

ACT ON NAVIGATION IN THAI WATERS,

B.E. 2456

Whereas there has been the Royal Command of His Majesty King Vajiravudth, Pra Mongkut Klao Chao Yu Hua, proclaiming that the Act on Navigation in Thai Waters of 25th June, R.S. 124, has sill contained certain inappropriate provisions, it is expedient to be reformed so as to getting along with the present situation; be it, therefore, graciously enacted by King as follows:

Preliminary Provisions and Definitions in This Act

Section 1. This Act shall be called the “Act on Navigation in Thai Waters, B.E. 2456”.

Section 2. This Act shall come in to force as from the 1st day of September B.E. 2456.¹

Section 3.² In this Act:

“Vessel” means every kind of water vehicle, notwithstanding for loading, carrying, transporting, tugging, pushing, lifting, digging or deepening purpose, and includes other vehicles capable to be used in water in the same manner;

“*Kampan* ship” means a western-style ship with a stem, propelled by machine power or sailing by its sail, and not using oars for oaring or rowing;

“Steam *Kampan*” or “Steamship” means a ship propelled by machine power, notwithstanding the combination of its sail, and includes a motor *Kampan* ship;

“Motor *Kampan* ship” or “Motor vessel” means a ship propelled by a motor engine, notwithstanding the combination of other propelling power;

“Sail *Kampan* ship” or “Sailboat” means a boat or ship sailing by its sail and not using a machine;

“Machine vessel” means a vessel propelled by a machine power, notwithstanding the combination of other propelling power;

“Small machine vessel” means a vessel the size of which is smaller than thirty gross tonnage and propelled by a machine power;

“Seagoing vessel” or “Sea vessel” means a vessel having characteristics for using in the sea according to the regulations on vessel survey;

“Small vessel” means a boat or ship sailing by oaring or rowing;

¹ Published in the Government Gazette 2456/-/64 dated 5th August, B.E. 2456

² As amended by of the Navigation in Thai Waters Act (No. 13) B.E. 2525

“*Poh* boat” or “*Pohja*” means a lighter or a sea vessel with a western-style shape and a Chinese-style or Asian-style mast;

“Sea dugout and others” or “Sea dugout and other vessel” means a vessel sailing by its sail when going out to sea, or sailing by its sail or oaring or rowing when sailing in the river, and includes a seagoing junk, a *Teng* ferry boat or *Sam Kao* boat;

“*Sampao*” means a Chinese-style junk or an Asian-style junk;

“Carrier vessel” means a ship without or partly with deck, sailing by oaring or rowing or sometimes by its sail, used for loading goods;

“Lighter” means a vessel, which is not a motor vessel, used for loading or transporting goods to or from *Kampan* ship;

“Military lighter” means a lighter used in military service, whether or not belonging to the military;

“Transport vessel” means a vessel transporting more than twelve passengers;

“Cargo vessel” means a vessel which is not a transport vessel;

“Fishing vessel” means a vessel used for fishing aquatic animals or other living marine resources;

“Pleasure and sport vessel” means a vessel sailing for pleasure or especially for playing sport, not for commercial, military or scientific researching purpose;

“Ancient-style wood vessel” means a sailboat, *Sampao* or junk, or wood boat built in the style of ancient boat or ship;

“Raft” includes *Poh*, floating dock or other floating structures of the same characteristics;

“Floating house” means a house built on a raft and floating in the river or canal;

“Gross tonnage” means size of a vessel calculated according to the regulations on vessel survey or the provisions of section 163;

“Thai waters” means any territorial waters within the sovereignty of the Kingdom of Thailand and those in accordance with sections 17, 119, 119 bis, 120, 121, 133, 204 and 220 of the Act on Navigation in Thai Waters B.E. 2456, and includes the waters within the contiguous zone of the Kingdom of Thailand;³

“Port” means a location or place for anchoring vessels to embark or disembark passengers or objects;

“Master of vessel” means a person who controls a *Kampan* ship or other vessels, but not includes a pilot officer;

“Person in service” means a person having regular duty on board of a vessel;

“Crew” means a person in service other than the master of vessel;

“Passenger” means a person on board of a vessel, except:

³ As amended by of the Navigation in Thai Waters Act (No. 15) B.E. 2540

(1) A person in service or other employees;

(2) A child of less than one year of age;

“Master of Harbour” means the Director-General of the Harbour Department ⁴ or a person entrusted by him or her;

“Licensing Officer” means the Director-General of the Harbour Department or a person entrusted by him or her to issue a license;

“Survey Officer” a person appointed by the Minister of Transport to have duty to survey a vessel under this Act.

Section 4. [Repealed by the Act (No. 13) B.E. 2525]

Section 5. [Repealed by the Act (No. 13) B.E. 2525]

Section 6. [Repealed by the Act (No. 13) B.E. 2525]

Section 7. [Repealed by the Act (No. 13) B.E. 2525]

Section 8. ⁵ In this Act, in issuing any license that the Director-General deems appropriate to be made in writing, he or she shall have the power to collect fees therefor at the rate fixed in the Ministerial Regulation but not exceeding one hundred Baht.

Section 9. ⁶ The Navigation in Thai Waters R.S. 124, the Announcement dated 17th July R.S. 125 regarding the establishment of marine court, the Announcement dated 19th March R.S. 125 regarding licensing of carrier vessels and small vessels, and the Announcement dated 22nd April R.S. 129 regarding steamship for hire, shall be repealed. The repeal thereof, however, shall not be effective to any act done or any offence committed before the publication of this Act.

Section 10. The Regulations on Prevention of Collision of Vessels B.E. 2456 shall apply not only to Thai *Kampan* ship but also other *Kampan* ship sailing within port area and anchoring area in the Kingdom of Thailand, in so far as they are not contrary to this Act. In case they are contrary thereto, the provisions of this Act shall prevail as provided in clause 30 of such regulations, and in this regard, the owner or the master of a vessel shall comply therewith in all respects.

Section 11. In the execution of imprisonment or fine penalty, if the defendant is a person belonging to foreign country, which has a consulate with judicial authority, located in the Kingdom of Thailand, such consulate court shall be a person who execute the penalty.

[Section 11 paragraph two is repealed by the Amendment Act B.E. 2479 (No. 5)]

⁴ At present is the Director-General of the Marine Department (according to the Royal Decree transferring the authority of Government agencies B.E. 2545)

⁵ As amended by of the Act on Navigation in Thai Waters (No. 10), B.E. 2510

⁶ As amended by the Announcement amending the Act on Navigation in Thai Waters B.E. 2456, dated 5th September B.E. 2456

Part 1**General Provisions**

Chapter 1**Navigation, Port Area and Anchoring Area**

Section 12.⁷ The Minister of Transport shall have power to issue a Ministerial Regulation prescribing:

- (1) a line of a river or canal or any territorial sea to be a port area or anchoring area;
- (2) a general waterway and waterway in any port area other than Bangkok Port.

Section 13. [Repealed by the Act (No. 10), B.E. 2510]

Section 14. [Repealed by the Act (No. 10), B.E. 2510]

Section 15. [Repealed by the Act (No. 10), B.E. 2510]

Section 16. [Repealed by the Act (No. 10), B.E. 2510]

Chapter 2**Duties of Master of Vessels when Entering into or Departing from Thai Waters**

Section 17.⁸ When any *Kampan* ship in the categories prescribed by the Master of Harbour has entered into Thai waters shall:

- (1) notify the Master of Harbour;
- (2) fly its flag for being seen;
- (3) fix the light and turn it on during sunset to sunrise;

The performing of such action in (1), (2) and (3) shall be in accordance with the rules and procedure as prescribed by the Master of Harbour.

Section 18.⁹ When any motor seagoing vessel, which is a Thai vessel of sixty gross tonnage or upwards or a foreign *Kampan* ship, has entered into any port area in Thai waters, the master of vessel shall notify the Master of Harbour of its arrival in the printed form of the Harbour Department within twenty-four hours from the time of anchoring.

⁷ As amended by of the Act on Navigation in Thai Waters (No. 10), B.E. 2510

⁸ As amended by of the Act on Navigation in Thai Waters (No. 15), B.E. 2540

⁹ As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

Section 19.¹⁰ When any motor seagoing vessel, which is a Thai vessel of sixty gross tonnage or upwards or a foreign *Kampan* ship, prepared to depart from any port area in Thai waters, the master of vessel shall fly a blue peter flag in the morning if the departing time is in the afternoon of that day, or in the afternoon of the day before the day of the departure if the departing time is in the morning.

Section 20.¹¹ When any foreign *Kampan* ship has entered into Thai waters where it is not a port area, the master of vessel shall notify the Master of Harbour of its arrival or departure within twenty-four hours from the time of arrival time or before the time of departure, and shall comply with his or her orders.

Section 21.¹² Any motor seagoing vessel, which is a Thai vessel of sixty gross tonnage or upwards, if wishes to depart from any port area in Thai waters, the master of vessel shall notify the Master of Harbour of its departing schedule at least six hours before the departing time for inspecting whether such vessel has complied with law. If the Master of Harbour has considered that such vessel has already complied therewith, he or she shall grant permission to its departure.

Section 22.¹³ Any international seagoing *Kampan* ship that must have a certificate according to the regulations on vessel survey under section 163, if wishes to depart from any port area in Thai waters, the master of vessel shall notify the Master of Harbour of its departing schedule at least six hours before the departing time for examining a certificate to use vessel and a relevant survey certificate as well as its accessories or equipment to ensure that it shall be in accordance with regulations and in good conditions.

Section 23.¹⁴ Any motor seagoing vessel, which is a Thai vessel or a foreign *Kampan* ship, that must have a certificate according to the regulations on vessel survey under section 163, if wishes to depart from any port area in Thai waters, the master of vessel shall obtain prior departing permission from the master of Harbour.

Section 24.¹⁵ Any person who violates section 17, 18, 19, 20, 21, 22 or 23 shall be liable to a fine from five hundred to five thousand Baht.

Section 25. When any *Kampan* ship has arrived, the master of vessel shall prepared a report detailing a manifest of goods on board and shall submit it to the Custom Department before taking goods from the ship. Within six days before departing, the master of the vessel shall submit a report regarding a manifest in details to the Custom Department and shall also submit a report regarding number, gender and nationality of passengers on board to the custom officer at Samuth Prakarn Province.

¹⁰ As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹¹ As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹² As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹³ As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹⁴ As amended by of the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹⁵ As amended by of the Act on Navigation in Thai Waters (No. 14), B.E. 2535

If any master of the vessel entered into the port area does not know about this Act, the competent official shall prepared one copy for them and charge two Baht each.

Section 26. Any *Kampan* ship prepared to depart the port area shall fly a Blue Peter flag on its front pole and flying it until the vessel has start departing. If the vessel is scheduled to depart in the afternoon, the flying of flag shall be made from the morning time. If the vessel is scheduled to depart in the morning, the flying of flag shall be made from the afternoon time of the day before the day of departure.

Section 27.¹⁶ Any steam ship sailing reversely downstream to the Bangkok Port area shall fly a signal flag called "L.U. Flag" according to the international flag regulations at the conspicuous place in front of the vessel. If there is other steam ship following it, the reversing vessel shall move towards the middle of the waterway as close as possible to a vessel anchoring there and shall wait until the following vessel has already passed. If the reversing vessel is a *Poh* boat or *Pohjai* or *Sampao*, it shall fly the signal instrument in round shape like *Takraw* ball with black color having size not smaller than fifty centimeters in width at the conspicuous place.

Section 28. Any master of vessel who violates section 22, 23, 24, 25, 26 or 27 of this Act shall be liable to a fine not exceeding four hundred Baht.

Chapter 3 Anchoring Locations

Section 29. Within the Bangkok port, any *Kampan* ship which is not berthing or does not have a cargo transit shed must anchor in the middle of the waterway with two anchors and cable long enough so that such vessel cannot drag the anchors and move out from that place.

Section 30. Any cargo vessel, flatboat or other vessel anchoring regularly must be tied at a stationary anchor as to the strength of the anchoring cable.

Section 31. No cargo vessel, flatboat or other vessel shall absolutely anchor or berth at the waterway of the river.

Section 32. Any *Kampan* ship berthing or mooring at the pier, cargo pier or berthing alongside the bank of the river shall not anchor in the river farther than thirty meters from its front.

Section 33. Any vessel of which the license is not issued, recalled, or detained by the Master of Harbour due to the sea-unworthy condition, shall anchor or berth at a place determined by the Master of Harbour.

Section 34. Any *Poh* boat or *Pohjai*, *ligther*, *Sampao*, cargo vessel, sea dugout or other must anchor in the middle of the river. If it does not obstruct the other, it shall anchor towards the western bank and

¹⁶ As amended by the Announcement amending the Act on Navigation in Thai Waters B.E. 2456, dated 5th September B.E. 2456. The Roman letter "L.U." is amended by the Amendment Act B.E. 2477.

leave the space between the vessel and the western bank or any vessel anchoring or floating house mooring close to the western bank of not less than on hundred meters for a waterway.

Section 35. Any *Poh* boat or *Pohjai*, lighter, *Sampao*, cargo vessel, sea dugout or other that is not in use, must anchor at an appropriate place within a port area as determined from time to time by the Master of Harbour. Such determination shall be published in the Government Gazette and advertised in at least two issues of newsletters or newspapers in such locality.

Section 36. No seagoing *Kampan* ship shall anchor along the river between *Sapanhan* Canal and *Bang Lampu Bon* Canal except there is a necessity. The reason is because such location is reserved for anchoring of Thai gun ships. Any seagoing *Kampan* ship or foreign gun ship that sails or being tugged passing the canal up to the river way shall be deemed illegal except the special permission has been granted from the Master of Harbour with any condition as he or she thinks appropriate.

Section 37.¹⁷ In case of no urgent necessity, no *Kampan* ship shall anchor in the river area between *Bookalo* Temple and the area of 200 meters down from the mouth of *Bang Pakaew* Canal and between the mouth of *Padung* Canal and *Sampeng* Canal. The reason is because such location is reserved for a transportation route of vessels.

Section 38.¹⁸ Any *Kampan* ship carrying passengers or cargo from any foreign port or locality into *Chao Phraya* River or any vessel entering into *Chao Phraya* River that has to bring on board passengers or cargo from other foreign *Kampan* ship, when passing *Samuth Prakarn* custom house and wishing to land passengers or cargo, shall stop at the berthing station or a wharf of the Port Authority of Thailand. The exempt shall be made to the case where such berthing station or wharf is not available or in case of urgent necessity, and if it is in accordance with the rules prescribed by the Committee and obtaining prior permission from the Master of Harbour, such vessel shall berth or stop alongside at a permitted place.

The Committee under paragraph one shall comprise of five members including the Director-General of the Harbour Department¹⁹ as chairperson, the Director-General of the Customs Department and the Governor of the Port Authority of Thailand as members *ex-officio*, and two other persons appointed by the Minister of Transport.

Section 38 bis.²⁰ The quorum of the meeting of the Committee to perform the action under section 38 shall be constituted by not less than one half of its total members.

In the case where the chairperson cannot present at the meeting, the members present shall select one among themselves to preside over the meeting.

¹⁷ As amended by the Announcement amending the Act on Navigation in Thai Waters B.E. 2456

¹⁸ As amended by the Act on Navigation in Thai Waters (No. 10), B.E. 2510

¹⁹ At present is the Director-General of the Marine Department (according to the Royal Decree transferring the authority of Government agencies B.E. 2545)

²⁰ As amended by the Act on Navigation in Thai Waters (No. 9), B.E. 2493

The decision of the meeting shall be made by a majority of votes. If there is an equal of votes, the presiding person shall cast his additional vote as a casting vote.

Section 38 ter.²¹ Subject to section 38, the Master of Harbour shall have power to determine a place for berthing every *Kampan* ship and small vessel. The master of a vessel shall berth vessel at the determined place and shall not move the vessel from such place without permission from the Master of Harbour except in the necessary case, as the Master of Harbour considers appropriate.

If any vessel is approaching, the master of a vessel shall allow the Master of Harbour to board the vessel and if it is necessary, shall stop and wait for such activity.

Section 38 quarter.²² Any master or controller of a vessel fails to comply with the provisions of section 38 paragraph one or 38 ter shall be liable to a fine from three thousand to thirty thousand Baht and a daily fine of one thousand Baht until the wrongdoing has been corrected.

Section 39. When any *Kampan* ship has entered a port area but the transporting or loading of goods, as the case may be, has not been made during the period of ten days upwards, if it wishes to use such place for berthing other vessel for commercial purpose, such berthing vessel may be moved out to another place within the port area as determined by the Master of Harbour.

Section 40.²³ Any *Kampan* ship that needs to change its berthing place or any *Kampan* ship that needs to find a berth place in the river shall fly a signal flag with B.A.Z letters according to the international flag regulations. Then the Master of Harbour shall get on board such vessel and point the berthing place therefor.

Section 41.²⁴ Any *Kampan* ship that needs help from the patrol unit shall fly a signal flag with S.T. letters according to the international flag regulations. If there is a crucial offensive action against the command in the vessel, it shall fly a signal flag with R.X. letters.

Section 42. Before any steamship or seagoing sail *Kampan* ship berthing or mooring as its regular schedule, no other vessel shall get alongside that vessel except a small steamship or small vessel of the Harbour Department, medicinal officer, Customs Department, pilot officer, or the Royal Thai Navy charged with special duty.

During the time any *Kampan* ship has sailed upstream or downstream in the river, any employed boat, carrier vessel, small vessel or other vessel shall be prohibited to tug alongside thereto definitely except special permission is obtained from the master of such vessel.

Section 43. In berthing a vessel, the master of a vessel or a pilot officer shall berth the vessel by using as less space as possible. For this purpose, the Master of Harbour shall take his or her regular care for the execution of this provision so that it shall always be complied with.

²¹ As amended by the Act on Navigation in Thai Waters (No. 9), B.E. 2493

²² As amended by the Act on Navigation in Thai Waters (No. 10), B.E. 2510

²³ As amended by the Amendment Act, B.E. 2477

²⁴ As amended by the Amendment Act, B.E. 2477

Section 44. In any small river or canal, it shall allow to berth a vessel at both banks but the berthing shall not obstruct the transportation route of other vessels in the middle of the waterway. It shall not allow double berthing, to berth obstructing other vessels, or berthing in the middle of the waterway definitely.

Section 45. It shall not allow to berth any *Kampan* ship, small vessel, and raft berthing alongside the bank of the river, cargo pier or that pier, obstructing the waterway. The berthing shall be made by managing the front and the tail of a vessel or raft to lie along the line of the river.

Section 46. At a cargo pier and pier along the *Chao Phraya* River or alongside any *Kampan* ship, no carrier vessel, small steamship, sea dugout, or other vessel shall be double berthed more than two vessels. In case of a floating house, it shall not allow to berth more than one vessel along its side.

Section 46 bis.²⁵ The Master of Harbour shall have power to prohibit the use or the repair of any passenger pier, cargo pier, vessel pier and raft, in the river, canal, marsh, reservoir or lake that is used for a communication path or for common use of the people, or territorial sea within Thai waters, which is in harmful condition or may cause danger to the public or to navigation. The order shall be notified in writing to the owner or occupier of such structure. In case such person has not been found, the order shall be posted up at such passenger pier, cargo pier, vessel pier and raft. In this regard, it shall be deemed that the owner or occupier of the structure has already known thereto.

The owner or occupier notified of the order of the Master of Harbour under paragraph one shall be entitled to file an appeal with the Minister of transport within fifteen days from the date of its receiving. The decision of the Minister shall be final. Such order, however, shall be effective during the period that the decision of the Minister has not been made. In case the appeal has not been made or the Minister has dismissed the appeal and the owner or the occupier has not complied with the order within the specified period or within fifteen days from the date of receiving the decision, the Master of Harbour shall have power to repair the structure so as to be in accordance with the order with the owner's or occupier's expense.

When the owner or occupier has already repaired the structure according to the order, the Master of Harbour shall cancel the order prohibiting the use thereof. In the case where the repair has been carried out by the Master of Harbour, the cancellation of the order may be pending until the owner or occupier has already paid the expense.

Any owner or occupier of the structure who uses or allow other person to use the passenger pier, cargo pier, vessel pier and raft that prohibited by the Master of Harbour and the order thereof has not yet been cancelled shall be liable to a fine from three thousand to thirty thousand Baht and a daily fine of one hundred Baht until the wrongdoing has been corrected.²⁶

Section 47. The mooring of log wood raft of more than twenty pieces in width shall be prohibited to do alongside a *Kampan* ship, cargo pier, or pier. It also prohibits the berthing of more than one

²⁵ As amended by the Announcement of the National Executive Council No. 50, dated 18th January B.E. 2515

²⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Pohjai, lighter or *Sampao* alongside any *Kampan* ship. More than two of such vessels shall also be prohibited to berth alongside a cargo pier or pier.

Section 48. It shall prohibit the berthing of a large number of *Pohjai*, lighter, *Sampao*, carrier vessel, small steamship and other vessel or raft alongside the river so that they trespass the waterway or obstruct the navigation.

Section 49. If more than two *Kampan* ship or small vessel berth in the river outside the berthing line of other vessel or floating house in the same location, it shall be deemed that such ship or vessel has trespassed the waterway.

Section 50. Any prohibition under sections 46 and 47 may be exempted by special permission of the Master of Harbour as he or she thinks appropriate.

Section 51.²⁷ Any master or controller of a vessel or raft who violates the provisions of section 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 42, 44, 45, 46, 47, 48 or 49, shall be liable to a fine from one thousand to ten thousand Baht and a daily fine of five hundred Baht until the wrongdoing has been corrected, in case of *Kampan* ship, or a fine of one hundred to one thousand Baht and a daily fine of five hundred Baht until the wrongdoing has been corrected, in case of small vessel or raft.

Chapter 4

Waterway in the River

Section 52. In the area of Bangkok Port, there are two routes of waterway, i.e.:

(1) the eastern route called the "main route" covering the area from a *Kampan* ship berthing in the middle of the river to the eastern bank or to the gunwale of *Kampan* ship or to the floating house berthing alongside the eastern bank;

(2) the western route covering the area from a *Kampan* ship berthing in the middle of the river to the western bank or to the gunwale of *Kampan* ship or to the floating house berthing alongside the western bank.

Section 52 bis.²⁸ In the necessary case for navigation safety, the master of harbour shall have power issue a notification determining the navigation route and to control the navigation in the area of Bangkok Port and any river or canal for occasional period.

Any master or controller of a vessel who violates or fails to comply with the notification regarding navigation route or the control of navigation under paragraph one shall be liable to a fine from five hundred to five

²⁷ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

²⁸ As added by the Act on Navigation in Thai Waters (No. 11), B.E. 2520

thousand Baht and the Master of Harbour shall have power to seize the vessel controlling certificate for a period of not exceeding six months.²⁹

The master or the controller of a vessel whose the vessel controlling certificate is seized under paragraph two shall be entitled to file an appeal to the Minister of Transport within one month from the date of receiving the order. The decision of the Minister shall be final. Such order, however, shall be effective during the period the Minister has not yet passed the decision.³⁰

Section 53 ter. The master or the controller of a vessel whose the vessel controlling certificate is seized has still performed his or her duties during such period shall be liable to a fine from two thousand to twenty thousand Baht.³¹

Section 53. The area along the two side of the river's banks within the distance of thirty meters from the bank or from the gunwale of *Kampan* ship or the floating house berthing alongside the bank shall be reserved to be a navigation route of a small vessel.

No *Kampan* ship shall definitely use such navigation route except in the necessity case to prevent the collision of vessels or to reverse or move a vessel from the berthing place.

Section 54.³² Any master or controller of a vessel who violates the provision of section 53 shall be liable to a fine from five hundred to five thousand baht.

(a) Provisions regarding the eastern route or the main route:

Section 55. A *Kampan* ship of any size (other than that specified in section 58) and any kind of sail *Kampan* ship the size of which is bigger than fifty tons shall navigate in the eastern route except in case of necessity or for berthing at or departing from pier or bank. The said vessel shall sail as slowly as possible appropriate for careful navigation and to prevent a vessel from danger or the danger causing by the wave from such vessel.

Section 56.³³ Any master or control of a vessel who fails to comply with section 55 shall be liable to a fine from five hundred to five thousand Baht.

(b) Provisions regarding the western route:

Section 57. A sail *Kampan* ship the size of which is smaller than fifty tons and every kind of vessel other than that specified in section 58 shall navigate in the western route.

²⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³⁰ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³¹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 58.³⁴ Every steamship that tugs other vessel the size of which is smaller than thirty-five tons more than one ship in number shall navigate in the western route.

Any steamship shall not, in the area of Bangkok Port, tug other steamship or other vessel in such a large number as excessive its power to tug them for at least two miles per hour. That tug-steamship shall also be prohibited to sail with the speed of more than six miles per hour when sailing upstream or four miles per hour when sailing downstream.

It shall be prohibited definitely to tug more than thirty-two small vessels at one time and not to do double mooring of the tugged vessels in a number of more than four vessels for one row.

Section 59. At the time preparing for tugging or mooring vessels to the tugging robe, such tug-steamship or small steamship to be a tug-vessel shall not wait in the navigation route. If it needs to use the navigation route for tugging vessels, the tug-vessel must sail at its steadily speed of not slower than two miles per hour.

Section 60.³⁵ Any master or controller of a vessel who violates or fails to comply with section 57, 58 or 59 shall be liable to a fine from five hundred to five thousand Baht.

(c) Provisions regarding a part of the two routes reserved for navigation of small vessels:

Section 61. Every small vessel may navigate in both routes.

Section 62. Except to the case of necessity or for crossing the waterway to berth a vessel at the pier or the other side of the bank, any small vessel must navigate in the waterway between the distance of thirty meters from the bank or from a *Kampan* ship or a floating house that berths alongside the bank of the river.

Section 63. A vessel that carries rice shall navigate only in the waterway determined for the navigation of small vessel in the western route and shall not navigate definitely in any part of the eastern route.

Section 64. In case of necessity or for crossing the waterway to berth a vessel at the pier or the other side of the bank and in the circumstance that a vessel carrying rice or a small vessel needs to do otherwise than those provided in sections 62 and 63, such action shall be done carefully so that it shall not obstruct the navigation.

Section 65. Any vessel that carries rice or a small vessel shall not sail across a steamship sailing up or down the river at the distance of less than one hundred meters. If it needs to cross the river to the pier or the rice mill, it shall not sail across the river to such place for more than an appropriate distance.

Section 66. Every motor vessel of not longer than six meters shall be allowed to navigate in the waterway of both routes reserved for the navigation of a small vessel. If it needs to navigate within thirty meters

³⁴ As amended by the Announcement amending the Act on Navigation in Thai Waters B.E. 2456, dated 5th September B.E. 2456

³⁵ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

from the bank of the river, it must sail as slowly as possible for the safety of navigation and a reasonable care to prevent a small oaring or rowing vessel from danger.

Section 67.³⁶ Any master or controller of a vessel who violates or fails to comply with section 62, 63, 64, 65 or 66 shall be liable to a fine from five hundred to five thousand Baht.

(d) Provisions regarding waterways in canals:

Section 68.³⁷ In any river or canal outside port area, every vessel sailing downstream shall navigate in the middle of the river or canal and a vessel sail upstream shall navigate close to the bank. If it cannot navigate as specified provision, it may navigate in the middle of the waterway and shall also comply with navigation regulations of that locality prescribed to control the navigation in such river or canal.

The master of Harbour or the Governor of a locality that there is no master of harbour shall have power to prescribe regulations controlling navigation in any river or canal within his or her authority. Such regulations shall be effective after obtaining approval from the competent Minister and upon their publication in the Government Gazette.

Section 69.³⁸ Any master or controller of a vessel who violates or fails to comply with section 68 or the regulations prescribed under that section shall be liable to a fine from five hundred to five thousand Baht.

Chapter 5

Wooden Rafts, Floating Houses, etc.

(a) Wooden Rafts

Section 70. At any wooden raft, there shall be a person stationing therewith in such number enough for taking care of it. The stationing person shall take as much care as possible to prevent its obstruction to the navigation or its collision with any floating house or vessel berthing in the river. Every wooden raft must fly a signal flag identifying its owner. Such flag shall be registered with the Harbour Department.³⁹ The owner shall inform the master of Harbour in writing and in advance regarding the number of pieces of logs to form such raft and its schedule to arrive the area of Bangkok Port.

³⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³⁷ As amended by the Amendment Act B.E. 2477

³⁸ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

³⁹ At present is the Marine Department (according to the Royal Decree transferring the authority of Government agencies B.E. 2545)

Section 71. No wooden raft shall be moored with any *Kampan* ship, mooring mast or floating house without permission from the master of such vessel or the owner of such mast or floating house.

Section 72. Within the area of Bangkok Port, any wooded raft going to sail or be tugged downstream shall navigate in the western route. If it needs to navigate in the eastern route, it shall do only a wooden raft tugged by a vessel and having not more than two hundred pieces of logs to form one raft or not more than twenty meters in width.

Section 73. No wooden raft shall navigate up and down the river during sunset to sunrise.

Section 74.⁴⁰ No wooden tied with more than four pieces of logs and longer than double length of such logs shall not navigate in any canal. Regarding a bamboo raft, it shall navigate therein if the length of the raft is not longer than sixteen meters and not more than an appropriation width not to obstruct the navigation.

If the provincial Governor considers that, in any canal or any part thereof, a steamship or a motor vessel may be used for tugging a wooden raft the size of which is bigger than that specified in paragraph one without causing danger to traffic in waterway, he or she may exempt for the tiling of raft of not longer than thirty meters.

After granting exemption under the preceding paragraph, if it appears later on that the navigation of such raft is dangerous to traffic in waterway, the provincial Governor may cancel the exemption thereof.

Section 75.⁴¹ Any person who violates or fails to comply with section 70, 71, 72, 73 or 74 shall be liable to a fine from one hundred to one thousand Baht.

(b) Floating Houses

Section 76. Any floating house shall not berth in the river at the distance farther than that appropriate to prevent such floating house from being stranded at the time of ebb tide.

Section 77. Any mast for mooring a floating house shall not stand farther than one and a half meters from the front line of the floating house.

Section 78. No house shall be built by staking in the mud by the river farther than the distance appropriate for letting the ground level under the house dries at the time of ebb tide.

Section 79. Within the area of Bangkok Port, it shall not locate a floating house the size of which is larger than sixteen meters in width or in length including the premises around the floating house or any small raft connected thereto.

Section 80. Along a canal, it shall not locate a floating house the size of which is larger than twelve meters in width. The floating house alongside the bank shall not berth encroaching a waterway so that it may obstruct the navigation.

⁴⁰ As amended by the Amendment Act B.E. 2477

⁴¹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 81. The towing of a floating house up and down the river within the area under the northern bordering stake of the Bangkok Port shall be prohibited during sunset to sunrise.

Section 82. A floating house towed up and down the river shall navigate in the western route. In case of necessity, it may navigate in the eastern route.

Section 83. A floating house shall not berth alongside the bank of *Chao Phraya* River within the area of Bangkok Port if it does not obtain the permission from the Master of Harbour.

Section 84. Within the area of Bangkok Port, if any floating house has encroached the river so that it may cause danger to the navigation at night, the Master of Harbour shall have power to order such floating house to light a white lamp at the conspicuous place during sunset to sunrise, to prevent the collision from other vessels.

Section 85. As from the day this Act comes into force, the berthing of a floating house or the building of the house having stakes standing in the mud by the river within the area of Bangkok Port shall be done only with the permission of the Master of Harbour.

Section 86. The application for such permission shall be made in writing and attached with the map of river's bank showing the floating house or the house having stakes standing in the mud, neighboring area, and berthing location of floating house and mooring mast.

Section 87. Upon receiving the application, the Master of Harbour shall examine the matter within one month. If the Master of Harbour has considered that it is in accordance with the provisions of sections 85 and 86, he or she shall grant a permission as requested.

Section 88. No construction shall begin definitely before obtaining permission as applied for.

Section 89. The Master of Harbour shall, within the area of Bangkok Port, or the competent official of that locality shall, outside the area of Bangkok Port, have power to demolish any floating house, mooring mast, or the house having stakes standing alongside the bank that berths or built contrary to the provisions of sections 76 to 79, notwithstanding berthing or built before or after the date this Act comes into force. The demolition shall also be made to any floating house, mooring mast, or the house having stakes standing alongside the bank that berths or built without permission or that contrary to the contents of the permission.

Section 90.⁴² Any person who fails to comply with the order of the Master of Harbour or the competent official under section 89 shall be liable to a daily fine of one hundred Baht until the wrongdoing has been corrected. The Master of Harbour or the competent official under section 89 shall have power to demolish any floating house or the house having stakes standing alongside the bank with the expense of the owner of such structure.

If the owner does not demolish the structure within the period specified by the Master of Harbour or the competent official under section 89, the Master of Harbour shall file a request with the court for the order empowering the Master of Harbour to manage for the demolition thereof.

⁴² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

In the case where the Master of Harbour has managed for the demolition according to the court order under paragraph two, it shall be carried out with reasonable care and the owner shall not be entitled to any damages arising therefrom. The demolition shall be at the expenses of the owner of the structure.

If the owner of the structure has not paid the expenses under paragraph three within a reasonable period as specified by the Master of Harbour, the Master of Harbour shall, with the approval of the Minister of Transport, bring the demolished materials including articles from the demolished part of the floating house or the house to be on sale by auction or by other methods. The money received from the auction or sale by other methods shall be paid as the expenses incurred from the demolition. The rest of the money shall be kept by the Master of Harbour. If the owner of the structure has not claimed for it within one year, such money shall be remitted to the State.

Section 91.⁴³ Any person who violates or fails to comply with section 81, 82, 83 or 84 shall be liable to a fine from five hundred to five thousand Baht.

**(c) Provisions regarding Fishing of Aquatic Animals and
Pong Pang (long fishing nets) set up across the River**

Section 92. Fishing of aquatic animals, by using fishing nets and anchoring vessels connecting each other across the waterway or by laying floats or fixing *Pong Pang* in rows from the bank to the middle of the waterway, shall be prohibited in the area of Bangkok Port. It may be allowed outside such area by obtaining permission from the competent official.

Section 93. The owner of such fishing vessels, floats or *Pong Pang* shall, during sunset to sunrise, set on fire as a light on the bank near the vessels, floats or *Pong Pang* and shall light a lamp on the farthest vessels, floats or *Pong Pang*. They also blow a bugle or horn to give signal to other vessels navigating up and down the waterway know that there is a barrier in such waterway.

If there is a row of fences or poles set up alongside the shore at the mouth of the sea or a nearby place, it shall, during sunset to sunrise, light a white lamp at the both ends of such fences or poles.

Section 94. It shall not tie fishing floats or poles with a bamboo stem. They shall be tied together with rope as usual custom. It shall also not to tie them from the bank by using rope or long piece of wood in the manner that it may obstruct the navigation of other vessels.

Section 95.⁴⁴ Any person who violates or fails to comply with section 92, 93 or 94 shall be liable to a fine from one thousand to ten thousand Baht.

⁴³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁴⁴ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Chapter 6
Miscellaneous Regulations

(a) Regarding Mooring Vessels at the Bank with Cables and other Robes

Section 96. In the river or the area of any port, except a vessel moored at the cargo pier, passenger pier or berthing pier, no *Kampan* ship shall be moored with the bank by cable or other robe in the manner that there is no space between such vessel and the bank for navigation of other vessels.

Section 97. It shall not use any robe towing from any *Kampan* ship berthing at the pier or wharf to a towing buoy in the waterway or in the area of any port before the preparing time to depart from the pier or wharf.

Section 98.⁴⁵ Any person who violates section 96 or 97 shall be liable to a fine from one thousand to ten thousand Baht.

(b) Regarding Velocity of Vessels – Danger - Lamps

Section 99. The master of a vessel shall not reverse a *Kampan* ship in the river, waterway, channel or navigation route unless there is no other vessel in such waterway. The master of a vessel shall also not to berth a *Kampan* ship at any cargo pier or pier or move the vessel out of the pier unless there is no other vessel in such waterway.

Section 100. When a vessel is approaching or departing any port area or channel, the master of the vessel must slowdown the velocity of the vessel to an appropriate speed for navigation safety and to prevent such vessel from any danger.

Section 101.⁴⁶ When a vessel is approaching a pier or wharf, the master or controller of the vessel shall sail it carefully with low speeds. Any vessel navigates in the river or canal shall sail with a speed as determined by the Master of Harbour and shall not sail pass a motor vessel navigating upstream or downstream within the distance of two hundred meters. Any person who violates or fails to comply with this provision shall be liable to a fine from five hundred to five thousand Baht and the Master of Harbour shall have power to seize the license to use vessel or vessel controlling certificate for a period of not more than six months.

Section 102.⁴⁷ Any master of a vessel who obtains a navigation certificate shall take his or her best effort to be careful in controlling the vessel to prevent any accident or danger. If any incident occur at the

⁴⁵ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁴⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁴⁷ As amended by the Amendment Act B.E. 2477

time he or she being on duty, the master of such vessel shall report such incident with the competent official as follows:

1. In case of a vessel not departing from the port at once, after the incident, the master of the vessel shall submit report the Master of Harbour within twenty-four hours. If the vessel is going to depart the port, such report shall be sent by a registered post on the first possible occasion, or he or she shall report the incident with a district officer or police officer of a neighboring locality or deposit it with the customs officer at a neighboring locality for further submitting to the Master of Harbour.

Such report shall contain the following particulars:

- (1) locality where the incident occurs together with a concise map if possible;
- (2) date of the incident;
- (3) name of the owner of the vessel or his or her agent and the registration number of the vessel;
- (4) causes of the incident and surrounding circumstances;
- (5) the damage occurs;
- (6) If there is a log book, the copy of contents on the log book both at the deck and the ship-hold;

2. In case of other vessel other than in subsection 1, the report shall be made to the Master of Harbour or to a district officer or police officer of a neighboring locality within forty-eight hours.

3. After receiving the report, the district officer or police officer of that locality shall investigate the incident and proceeds with the case according to his or her duty and shall send the copy of the investigation report to the Master of Harbour of that locality or to the Harbour Department for further acknowledgement.

Section 103. ⁴⁸ Any master or controller of a vessel who violates or fails to comply with section 99, 100 or 102 shall be liable to a fine from two hundred to two thousand Baht.

Section 104. In navigation, every small steamship or a motor vessel shall carry one green lamp at the right gunwale and one red lamp at the left gunwale and a bright white lamp at the conspicuous place over the deck according to the vessel survey regulations.

Section 105. When anchoring or berthing at the mast or navigating upstream or downstream, every vessel or wooden raft shall carry one white lamp at the conspicuous place which can be seen from all distance. But it may not be done if such vessel or wooden raft berths alongside the bank of the river.

Section 106. Every lighter or *Pohjai*, if propelled by machine power as steamship, shall also carry lamps as provided for a steamship. If sails by its sails, it shall carry lamps as provided for a sail ship.

Section 107. Every vessel being towed, while navigating or berthing, shall light a white lamp at the conspicuous place during sunset to sunrise so that the length and width of the group of towed vessels can be noticed.

⁴⁸ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 108. At sub-district of *Sampao* sunk at the mouth of the *Chao Phraya* River, if two *Kampan* ships are going to pass each other in opposite directions at the light buoy of that locality or a very close point thereto, the upstream vessel shall stop or wait until the other vessel has already passed the light buoy.

Section 109. When every *Pohjai* or sail ship sailing upstream or downstream a river or a narrow waterway, if there is a steamship navigating in the route or waterway according to the regulations or navigating close to the bank enough for not causing danger to such vessel, such vessel shall definitely not to sail cutting in front of or closely to the steamship.

In a river or a narrow waterway, any small steamship or motor vessel shall not try to sail pass a steamship in the manner that it may cause the collision among them.

Section 110.⁴⁹ Any master or controller of a vessel who violates or fails to comply with section 104, 105, 106, 107, 108 or 109 shall be liable to an imprisonment of not more than six months or a fine from one thousand to ten thousand Baht, or to both.

(c) Regarding Vessels taking out from Docks

Section 111. In any part of the *Cho Phraya* River where a seagoing vessel may be possible to navigate, if any vessel is taking out from a dock or a ramp at day time, it shall raise a black buoy in round shape at a conspicuous pole or place in front of such dock or ramp for being seen by other navigating vessels. Before taking out from the dock or ramp, the buoy shall be raised at the halfway of the pole. When the vessel is taking out therefrom, the buoy shall be raised at the top of the pole. If it takes out at night, the red lamp shall be used instead of the buoy and be done in the same manner.

Section 112.⁵⁰ Any person who fails to comply with section 111 shall be liable to a fine from five hundred to five thousand Baht.

(d) Regarding Buoys and Mooring Appliances

Section 113. No person shall possess or place buoys or mooring appliances in water, river or location for anchoring any vessel unless permission is obtained from the Master of Harbour or competent official and complying with the conditions specified therein. Such person shall also pay a relevant fee fixed by the Master of Harbour or the competent official. This provision shall not apply to buoys and signal or mooring appliances of the Royal Thai Navy temporarily placed in the waterway for mapping survey.

Section 114. No person shall anchor any cargo vessel or similar vessel using as buoying vessel or for carrying things as regular schedule in water, river or location for anchoring any vessel unless permission is

⁴⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵⁰ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

obtained from the Master of Harbour or competent official and complying with the conditions specified therein. Such person shall also pay a relevant fee fixed by the Master of Harbour or the competent official.

Section 115. Any buoy or mooring appliance permitted under section 113 shall be used only at the vessel of a person who obtains permission. Other vessel wishing to use such buoy or mooring appliance must obtain prior permission from him or her.

Section 116.⁵¹ Any person who violates or fails to comply with section 113, 114 or 115 shall be liable to a fine from one thousand to ten thousand Baht and to a daily fine of five hundred Baht until the wrongdoing has been corrected. In this regard, the Master of Harbour or the competent official may also issue an order to demolish or move out such buoy or mooring appliance.

Section 117.⁵² No person shall construct building or other structure encroaching over, in or underwater of any river, canal, marsh, reservoir, lake using as a communication path or for a common use of the public, or of the sea within Thai waters or on the beach of such sea unless permission is obtained from the Master of Harbour.

Rules and procedure on licensing shall be prescribed in the Ministerial Regulation. Such Ministerial regulation shall specify clearly about characteristics of building and a permissible encroachment as well as a period to consider the matter and grant permission.

If the applicant has submitted the application in accordance with the rules, procedure and characteristics as prescribed in the Ministerial Regulation under paragraph two, the Master of Harbour shall grant permission within the prescribed period.

Section 117 bis.⁵³ A permitted person under section 117 shall pay an annual remuneration according to the rules and rates as prescribed in the Ministerial Regulation, which shall not less than fifty Baht per square meters. In case of building or other structure having characteristics or using for commercial purpose, the remuneration shall be paid in double rates. In case of building or other structure built without permission or not in accordance with the permission, the remuneration shall be paid in triple rates.

In prescribing the annual remuneration under paragraph one, conditions of each locality and benefit to be received by the builder or occupier shall be taken into consideration. The remuneration collected under paragraph one shall be remitted to the Bangkok Metropolitan Administration, Pattaya City, municipality, provincial administrative organization, sanitary administration or other local government established under the law, as the case may be, where such building or structure is located. In an appropriate case, the Ministerial Regulation exempting or reducing the remuneration to any government agency or any person may be issued.

⁵¹ As added by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵³ As added by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 118.⁵⁴ Any person who violates section 117 or any person permitted under section 117 does not construct building or structure according to the permission shall be liable to a fine calculating by the area of such building or structure at the rate of not less than five hundred but not exceed ten thousand Baht per square meters.

Section 118 bis.⁵⁵ In the case where there is a violation of section 117 or a person permitted under section 117 does not construct building or structure according to the permission, the Master of Harbour shall issue a written order notifying the owner or occupier of the building or other structure to demolish or correct it within a specified period which shall less than thirty days. In case the owner of the occupier is not found, the Master of Harbour shall post up the order at the building or structure and may prohibit the owner or occupier to use or allow other person to use such building or structure, in part or in whole, until the demolition or the correction has completed.

If the order of the Master of harbour under paragraph one is not complied with or the owner of the occupier is not found and the master of Harbour has posted up the order for a period of fifteen days, he or she may file a request with the court for an order to demolish the building or structure. In the court hears that the provision of section 117 has actually been violated, in case the owner of the occupier is found, the court shall order such person to do the demolition or correction. If such person has not completed it within the period specified in the court order or in the case where the owner of the occupier is not found, the court shall order the Mater of harbour to manage for the demolition.

In the case where the Master of Harbour has managed for the demolition according to the court order under paragraph three, it shall be carried out with reasonable care and the owner or the occupier of the building or structure shall not be entitled to any damages arising therefrom. The demolition shall be at the expenses of the owner or the occupier thereof.

If the owner or the occupier of the building or structure has not paid the expenses under paragraph four within a reasonable period as specified by the Master of Harbour or in the case where the owner of the occupier is not found, the Master of Harbour shall, with the approval of the Miniater of Transport, bring the demolished materials including articles from the demolished part of the building or structure to be on sale by auction or by other methods. The money received from the auction or sale by other methods shall be paid as the expenses incurred from the demolition or the remuneration under section 118. The rest of the money shall be kept by the Master of Harbour for returning to the owner or occupier. In the case where the owner of the occupier is not found or he or she has not claimed for it within one year, such money shall be remitted to the State.

In the case where the Master of Harbour may proceeds with the case under paragraph one, if the building or structure has characteristics possible to be permitted and the owner or occupier thereof has paid a penalty as determined by the Master of Harbour at the rate under section 118, the Master of Harbour may grant

⁵⁴ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵⁵ As added by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

a permission to him or her. When such person has obtained the permission, he or she must pay remuneration at double rate of that specified in section 117 bis.

Section 118 ter.⁵⁶ In the case where the remuneration prescribed in the Ministerial Regulation issued under section 117 bis has not been paid, double amount of the unpaid money shall be paid as a penalty thereto.

Section 119.⁵⁷ No person shall pour, throw, or do by any means whatsoever, rocks, pebbles, sand, earth, mud, ballast, things or any waste substance, except oil and chemical products, into any river, canal, marsh, reservoir or lake which is a communication path or for a common use of the public or the sea within the Thai waters, so that it may cause the water shallow, being sediment or dirty, unless permission is obtained from the Master of Harbour. Any person who violates this provision shall be liable to an imprisonment of not exceeding six months or a fine of not exceeding ten thousand Baht, or to both, and shall also compensate any expenses incurred in the cleaning thereof.

Section 119 bis.⁵⁸ No person shall pour, throw, or do by any means whatsoever, oil and chemical products, into any river, canal, marsh, reservoir or lake which is a communication path or for a common use of the public or the sea within the Thai waters, so that it may poison any living things or harm the environment or cause danger to the navigation thereto. Any person who violates this provision shall be liable to an imprisonment of not exceeding three years or a fine of not exceeding sixty thousand Baht, or to both, and shall also compensate any expenses incurred in the cleaning or rehabilitating thereof.

Section 120.⁵⁹ The Master of Harbour shall have duty to look after, maintain and deepen the waterway, navigation route, river, canal, lake and sea within the Thai waters.

No person shall deepen, change its conditions or do by any means whatsoever to cause the change in the waterway, navigation route, river, canal, lake and sea within the Thai waters unless permission is obtained from the Master of Harbour. Any person who violates this provision shall be liable to a fine from five thousand to fifty thousand Baht and the Master of Harbour shall order the ceasing of such action.

(e) Regarding Dangerous Vessels, etc.

Section 121.⁶⁰ When any Thai or foreign vessel or other object has sunk or has been in conditions that may cause danger to the navigation in Thai waters, the owner thereof or his or her agent shall mark a warning signal as the Master of Harbour or the competent official deems appropriate immediately for

⁵⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵⁷ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵⁸ As added by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁵⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁶⁰ As amended by the Act on Navigation in Thai Waters (No. 12), B.E. 2522

being noticed at night and day until such vessel or object has been already salvaged, demolished, moved out, destroyed, done by other means, which shall complete within a period specified by the Master of Harbour.

If the warning signal or the salvation, demolition, moving out, destruction or other action thereto has not been made within the specified period under paragraph one, the Master of Harbour or the competent official shall do such action with the vessel or object or things on board to avoid danger to the navigation at the expenses of the owner of the vessel or object or his or her agent. If the Thai or foreign vessel or object contains substance that causes or may cause pollution to the environment, the owner or his or her agent shall clean or prevent such pollution within a period specified by the Master of Harbour. If such action has not been done within such period, the Master of Harbour or the competent official shall do it at the expenses of the owner or his or her agent.

If the owner of the vessel or object or his or her agent has not paid the expenses under paragraphs two or three within a reasonable period as specified by the Master of Harbour or such person has not been found, the Master of Harbour, with the approval of the Minister of Transport, shall bring such vessel or object or things on board on sale by auction or by other methods.

If the money received from the auction or sale by other methods shall not cover the expense, the owner or his or her agent shall paid the additional amount. The rest of money received from the auction or sale by other methods after deduction of any expense shall be returned to the owner of the vessel or object or his or agent. In the case such person is not found or he or she has not claimed for it within one year, such money shall be remitted to the State.

(f) Regarding Horns blown by Steam Power, etc.

Section 122. No steamship or small steamship berthing or sailing shall blow horn except for convenience in navigation or to prevent such ship from colliding with other vessel. In this regard, it shall not blow the horn for longer than a reasonable time. This provision shall also apply to the horn of a motor vessel.

Section 123. No vessel shall, within the area of Bangkok Port, a horn having low or moaning sound except a foreign vessel that has no other horn.

Regarding Gun Shooting

Section 124. Within the area of Bangkok Port, no person without permission from the Master of Harbour or the competent official shall shoot a gun from any *Kampan* ship or small vessel definitely except shooting as signal informing that there is danger with such vessel.

Regarding Drum Beating and Setting off Fireworks

Section 125. Within the area of Bangkok Port, no person without permission from the Master of Harbour or the competent official shall beat a drum or gong or set off a firework during 10.00 p.m. until dawn definitely.

Section 126.⁶¹ Any person who violates section 122, 123, 124 or 125 shall be liable to a fine from one hundred to one thousand baht.

(g) Things Forgotten on a Vessel and Things left Floating in the Rivers

Section 127. If there is any thing belonging to a passenger or other person is forgotten in any *Kampan* ship or small vessel and the master of such vessel cannot return it to the owner, such thing must be sent to a patrol unit nearby together with a statement declaring relevant situation thereof.

Section 128. If any person has found and taken a thing left floating in the river and it is belongs to other person such as logs or flat wood from a raft, vessel or other objects, such thing must be sent to a patrol unit nearby.

Section 129. After receiving the things sent to it, the patrol unit must return it to the owner of such thing. If the owner is not found, it shall advertise the matter to the public. After the period of three months has elapsed, such thing shall be brought on sale by auction. The money received therefrom shall be deducted for ten per cent for a person who found and kept the thing. The rest of the money shall be remitted to the Government. In returning the thing to the owner or selling it on auction, the patrol unit must find information whether such thing is under any customs duty.

Section 130.⁶² Any person who fails to comply with section 127, 128 or 129 shall be liable to a fine from one hundred to one thousand baht.

(h) Regarding Warnings for Master of *Kampan* Ship

Section 131. When the master of a vessel gives permission to crews on be on leave, he or she shall instruct the crews that they should not bring any knife with case or other harmful weapon such as a plum bob, etc. with them definitely when they are on the land.

According to section 335, clause 2 of the code on criminal law, if any person who brings such weapon when he or she goes to any street or a public place, the patrol unit shall have power to arrest him or her. If such person has plead guilty before the court, he or she shall be liable to a fine of more than twelve Baht and such weapon shall also be seized.

⁶¹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁶² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 132. Every master of a vessel shall comply with any rule or regulation a reasonable order of the Master of Harbour in sailing or moving the vessel under his or her control to any other place.

Section 133. Any person shall bring the corpse of a death person from a foreign port into the Thai waters unless such corpse has completely sealed or covered together with a copy of the witness statement declaring the cause of the death. Such statement shall be made by a qualified physician under the law and affixed with the signature of a Thai consul of that foreign port as witness. In case there is no Thai consul there, the judicial officer shall sign thereto. When the corpse has arrived at the Thai waters, the master of vessel shall report the matter to the pilot office, the Master of Harbour or a sanitary physician immediately.

Part 2

Regulations on Issuing of License to Use or Control *Kampan* Ship and other Small Vessels

Chapter 1

General Regulations

Section 134. [Repealed by the Act (No. 6), B.E. 2481]

Section 135. [Repealed by the Act (No. 6), B.E. 2481]

Section 136. [Repealed by the Act (No. 6), B.E. 2481]

Section 137.⁶³ The application for a license or a renewal of a license shall be lodged with the competent Master of Harbour appointed for registration purpose. The application shall be made in an official form and shall also deposited with the money of not less than one haft of a licensing fee.

In case of a steamship or a motor vessel wishing to be hired for conveyance of passengers or cargo or tugging other vessels, the purpose thereof shall be clearly stated. If the conveyance is a regular route, the applicant shall also state the beginning locality and its destination.

For the purpose of this section, any steamship or motor vessel hired for regular conveyance from one locality to others for a period of more than three months shall be deemed a vessel for regular route.

A steamship or motor vessel licensed for conveyance of passenger or cargo or tugging purpose under the preceding paragraph may subsequently change its purpose in the registration.

Section 138. If the licensing officer has considered with a reasonable ground that any *Kampan* ship or small vessel is not under an appropriate care or is not clean enough for its usage or its purpose or a licensee or crew does not behave in good manners, the licensing officer shall have power not to issue a license thereto, in case of a vessel without a license, or he or she may recall and seize the license, in case of a vessel that already has a license.

⁶³ As amended by the Amendment Act, B.E. 2477

Section 139.⁶⁴ When the Master of Harbour found that any *Kampan* ship used in the sea or river is not in safety or seaworthy condition, he or she shall have power to issue a written order to the master of such vessel not to use such vessel and to modify or repair it for safety or to fit such purpose.

If the master of the vessel has used such vessel without complying with the order issued under paragraph one, the Master of the Harbour shall have power to detain such vessel until the order has already been complied.

Section 140. [Repealed by the Act (No. 13), B.E. 2525]

Section 141. [Repealed by the Act (No. 13), B.E. 2525]

Section 142.⁶⁵ The Minister of Transport shall have power to prescribe the Ministerial Regulation regarding a license form and rules, procedure and conditions of application for and the issue of a license.

The Ministerial Regulation shall be effective upon its publication in the Government Gazette.

Section 143.⁶⁶ There shall be a fee for issuing a license or a license substitute for a vessel under Chapters 3, 4 and 5 of Part 2, as fixed in the Ministerial Regulation but shall not exceed two thousand Baht each.

The Minister of Transport shall have power to exempt any vessel from the fee under paragraph one by prescribing it in the Ministerial Regulation.

Section 144. [Repealed by the Act (No. 6), B.E. 2481]

Section 145.⁶⁷ A license shall not be used instead of the other. If, during the effectiveness of the license, the vessel has been transferred to the new owner, the transfer of its ownership may be made. In this regard, the Master of Harbour shall be informed of such change so that he or she shall make the amendment to the registered name in the license together with collecting a fee therefor. In case of a small vessel, cargo vessel, sea dugout, etc., the fee shall be two Baht, the others shall be twenty Baht.

Section 146. If the transfer of the vessel has not yet been made in the registration and the license according to the provision of section 145, the person to be a transferor shall still have responsibility under sections 298 and 299. It shall also be deemed that the transfer has not been made legally in the eyes of a person who has not known about it.

Section 147. If, during the effectiveness of the license, the content of the license has impaired in whole or in part so that it cannot be read or the license has been lost, such vessel shall not be used until the Master of the Harbour has issued the new license. In case the new application for the lost license has to be made, it shall be made in writing.

⁶⁴ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁶⁵ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁶⁶ As amended by the Act on Navigation in Thai Waters (No. 10), B.E. 2510

⁶⁷ As amended by the Act on Navigation in Thai Waters (No. 8), B.E. 2590

Section 148. The new license substitute shall contain a word "Copy of a License" therein and shall be used legally only within the effective period of the old license.

Section 149.⁶⁸ In issuing the copy of the license, a fee of one half of the licensing fee but not exceeding one hundred Baht shall be collected.

Section 150. When the vessel has been registered, the controller of any *Kampan* ship or small vessel shall always keep the license on board of such vessel.

Section 151. In case of a *Kampan* ship or a small vessel that has to be registered, if the licensing official, patrol officer, official of the Harbour Department or a person who rents such vessel wishes to inspect the license thereof, the vessel controller must produce the license thereto.

Section 152.⁶⁹ Any controller of a *Kampan* ship or a small vessel with or without license who intentionally produces the license of other vessel instead of his or hers, or any person who provides a license for this purpose shall be liable to imprisonment of not exceeding six months or to a fine of one thousand to ten thousand Baht or to both.

Section 153. Any *Kampan* ship shall not use the name of other registered vessel. If any *Kampan* ship to be applied for a license bears the same name as that of other vessel, the Master of Harbour shall ask the applicant to change the name of the vessel and pending the issue of a license until the vessel has been changed its name.

Section 154.⁷⁰ The owner or any vessel wishing to change the registered name of such vessel shall bring the new name to be registered immediately and shall pay a registration fee of fifty Baht per one application.

Section 155.⁷¹ No steamship or motor vessel shall carry passengers in such number more than that stated in the license thereof.

Section 156. If any *Kampan* ship wishes to fly a special flag to indicate the owner thereof or use any signal at its funnel, such flag or signal must be registered at the Harbour Department and shall be described in the license of such vessel before the action or the use thereof.

Section 157. A number or letter that is a part of name or serial number according to this Act shall be written in color or fixed or carved at the body of such *Kampan* ship or a small vessel and in the size as the Master of Harbour deems appropriate.

Section 158. Any Master of Harbour, patrol officer, official of the Harbour Department shall have the power under this Act to be on board of any *Kampan* ship or a small vessel to inspect whether such vessel has

⁶⁸ As amended by the Act on Navigation in Thai Waters (No. 10), B.E. 2510

⁶⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁷⁰ As amended by the Act on Navigation in Thai Waters (No. 10), B.E. 2510

⁷¹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

been granted a license, or there are any violation to the provisions of this Act or rules or regulations legally issued by the Master of Harbour.

Section 159. Any *Kampan* ship or a small vessel shall not carry any hazardous object regardless of the amount or number thereof at the same time of carrying passengers. Unless there is a special place under the deck for petroleum oil or benzene and the Master of Harbour thinks appropriate, the two substances may be carried therewith. Provided that the provision of this section shall not be construed to prohibit any passenger to carry his or her own gun and bullets in an appropriate amount on board.

Section 160.⁷² If it appears that a registered Thai vessel has its equipment or appliances that are not in accordance with law or in good condition as specified in a certificate issued under the vessel survey regulations according to section 163, the Master of Harbour shall have power to give an order in writing that the master of the vessel shall rectify it within a specified period.

If the master of vessel has not complied with the order, the Master of Harbour shall have power to suspend the license until the rectification has been made. If the order under paragraph has been complied with, the Master of Harbour shall revoke the order suspending the license immediately.

If the Master of Harbour has found that a foreign vessel that enters the area of a Thai port has equipment or appliances that are not in accordance with law or in good condition as specified in a certificate issued under the vessel survey regulations according to section 163, the Master of Harbour shall have power to give an order in writing that the master of the vessel shall rectify it. If it is correct, he or she shall allow such vessel to depart.

Section 161.⁷³ Any person who violates section 145, 147, 150,151, 156, 157, 159, 162 bis, 162 ter, 166, 167, 168, 171 or 173 shall be liable to a fine of one hundred to one thousand Baht.

Section 161 bis.⁷⁴ Any master or controller of a steamship or motor vessel who violates section 155 shall be liable to imprisonment of not exceeding six months or to a fine of one thousand to ten thousand Baht or to both.

Chapter 2

Survey of Vessels

Section 162.⁷⁵ A licensing official shall issue a license to use vessel or a license substitute to any vessel if it has a vessel survey certificate for using such vessel issued by a survey officer as evidence that

⁷² As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁷³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁷⁴ As added by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁷⁵ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

such vessel has been inspected under the vessel survey regulations and in seaworthy condition within the period of twelve months or less than that.

Section 162 bis.⁷⁶ Any international marine vessel must have a certificate on life safety at sea according to section 163 (3), except:

(1) a vessel of military services both of Thailand and foreign countries or a military lighter whether a Thai vessel or foreign vessel;

(2) a cargo vessel of less than five gross tonnage;

(3) a vessel that is not a motor vessel;

(4) an ancient style vessel;

(5) a pleasure or sports vessel;

(6) a fishing vessel.

Section 162 ter.⁷⁷ Every vessel must have a certificate of freight level according to section 163 (4), except:

(1) a vessel of military services both of Thailand and foreign countries;

(2) a vessel of which the keel is laid on or after 21st July B.E. 2511 and the length of its right angle is shorter than twenty-four than meters;

(3) a vessel of which the keel is laid before 21st July B.E. 2511 and the size of which is smaller than one hundred and fifty gross tonnage;

(4) a pleasure or sports vessel;

(5) a fishing vessel.

Section 163.⁷⁸ The Master of Harbour, with the approval of the Minister of Transport, shall have the power to prescribe vessel survey regulations to determine rules, procedure and conditions on issuing certificates as follows:

(1) a vessel survey certificate for using vessel;

(2) a vessel survey certificate for registration of a Thai vessel;

(3) a certificate on life safety at sea;

(4) a certificate of freight level.

(5) a vessel survey certificate for other purposes.

Such vessel survey regulations shall be effective upon its publication in the Government Gazette.

⁷⁶ As added by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁷⁷ As added by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁷⁸ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

Section 164.⁷⁹ The applicant for a certificate under section 163 must prepare his or her vessel ready for the survey officer according to the vessel survey regulations.

Section 164 bis.⁸⁰ The applicant under section 164 who wishes the survey officer to inspect the vessel outside an official place, whether within or outside official hours, shall pay a fee for vessel survey under section 165. He or she shall also pay a travelling expense and a fee for a vessel survey outside an official place, whether within or outside official hours, as prescribed in the Ministerial Regulation.

Such Ministerial Regulation shall be effective upon its publication in the Government Gazette.

Section 165. A fee for any survey shall be paid at the rate prescribed in the vessel survey regulations.

Chapter 3 Regarding All Kinds of Steamships

Section 166. Every steamship must have its name written in Thai and foreign letters at or fixed at a conspicuous place at both front of the gunwale. In case of a sea-going steamship, the name of the ship and the city of registration shall also be written or fixed at the stern of the ship. In case of a ship that bear no name, it shall have the serial number of its license written in Thai or Arabic numbers at or fixed at both front of the gunwale. It shall not use anything to cover or shield such written name or serial number absolutely.

Section 167. Any steamship for rent shall put its license together with a copy of regulations provided under this Chapter and Chapter 1 in a frame and show them at a conspicuous place.

Section 168. Any steamship for rent that is not a sea-going ship shall have a serial number of its license in Thai and Arabic numbers written at the front side next to the name of the ship and it also be written at the stern of the ship. A number of passengers allowed to be on board shall be written at a conspicuous place outside both gunwales. It shall absolutely not to use anything to cover or shield such written name or serial number.

Section 169. A space necessary for one passenger shall be specified in the vessel survey regulations. A number of passengers allowed to be on board shall be specified in the license of such ship.

Section 170.⁸¹ When the Master Harbour has found that any vessel permitted to carry passengers or cargo or both is not safe for passengers or is not in good condition for its purpose, he or she shall have power to refrain such vessel from usage until the owner or occupier has repaired or rectified it.

Any person who uses the vessel prohibited under paragraph one shall be liable to a fine of not exceeding two thousand Baht.

⁷⁹ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁸⁰ As added by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁸¹ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

Section 171. On any vessel, if the space for passengers has been used for placing things, a number of passengers must be reduced in an equal ratio of such unavailable space.

Section 172. A license for any vessel shall specify a steam power that such vessel should have or its maximum power allowed. If any owner of a vessel, person driving engine, or master of a steamship has used a steam power exceeding the limit power or used any heavy object or any thing weight or press on a safety valve, that is a valve for steam releasing to prevent danger, without justified reason, such person shall be liable to a fine of not exceeding five hundred Baht.

Section 173. On any steamship, if any accident or danger occurs to its hull, boiler, or engine or its passengers or any person, or such vessel has caused any accident or danger, it shall be reported to the Master of Harbour immediately.

Section 174. [Repealed by the Act (No. 10) B.E. 2510]

Section 175.⁸² Any person who uses a vessel not in violation of the conditions or provisions of the license shall be liable to a fine from one to ten thousand Baht.

Section 176.⁸³ If any vessel loads things more than that specified in certificate of freight level, the Master of Harbour shall have power to detain such vessel and order the master or the controller of such vessel to correct the wrongful act within the specified period.

If any master or controller of the vessel fails to comply with the order of the Master of Harbour under paragraph one shall be liable to a fine from one to ten thousand Baht.

Chapter 4

Regarding Sailboats, *Pohjai*, Lighters, Sea dugout and Others, and *Sampao*

Section 177. In any license for sailboats, *Pohjai*, lighters, sea dugout and others, and *Sampao*, it shall specify the width and length of the vessel and its freight level.

Section 178. Every vessel mentioned above must have the serial number of its license written in Thai or Arabic numbers with color at or fixed at both front of the gunwale and the stern of the vessel for clearly seen. Another number shall not be written thereat and it shall not use anything to cover or shield such written serial number absolutely.

Section 179. Any sailboat, *Pohjai*, lighter, sea dugout and others, and *Sampao*, shall not have fake ship-hold or secret space for hiding a cargo or person.

Section 180. [Repealed by the Act (No. 10) B.E. 2510]

⁸² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁸³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Chapter 5
Regarding Cargo Vessels and Other Small Vessels

Section 181. [Repealed by the Act (No. 6) B.E. 2481]

Section 182. [Repealed by the Act (No. 6) B.E. 2481]

Section 183. Upon receiving an application for a license or a substitute license for the expired one of any cargo vessel or small vessel, if there is a reasonable ground to believe that the violation relevant to the vessel or its license has occurred, the Master of Harbour shall have power to delay the licensing and detain such vessel for further inquiry. If the inquiry results in the opinion that the license should not be issued, such vessel shall be deemed an abandoned property for the purpose of section 129 of this Act.

Section 184. In any license for a cargo vessel, it shall specify the width and length of the vessel and its freight level.

Section 185. In any license for a small vessel hired for carrying passengers, it shall specify numbers of passengers permitted to carry. In case of a vessel carrying both cargo and passengers, it shall specify the width, length and depth of the vessel, and its freight level and numbers of passengers permitted to carry.

Section 186. Every licensed cargo or small vessel for rent or being hired must have the serial number of its license written in Thai numbers with color at both front of the gunwale of the vessel for clearly seen. The numbers must also be carved at a conspicuous place. Another number shall not be written thereat. In case of a vessel for carrying passengers, the numbers of passengers permitted to carry must be written in Thai and Arabic with color at a conspicuous place and it shall not use anything to cover or shield such written number absolutely.

Section 187. Any cargo or small vessel shall not have fake ship-hold or secret space for hiding things or persons.

Section 188. [Repealed by the Act (No. 10) B.E. 2510]

Part 3
Special Regulations

Chapter 1
Regulations governing *Kampan* Ship and Vessels carrying Hazardous Objects

Section 189.⁸⁴ The Master of Harbour, with the approval of the Minister of Transport, shall have power to prescribe classes of hazardous objects or any hazardous object in the Government Gazette.

Section 190.⁸⁵ The Minister of Transport shall have power to issue a Ministerial Regulation determining rules and procedure in packaging, keeping, distributing, making and showing a mark, preparing necessary documents, and loading of objects that may cause danger in transportation under this Chapter.

Such Ministerial Regulation shall be effective upon its publication in the Government Gazette.

Section 191.⁸⁶ In loading or unloading a hazardous object from one vessel to another vessel or from a vessel onto land or from land onto a vessel, the master or the controller of a vessel must inform the Master of Harbour not less than twenty-four hours in advance of such matter. The loading or unloading shall not be done before receiving the permission from the Master of Harbour.

The Director-General of the Harbour Department, with the approval of the Minister of Transport, shall have power to exempt any kind of vessel or any type of loading from the execution of paragraph one.

Section 192.⁸⁷ The Director-General of the Harbour Department, with the approval of the Minister of Transport, shall have power to prescribe that any kind of vessel carrying hazardous objects must fly a flag or show any sign or give any signal as specified.

Section 193.⁸⁸ In transporting a hazardous object by water transportation, a sender must fix a tag specifying a hazardous nature of such object for clearly seen at its package. At the time or before loading such object, the master of vessel must also be informed in writing of the hazardous nature of such object as well as name and address of the sender.

No person shall send or transport any hazardous object without complying with the provisions of paragraph one or by giving false statements.

Section 194.⁸⁹ The master of a vessel shall give a reasonable care in inspecting that no hazardous object shall be brought on board in violation of the Ministerial Regulation issued under section 190.

If there is a reasonable ground to believe that any hazardous object has been smuggled on board, the master of vessel may refuse to accept such package of object unless the owner or the possessor of the object agrees to open the package for inspection.

Section 195.⁹⁰ Any person who violates or fails to comply with section 192 or section 194 paragraph one shall be liable to imprisonment not exceeding three months or to a fine not exceeding ten thousand Baht, or to both.

⁸⁴ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

⁸⁵ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁸⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁸⁷ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁸⁸ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁸⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 196.⁹¹ Any person who violates or fails to comply with section 190, 191 or section 193 paragraph two shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty thousand Baht, or to both.

Section 197. [Repealed by the Act (No. 14) B.E. 2535]

Section 198. [Repealed by the Act (No. 14) B.E. 2535]

Section 199. If any tanker carrying petroleum oil on board has entered into the port area or a river in Thailand, it shall proceed at the licensed cargo wharf for loading petroleum oil immediately. Such tanker shall not depart from that place without permission from the Master of Harbour.

Section 200. During the time any tanker carrying petroleum oil is still at the port area or at any river or place in Thailand, any light other than its electric lamps on board or at nearby place shall not be used while the tanker or cover of the tank is opened or during loading or unloading petroleum oil. No person on board shall smoke or carry matches unless using fire in the kitchen or steam engine's room for moving in or out of the cargo wharf or going to the sea or having enough power to loading or unloading petroleum oil.

Section 201. [Repealed by the Act (No. 14) B.E. 2535]

Section 202. [Repealed by the Act (No. 14) B.E. 2535]

Section 203. [Repealed by the Act (No. 14) B.E. 2535]

Section 204.⁹² Any person who, by any means whatsoever, pours, throws or releases petroleum or oil mixed with leaking water into any port area, river, canal, lake or inner sea within the Thai waters, shall be liable to imprisonment not exceeding one year or to a fine from two thousand to twenty thousand Baht, or to both.

Section 205. At any time, more than one tanker shall not approach or berth alongside the wharf. At the time of loading or unloading petroleum oil, no other tanker or other vessel shall berth along the same wharf or long such tanker absolutely.

Section 206. Any tanker carrying petroleum oil on board or that just finished unloading petroleum shall not move from the berthing place without permission from the Master of Harbour. If the Master of Harbour satisfies that any tanker has no petroleum oil on board or has been cleaned and dried by letting the air blown in and out of the tanker, he or she may grant permission to move such tanker to any specified place.

Section 207. [Repealed by the Act (No. 14) B.E. 2535]

Section 208.⁹³ Any person who violates or fails to comply with section 199, 200, 205 or 206 shall be liable to imprisonment not exceeding six months or to a fine from one thousand to ten thousand Baht, or to both.

⁹⁰ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹¹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Chapter 3⁹⁴

Regulations on Anchoring near or Dragging Anchor across Cables, Pipes, Or Structures lies under Water

Section 209.⁹⁵ The Master of Harbour shall fix a sign at a place that a telegram or telephone cable or wire or any other cable or pipe or structure lies or built under water in the river, canal, swamp, reservoir, lake that used as a communication route or the common use of the people, or inner sea within the Thai waters. The sign shall be a high pole with big white board in round shape at the top written with a Thai and English words "Cables, pipes or underwater structures. No person shall anchor or drag anchor". In an appropriate case, the Master of Harbour may also place a buoy or other sign thereat.

No vessel shall anchor or drag anchor alongside or within the distance of one hundred meters alongside the two sides of such cable, pipe, or structure that lies or built under water.

Section 210.⁹⁶ Any master or controller of a vessel who drops anchor within a prohibited area under this Chapter or drags anchor, net, seine or other fishing appliance or equipment across such area, shall be liable to a fine from three hundred to three thousand Baht. If such act has caused damage to any cable, pipe, or structure that lies or built under water, such person shall liable to imprisonment not exceeding six months or to a fine from one thousand to ten thousand Baht, or to both. In this regard, he or she shall also pay damages thereto or pay expenses in repairing such damaged cable, pipe, or structure.

During the proceeding regarding such offence under paragraph one, the Master of Harbour shall have power to detain a relevant vessel until the security determined by the Master of Harbour as deemed appropriate has been deposited for a fine or damages or expenses for the repair.

Section 211. For the purpose of this Chapter, if any vessel has sailed across the said prohibited area without pulling its anchor above the water so that it can be seen, it shall be deemed that such vessel has dragged its anchor across the prohibited area.

Chapter 4

Regarding Lighthouses Fees

Section 212.⁹⁷ Subject to section 213, any marine vessel entering the Thai waters or sailing from one port to another port shall pay the appointed official a fee for lighthouses, waterway signals, and lights at the rate and in the procedure as prescribed in the Ministerial Regulation from time to time.

⁹⁴ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹⁵ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹⁶ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

⁹⁷ As amended by the Act Amending the Navigation in Thai Waters, B.E. 2477

Section 213.⁹⁸ The following vessels shall be exempted from the fee under section 212:

- (1) Vessels of the Thai Government;
- (2) Private yachts;
- (3) Vessels of a foreign Government;
- (4) Vessels for transporting passengers or loading cargo within the same port area or between the port and the outside wharf of such port;
- (5) Commercial vessel at shore of less than 800 *Harp*;
- (6) Vessels sailing only with ballast without receiving freight and passengers;
- (7) Vessels entering for acquiring fuel, equipment or food supply only for such vessel;
- (8) Vessels entering because of storm or damage or for repairing, provided that such vessel shall not load or unload cargo other than those necessary for the repair thereof and such cargo shall be reloaded on board later.

Section 214. [Repealed by the Amendment Act B.E. 2477]

Section 215.⁹⁹ If any vessel that must pay a fee for lighthouses, waterway signals, and lights, requests for a port clearance, the Master of Harbour, custom officer, or other official having duty to issue a port clearance shall requests for a fee receipt. If it appears that the fee has already been paid, he or she shall issue a port clearance thereto.

Section 216.¹⁰⁰ Any master or controller of a vessel who tries to bring the vessel out of the Thai waters without paying fees under section 212 or refusing to measure of the size of his or her vessel for the purpose of collecting fees, shall be liable to a fine from five hundred to five thousand Baht.

Chapter 5

Regulations on Prevention of Harmful Disease

Section 217. When it is known that cholera, smallpox, plague, fever or other communicable harmful disease appears at any port or in any locality outside the Kingdom of Thailand, the Minister of Interior shall have power to publish in the Government Gazette of such circumstance. The Minister shall also notify every foreign consulate of such communicable disease and instruct that all vessels from such places must anchor at a quarantine station. Such vessel must be detained there until a doctor of the Minister of Interior or an inferior official, hereinafter called a "physician officer" has granted permission to leave.

⁹⁸ As amended by the Act Amending the Navigation in Thai Waters, B.E. 2477

⁹⁹ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

¹⁰⁰ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 218. For quarantine purpose, locations for anchoring vessels within the Thai waters are as follows:

- (1) At *Pra* IslandIn front of Quarantine Station;
- (2) At *Srichang* Island In front of Custom House;
- (3) At *Ang Sila*..... In front of Custom House;
- (4) In *Samuth Prakarn* province, in the river in front of Custom House;
- (5) In Bangkok, in the *Chao Praya River* in front of the *Bang Kor Lam* Patrol Station.

Section 219. Other quarantine station at *Pra* Island or in other place may be determined later.

Section 220. In any vessel entering into the Thai waters, if a person on board has a cholera, smallpox, plague, fever or other communicable harmful disease or he or she has had it since 14 days before being on board, the master or the controller of such vessel must fly a signal flag of such circumstance thereon. The vessel must anchor at a quarantine station until a physician officer has grant permission to leave. In case of a vessel already anchored in the Thai waters, the master or the controller of such vessel must fly a signal flag of such circumstance immediately and must move such vessel to a place that a physician officer deems appropriate.

Section 221. The physician officer must investigate the circumstance as soon as possible. In a necessary case to prevent the public from such disease by detaining such vessel and the persons on board at a quarantine station, he or she may issue an order that the master or the controller of such vessel must go to such place.

Section 222. When the physician officer has issued the order, the master or the controller of the vessel shall have duty to sail such vessel to the specified place. Such vessel shall be detained there until the permission to leave has been granted according to the regulations under this Act.

Section 223.¹⁰¹ Every vessel detained at the quarantine station according to the order above must, during daytime, fly a signal flag of such disease, i.e., the yellow flag together with a flag of an international signal code underneath. At night, it must light a red lamp at the front of the vessel.

Section 224. All guardian vessels there must also fly the same yellow flag at the stern of the vessel during daytime and light the lamps at the front and the stern of the vessel during sunset to sunrise.

Section 225. No vessel detained at the quarantine station shall move out from such place without the letter of permission from the physician officer.

Section 226. No vessel other than a vessel of the physician officer shall berth alongside the detained vessel and no person shall communicate with the person on board of such vessel. The detained person shall not communicate or go to the land unless by asking the physician officer to do business instead of him or her.

¹⁰¹ As amended by the Announcement Amending the Act, B.E. 2456

Section 227. If any vessel arriving at any port in Thailand has communicated harmful disease occurred on board within 14 days before the time of arrival, it must deliver a parcel or postal bag to the physician officer. When the physician officer has smoked such parcel or postal bag or done any thing to prevent the disease, as deems appropriate, he or she shall deliver it further to the post department of such city.

Section 228. If any steamship had has a procedure to prevent the communication of such disease as approved by the Minister of Interior as deems appropriate, the physician officer shall have a legal power to permit such vessel to pass the supplying area and unload cargo onto the land.

Section 229. In case of necessity, the physician officer shall have power to bring all or some persons boarding on any vessel detained at the quarantine station to a hospital or a quarantine house at such port for staying and receiving medical treatment there until the physician officer thinks appropriate to let such person go back to such vessel or communicate with the shore by other vessel.

Section 230. During the time there is a person detained at a quarantine station, it shall fly a yellow flag at daytime and raise a red lamp at night for noticing at a conspicuous place.

Section 231. When there is a signal flag or lamp raised at a quarantine station, no person other than the physician officer or a permitted person shall land at the quarantine station absolutely.

Section 232. If the physician offer needs to establish a medical unit at a quarantine station according to the regulations on disease prevention, the commander of a patrol unit shall arrange it for that purpose.

Section 233. Any person detained at a quarantine station shall not leave such place for any reason before obtaining permission to leave from the physician offer absolutely.

Section 234. If any person has boarded the detained vessel or entered or landed at a quarantine station without permission of the physician officer, such person shall be detained at a quarantine station for a period as the physician officer deems necessary.

Section 235. If the physician officer needs the master of a detained vessel to provide a vessel or equipment for transporting passengers or crews of such vessel to a quarantine house, the master of such vessel shall do accordingly.

Section 236. If there is a person died on any detained vessel or on the vessel compelled to stay at a quarantine station, it shall cremate such dead person according to the procedure instructed by the physician officer. The master of such vessel shall do anything to comply with the instruction of the physician officer.

Section 237. After sending passengers at a quarantine station, every detained vessel must be cleaned with chemical solution to prevent such disease. If the physician officer has satisfied that, he or she shall grant such vessel a permission to leave.

Section 238. A representative of the owner of a vessel must pay all expenses for taking care of persons brought to a quarantine station advanced by the Government as shown in document of the physician officer as well as the expenses for cleaning the vessel, medical expenses and other thing for passengers.

Section 239. It is the duty of the physician officer to report the matter to the Minister of Interior immediately every time it is necessary to detained a passenger of any vessel just arrived at a quarantine station or to detained any vessel for inspect harmful disease and when the permission to leave has been granted.

Section 240. When there is a vessel comes from any port or locality that a communicated disease occurred or that flies a signal flag to inform that there is a communicated disease occurred on board, if it is necessary to avoid the danger in navigation, the pilot officer may board to navigate such vessel to anchor at a quarantine station before obtaining the prior permission of the physician officer. If after that the physician officer thinks it is necessary to detain such vessel, such pilot officer must also be detained according to the provision of section 272 of this Act.

Section 241. If any vessel departs from a locality that cholera, smallpox or other communicable harmful disease appears or there is a person on board was ill from any disease during 14 days before the date of arrival, the master or the doctor of such vessel shall have duty to inform the pilot officer and the physician officer getting alongside or boarding the vessel of the real matter.

Section 242. The physician shall have the power to board any vessel entering the Thai waters and examine every person on board. If it is necessary, he or she may summon the evidential book or document for inspection. The physician officer shall try all his or her effort under the law as deems appropriate to know whether such vessel and persons on board are hygienic or in good health or not.

Section 243. A person brought at a quarantine station shall be detained for a period as follows:

- | | |
|-----------|---|
| Plague: | not longer than 10 days from the day the last patient has died or recovered or moved to the isolated place; |
| Smallpox: | not longer than 14 days from the day the last patient has died or recovered or moved to the isolated place; |
| Cholera: | not longer than 10 days from the day the last patient has died or recovered or moved to the isolated place; |

Section 244. No object or thing other than books and money shall be taken out from any place or vessel detained at a quarantine station without permission of the physician officer absolutely. Every thing taken out must be cleaned according to medical procedure as instructed by the physician officer.

Section 245. All books and postal parcels (postal objects) addressed to a person detained at a quarantine station must be sent to the Post Department for further delivery on the first occasion as possible.

Section 246. The physician officer, after examining a detained vessel or inspecting at a quarantine station when there is a person detained there, has to clean his or her body with a medical solution to prevent disease before getting onto the land.

Section 247. In the case where the Thai physician officer has notified the master of any foreign vessel that the measures under sections 220, 221, 229, 236 and 242 must be taken, the master of the vessel shall, before the time of operation of such measures, has legal right to inform their consulate of the matter. In this regard, the consulate shall have power to observe the operation as deems appropriate and may give consent or not consent to the measures under the said sections.

Section 248.¹⁰² Any person who violate or fails to comply with section 217, 220, 222, 223, 225, 226, 227, 229, 231, 233, 234, 235, 236, 237, 238, 240, 241, 243 or 244 shall be liable to a fine from on thousand to ten thousand Baht.

Chapter 6 Regulations Regarding Pilotage*

*[Provisions of Chapter 6: Regulations regarding Pilotage, sections 249 – 276 has been repealed by the Act Amending the Navigation in Thai Waters Act, B.E. 2477]

Chapter 7 Regarding Employment and Termination of Employment of Crews And Examination for Qualification Certificate

Section 277.¹⁰³ No person other than a person having qualification certificate shall work on a steamship, seagoing vessel or cargo vessel bigger than 100 *Harb* and upwards that contacts with a seagoing vessel or lifeboat of seagoing vessel, in a position that the regulations on ship survey requires a qualification certificate.

Section 278.¹⁰⁴ Upon receiving qualification certificate by a person to be a master, navigator, boatswain, helmsman, steersman or chief mechanic of a vessel, such person must pass the examination. In applying for examination, an evidential document must be shown to satisfy that such person is not a person of bad behavior, habitual intoxication, or narcotics addicted. The evidential document must also show that such person is experienced in the previous work and general conduct. If such person applies for working as a master, boatswain, helmsman, steersman of a vessel, he or she must also be a person of good eyesight.

¹⁰² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

¹⁰³ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹⁰⁴ As amended by the Act Amending the Act on Navigation in Thai Waters , B.E. 2477

In this section:

“boatswain” means a person controlling a lighter;

“helmsman” means a person controlling a seagoing sailboat of 800 *Harb* and upwards;

“steersman” means a person controlling or steering or rowing a cargo vessel that contacts with a seagoing vessel.

Section 279.¹⁰⁵ The Master of Harbour shall, with the approval of the Minister of Transport, have power to issue regulations on examination of a person working in a vessel as follows:

- (1) classes of knowledge;
- (2) examination methods;
- (3) curriculum;
- (4) qualification of the applicant;
- (5) examination fees;
- (6) the issuance of qualification certificate;
- (7) other matters regarding the examination.

Such regulations shall be effective upon their publication in the Government Gazette.

Section 280.¹⁰⁶ A qualification certificate shall specify a name, age and identifying mark or birthmark of a certificate holder and other statements as necessary and shall be affixed with the photograph of such person.

A qualification certificate of a steersman shall be valid for three years and five years for the others. When the certificate is expired, the holder must apply for a new certificate. In this regard, the applicant shall pay a half amount of the previous fees and the Master of Harbour may request the evidential documents as specified in section 278.

Section 281. Any qualification certificate issued before the date this Act comes into force shall be valid for five years from the date of its issuance.

Section 282.¹⁰⁷ Any person who works in the position that the regulations on ship survey requires a qualification certificate but he or she does not have a valid certificate under this Act shall be liable to imprisonment not exceeding six months or to a fine from one thousand to ten thousand Baht, or to both. If such person is working after the expiration of the certificate, he or she shall be liable to a fine not exceeding two thousand Baht.

¹⁰⁵ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹⁰⁶ As amended by the Act Amending the Act on Navigation in Thai Waters , B.E. 2477

¹⁰⁷ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 283.¹⁰⁸ Any person who uses the certificate of other person or shows that it is the certificate of his or her own, or a person who provides a certificate for such purpose, shall be liable to a fine from two thousand to twenty thousand Baht, or to both.

Section 284.¹⁰⁹ Any person working in the position that the regulations on ship survey requires a qualification certificate shall keep his or her certificate for inspection by the Master of Harbour at the working time.

If the owner of a vessel or his or her agent wishes to change a person working on such vessel, he or she shall, within fifteen days, bring the license to use such vessel together with the certificate of the working person to the licensing officer, at the office of the Master of Harbour of the place of registration, for recording such change in the license.

Section 285. Any employee of a seagoing vessel who wishes to work on a Thai *Kampan* ship or a foreign *Kampan* ship that there is no consulate office in Thailand shall obtain prior permission from the Master of Harbour. In this regard, the Master of Harbour shall call a document of termination of the previous employment of such person for custody. If the applicant cannot submit such document, he or she must give the reason thereof to satisfy the Master of Harbour.

Section 286. The Thai Government shall, from time to time, impose a fee for every employment or termination of employment. The Master of Harbour shall arrange fees schedule to be posted up at a conspicuous place at the Office of the Harbour Department and shall have power to refuse the arrangement of employment or termination of employment thereof without paying such fee.

Section 287. The owner or the master of a vessel who wish to employ or terminate the employment of crews for seagoing vessel at the Office of the Harbour Department shall pay a fee according to the specified schedule every time of such employment or termination of employment.

Section 288. When any crew has terminated the employment of any Thai *Kampan* ship within the territory of the Kingdom, the master of such vessel must issue an evidential document of such termination to such person. The document shall specify the length of employment, type of work and date of the termination and affixed with the signature of the master of the vessel. If such crew requests for an additional statement regarding the amount of wage and the deduction thereof, the master of the vessel must provide accordingly within twenty-four hours from the time of request.

Section 289. The termination of employment of a person who works in a Thai *Kampan* ship or a foreign *Kampan* ship that there is no consulate office in Thailand shall not be made elsewhere other than the Office of the Harbour Department

Section 290.¹¹⁰ Any person who violates or fails to comply with section 284, 285, 287, 288 or 289 shall be liable to a fine from five hundred to five thousand Baht.

¹⁰⁸ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

¹⁰⁹ As amended by the Act on Navigation in Thai Waters (No. 13), B.E. 2525

¹¹⁰ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Chapter 8
Regarding Power to Impose Penalties

Section 291. ¹¹¹ If any pilot, master, navigator, boatswain, helmsman, steersman or chief mechanic of a vessel who obtains certificate but is incompetent or misconduct or fails to comply with law or navigation regulations or does not perform his or her duty, the Master of Harbour shall have power to suspend the using of certificate or license for a period of two years. This penalty shall not supersede other penalties that such person has to be liable.

If such person does not satisfy with the order on suspension thereof shall be entitled to lodge an appeal to the competent Minister within one month from the date receiving the order. The Decision of the Minister shall be final. During the time the Minister has not passes any decision, the suspension order shall be effective.

Section 292. The Master of Harbour of every locality shall have power to suspend or recall any certificate according to the provisions of section 291. In doing so, the master of Harbour shall have power to make an inquiry and summon any evidence or hearing any witness. If any witness does not present for giving statements or refuses to give statements, he or she shall be liable before the court according to the penalty provided for such offence.

In making an inquiry as mentioned above, the Master of Harbour may appoint two persons selected by the Minister of interior from persons having experience in navigation to assist him or her in the inquiry thereof.

Any offender who does not satisfy with the decision and requests for a review of such decision may lodge an appeal thereto with the competent court.

Section 293. The exercise of power to impose penalty of the Master of Harbour under this Act shall not be relevant to the criminal or civil litigation filing before the competent court for punishing the accused or compelling the defendant to pay damages or compensation according to provisions of this Act or other laws.

Section 294. ¹¹² Any person whose certificate or license is confiscated or recalled under this Act and is demanded to submit the certificate or the license to the Master of Harbour within a specified period but fails to comply therewith shall be liable to a fine not exceeding two thousand Baht.

Section 295. Any certificate or license that is confiscated or recalled shall be revoked and shall not be valid.

Section 296. Any certificate or license that is under a temporary confiscation shall be kept at the Office of the Harbour Department. When the confiscation period has elapsed, it shall be returned to the holder after recording the facts regarding the confiscation therein.

¹¹¹ As amended by the Act Amending the Act on Navigation in Thai Waters, B.E. 2477

¹¹² As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Chapter 9
Imposition of Penalties and Civil Liability

Section 297. ¹¹³ Any person who fails to comply with the order of the Master of Harbour or the competent officer who performs the duty under this Act shall be liable to imprisonment not exceeding three months or to a fine from five hundred to five thousand Baht, or to both.

Any person who offends or obstructs the performing of duty of the Master of Harbour or the competent officer under this Act shall be liable to imprisonment not exceeding one year or to a fine from two thousand to twenty thousand Baht, or to both.

If the offending or the obstruction is committed by force or threatening to use force, the accused shall be liable to imprisonment not exceeding two years or to a fine from four thousand to forty thousand Baht, or to both.

Section 298. In any offence under this Act, if the controller of the vessel or the engine of *Kampan* ship or other small vessels who is the accused has escaped, the court shall have power to punish the owner or the licensee of such vessel with a fine as provided under this Act for such offence.

Section 299. The owner or the licensee of any vessel shall be responsible for any fine imposed on the master, chief mechanic, steersman or navigator or crew of such vessel in connection with any offence under this Act.

Section 300. The owner of any wooden raft shall be responsible for any fine imposed on the controller of the raft or a person working on that raft in connection with any offence under this Act.

Section 301. Any penalty provided in this Act shall not relevant to any civil liability that the defendant must be liable under the civil case in connection with any offence under this Act.

Chapter 10
General Regulations on Collision of Vessels

Section 302. If any collision of vessel occurred without intention or by any reason beyond control of any person, the danger or damage arising therefrom regardless of its seriousness shall be bore on such vessels.

Section 303. If any collision of vessels occurred by fault or negligence of any vessel, the danger or damage arising therefrom regardless of its seriousness shall be bore on the fault or negligent vessel.

¹¹³ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 304. If the fault or negligence has come from both colliding vessels, each vessel shall not bear damages to each or both vessels unless it is considered that a major cause on collision has come from one vessel. In this regard, the competent court shall determine the amount of damages payable from such vessel to another.

Section 305. When any fault or negligence occurred has come from both colliding vessels, the owner or the master of one or both vessels shall be responsible for compensation or damages occurred on things loaded in such vessels or any person because of such fault or negligence.

If one vessel has paid the compensation or damages, such vessel shall be entitled to sue the other vessel for sharing a half amount of such compensation or damages.

If it is considered according to law and a judgement has decided that the compensation or damages shall be responsible in other manner, the payment thereof shall be in accordance with such judgement.

Section 306. Claim for compensation or damages shall be constituted by a captain or master of any relevant vessel as plaintiff on behalf of a person concerned.

Section 307. If the collision has caused death or injury to any person, the compensation thereto shall be paid in preferential order to other compensation.

Section 308. Claim for any compensation or damages arising from the collision shall be filed within six months from the day a person concerned as a plaintiff has known to such collision.

Section 309. When the claim has filed before the court, upon requesting by a person concerned, the competent judge shall have power to issue an order seizing one or more vessels accused to be a cause of such collision.

Section 310. (1) ¹¹⁴ If any violation of regulations on prevention of collision caused by a intentional wrongful act of the master, controller or owner of any vessel, such person shall be liable to imprisonment not exceeding six months or to a fine from one thousand to ten thousand Baht.

(2) If any damage occurred on a person or property by reason that a vessel has failed to comply with any provision of regulations on prevention of collision, it shall be deemed that such damage has caused by an intentional wrongful act of a controller on the deck of such vessel at the time of collision unless it can be proved to satisfy a judge that it is necessary for such person to commit such act.

(3) In collision case, if it appears to the competent court that there is a violation to any provision of regulations on prevention of collision, it shall be deemed that such fault that is a ground for such case shall be bore on a vessel that cause such wrongful act unless it can be proved to satisfy a judge that it is necessary for such vessel to cause such act.

Section 311. If the owner or the master of any vessel wishes to have a provision of regulations on prevention of collision, the Master of Harbour shall provide him or her with such regulations.

¹¹⁴ As amended by the Act on Navigation in Thai Waters (No. 14), B.E. 2535

Section 312. When the collision of two vessel has occurred, the master or the controller of both vessels, as possible to do without risk in causing danger to his or her own vessel or its crews or passengers (if any), shall have duty to do as follows:

(a) to help another colliding vessel, its crews or passengers (if any) as could as possible in order to prevent danger from the collision and to wait alongside such vessel until he or she has been certain that such vessel does not need a further help;

(b) to inform the master or the controller of another vessel of a name of his or her own vessel, name of the port and place where the vessel come from and the destination of such vessel.

If the master or the controller of any vessel fails to comply with the provision of this section without reasonable cause and if there is no other evidence to support him or her, it shall be deemed that the collision has caused by the fault or negligence or wrongful act of such person.

The master or the controller of any vessel fails to comply with the provision of this section without reasonable cause shall be liable to imprisonment not exceeding or to a fine from one thousand to ten thousand Baht, or to both. In this regard, the Master of Harbour shall have power to suspend the use of his or her qualification certificate for a period not exceeding two years or to revoke such certificate absolutely.¹¹⁵

Form No. 1

Particulars must be reported by the master of vessel upon the arrival of vessel

- (1) Date of arrival
- (2) Name of vessel
- (3) Flag State.....
- (4) Type of vessel.....
- (5) Tonnage
- (6) Name of the master of a vessel
- (7) Person that a vessel goes to.....
- (8) Place where a vessel come from.....
- (9) Date of departure from such place.....
- (10) Kinds of cargo loaded on board.....
- (11) Amount of opium carried on board.....
- (12) Numbers of postal letters
- (13) Numbers of weapons.....
- (14) Nature and amount of bullets and exploded objects.....

¹¹⁵ Paragraph three of section 312 is amended by the Act (No. 14) B.E. 2535

- (15) Any communicated disease.....
- (16) Any dead person on board.....
- (17) Numbers of person in service on board.....
- (18) Numbers of passengers having room.....
- (19) Numbers of passengers staying on the deck.....
- (20) Record book.....

Form No. 2*
Pilotage Fees

[* Repealed by the Act Amending the Act on Navigation in Thai Waters, B.E. 2477]

Form No. 3*
Lighthouses and Lamps Fees

[* Repealed by the Act Amending the Act on Navigation in Thai Waters, B.E. 2477]

This Act is enacted on the 16th Day of July B.E. 2456;
Being the 979 Days of the Present Reign.