV**

### **Penalties**

#### **Section 34**

Any person who refuses to comply with a summons issued by a competent official under Section 18 (1) shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand Baht or to both.

#### **Section 35**

Any person who obstructs the performance of duties by a competent official under Section 18 (2) or (3) or Section 21 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

#### **Section 36**

Any person who does not facilitate a competent official performing a duty under Section 19 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand Baht or to both.

#### **Section 37**

Any person who violates or refuses to comply with a Notification of the Commission under Section 25 (1), (2), (3), (6), (7), (8), (9), (10), (11) or (12) or obstructs the performance of activities by the CCP, PCP, Secretary-General or competent official under Section 9 (8) shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand Baht or both.

#### **Section 38**

Any person who does not comply with a Notification of the Commission under Section 25 (5) or does not make a declaration under Section 26 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both, and an additional fine not exceeding two thousand Baht per day throughout the period of the violation or until a declaration is made.

#### **Section 39**

Any person who violates Section 26 paragraph two shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand Baht or to both.

#### **Section 40**

Any person who does not display the price or does not comply with rules, procedures and conditions prescribed under Section 28 shall be liable to a fine not exceeding ten thousand Baht.

#### **Section 41**

Any person who violates Section 29, Section 30 or Section 31 shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand Baht or to both.

## **Section 42**

In the case where an offender liable to a penalty under this Act is a juristic person, the managing director, managing partner or person responsible for the operations of the juristic person on such matter shall also be liable to the penalties provided for such offense unless it can be proven that such act was committed without such person's knowledge or consent or he or she has reasonably undertaken acts to prevent the commission of the offence.

## **Section 43**

For all offences under this Act which has a fine as the only penalty or an offence which has a fine and imprisonment penalty for a term not exceeding one year or imprisonment for a term not exceeding one year and a fine, the Commission shall have the power to settle. In the exercise of such powers, the Commission may entrust a sub-committee, Secretary-General, Chairman of the PCP or competent official to act on its behalf.

An entrustment under paragraph one shall be in accordance with the rules and procedures prescribed by the CCP.

Upon the consent of the offender to pay a fine at the maximum rate for such offence in the case of a fine as the only penalty, or upon the payment of fine by the suspect in the amount settled, within the time prescribed, the case shall be deemed as settled in accordance with the provisions of the Criminal Procedure Code.

## **Transitory Provisions**

### **Section 44**

All Ministerial Regulations, Regulations or Notifications issued under the Act on Price Determination of Goods and Prevention of Monopoly, B.E. 2522 (1979), which are in force at the date which this Act comes into force shall remain in force to the extent that is not inconsistent with or contrary to the provisions of this Act until Regulations or Notifications issued under this Act comes into force.

Countersigned by  
Mr. Chuan Leekpai  
Prime Minister

### **Disclaimer**

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