

**Private Higher Education Institution Act, B.E. 2546 (2003)**

**Translation**

BHUMIBOL ADULYADEJ, REX.

Given on the 13th Day of October B.E. 2546;

Being the 58th Year of the Present Reign

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

Whereas it is expedient to revise the law on private higher education institution;

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which Section 29, in conjunction with Section 31, Section 35, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, so permit by virtue of law;

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

**Section 1**

This Act is called the "Private Higher Education Institution Act, B.E. 2546 (2003)".

**Section 2**

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

**Section 3**

The following shall be repealed:

- (1) Private Higher Education Institution Act, B.E. 2522 (1979);
- (2) Private Higher Education Institution Act (No. 2), B.E. 2535 (1992).

**Section 4**

All private higher education institutions established under the Private Higher Education Institution Act, B.E. 2522 (1979) shall be private higher education institutions under this Act and shall remain their status as juristic person.

**Section 5**

In this Act:

"Private higher education institution" means a private education institution which provides education at degree level to more than one person;

"Licensee" means a person who invests funds for the establishment of private higher education institution and receives a license for the establishment of private higher education institution, including an assignee of the license for the establishment of private higher education institution;

"License" means a license for the establishment of private higher education institution;

"Commission" means the Higher Education Commission under the law on national education;

"Council" means the Council of Private Higher Education Institution;

"Member of the Council" means a member of the Council of Private Higher Education Institution;

"Academic staffs" means a Professor, Special Professor, Associate Professor, Special Associate Professor, Assistant Professor, Special Assistant Professor, Lecturer and Special Lecturer having principal duty in teaching and conducting research for a private higher education institution;

"Student" means a person who has completed of not lower than the fundamental education according to curriculum determined by the Ministry of Education or its equivalent and enrolls in a private higher education institution, or a person who is admitted by the Council to enroll in a private higher education institution in accordance with the rules as laid down by the Commission;

"Competent official" means a person appointed by the Minister for the execution of this Act;

"Ministry" means the Ministry of Education;

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

## **Section 6**

This Act shall apply to any private education institution which provides higher education at degree level, except for an education institution established under the treaty or agreement between the Royal Thai Government and the specialized agency of the United Nations.

## **Section 7**

The Minister of Education shall have charge and control of the execution of this Act and shall have the power to appoint a competent official and issue the Ministerial Regulation and notification for the execution of this Act.

Such Ministerial Regulation and notification shall come into force upon their publication in the Government Gazette.

# **CHAPTER I**

## **Establishment and Operation**

## **Section 8**

A private higher education institution shall be an institution of education and research having objectives in providing education, enhancing academic and advanced professional study, teaching and conducting research, providing academic knowledge to society and maintaining arts and national culture.

## **Section 9**

There are three types of private higher education institution, *viz.*

- (1) university;
- (2) institution;
- (3) college.

The characteristics of the university, institution and college shall be prescribed by the Ministerial Regulation.

## **Section 10**

A private higher education institution under Section 9 shall be established upon license granted by the Minister with the advice of the Commission.

The application for and the granting of a license shall be in accordance with the rules, procedure and conditions as prescribed by the Ministerial Regulation.

## **Section 11**

In applying for a license, the applicant shall submit the proposed establishment project, determinations and academic divisions to be opened together with the application.

The determinations of private higher education institution under paragraph one shall consist of, at least, the following particulars:

- (1) name and type;
- (2) objectives;
- (3) location and layout plan of campus;
- (4) details of land under Section 12;
- (5) fund to be paid by the applicant and expenditure plan;
- (6) seal, emblem or symbol;
- (7) academic gown and pin;
- (8) educational project and principal equipments thereof;
- (9) project for recruitment and development of the executives, academic staffs and general staffs;
- (10) curriculum, instruction and educational measurement;
- (11) tuition rate, dues and other charges;
- (12) admission and dismissal procedure of students;
- (13) uniform or dress of students;
- (14) determination on positions and qualifications of the executives, academic staffs and general staffs, and determination on salaries, teaching fee, compensation, remuneration and rules on employment and termination of employment and welfare of the executives, academic staffs, assistants of lecturers and general staffs;
- (15) other particulars as prescribed by the Ministerial Regulation.

The revision of the determinations of private higher education institution under paragraph two shall be approved by the Commission, except in case of (8), (9), (10), (11), (12), (13), (14) and (15) which shall be approved by the Council but such revision shall be notified to the Commission within thirty days as from the date an approval is given by the Council.

### **Section 12**

The applicant shall be:

- (1) the owner of land to be campus of a private higher education institution;
- (2) a person having evidence showing that he or she shall, upon the issuance of license, be able to assign the ownership of land to a private higher education institution within the period under Section 16; or
- (3) the lessee of land from government agency or State agency having evidence showing that he or she shall, upon the issuance of license, be able to assign his or her rights under land lease agreement to a private higher education institution within the period under Section 16.

The land under paragraph one shall have the characteristics and area as prescribed by the Ministerial Regulation.

### **Section 13**

Upon receiving of license, such private higher education institution shall be a juristic person as from the date of receiving of license, and the licensee shall be the representative of the private higher education institution until the Rector is appointed.

### **Section 14**

The changing of name or type of the private higher education institution which is licensed under Section 13 shall be made upon written permission of the Minister with the advice of the Commission.

A request for and the granting of permission shall be in accordance with the rules, procedure and conditions as prescribed by the Ministerial Regulation.

## **Section 15**

The granting of permission, revocation of permission, changing of name and type of a private higher education institution shall be published in the Government Gazette.

## **Section 16**

Upon receiving of license under Section 13, the licensee shall act as follows:

- (1) in the case where the licensee is the owner of land under Section 12 (1), he or she shall assign ownership of such land, without any charge, to a private higher education institution within sixty days as from the date of receiving of license, unless in case of necessity and the permission to extend such period is given by the Minister for a period of not exceeding thirty days;
- (2) in the case where the licensee is a person having evidence under Section 12 (2), he or she shall assign ownership of such land, without any charge, to a private higher education institution within ninety days as from the date of receiving of the license, unless in case of necessity and the permission to extend such period is given by the Minister for a period of not exceeding sixty days;
- (3) in the case where the licensee is the lessee of land under Section 12 (3), he or she shall assign his or her rights under land lease agreement to a private higher education institution within sixty days as from date of receiving of the license, unless in case of necessity and the permission to extend such period is given by the Minister for a period of not exceeding thirty days;
- (4) assign funds which are money and properties other than land to a private higher education institution within sixty days.

In the case where the licensee fails to comply with (1), (2), (3) or (4), as the case may be, the Minister with the advice of the Commission shall have the power to revoke the license.

## **Section 17**

The assignment of ownership of land to a private higher education institution under Section 16 (1) and (2) and donation of immovable property to the private higher education institution shall be exempted from tax and duty if the assignment is made by the enactment of the Royal Decree under the Revenue Code and shall be exempted from fee incurred in the registration of right and juristic act relating to immovable property.

## **Section 18**

The private higher education institution shall commence operation of any additional academic division other than the academic divisions as licensed under Section 11 upon approval of the Council. Such approval shall be notified to the Commission within thirty days as from the date it is given by the Council

A request for commencing operation of and the granting of approval for operation on additional academic division shall be in accordance with the rules, procedure and conditions as prescribed by the Commission.

## **Section 19**

An internal division and administration shall be in accordance with the rules or regulations of the Council.

## **Section 20**

A private higher education institution may provide education in any academic division outside its campus. The form, procedure, request for permission and granting of permission shall be in accordance with the rules, procedure and conditions as prescribed by the Ministerial Regulation.

## **Section 21**

Name of a private higher education institution shall be in Thai alphabets and shall begin with the word "University", "Institution" or "College".

A private higher education institution may compose its name with foreign alphabets upon approval of the Minister by the advice of the Commission.

## **Section 22**

No person other than a private higher education institution under this Act shall use the word "University", "Institution", or "College" or other foreign words having similar meaning in its name, seal, name plate, rule, regulation, letter, document or other medias relating to its business operation with a view to make other persons to believe that such person is a private higher education institution under this Act.

## **Section 23**

The business of a private higher education institution is not subject to the law on labor protection and the law on labor relation, provided that all personnel of a private higher education institution shall be entitled to benefits of not less than benefits as prescribed by the law on labor protection.

The protection of employment and benefits of personnel of a private higher education institution shall be in accordance with the rules as prescribed by the Ministerial Regulation.

## **CHAPTER II The Commission**

### **Section 24**

The Commission shall have the powers and duties as follows:

- (1) to give approval to the matters as prescribed by this Act;
- (2) to give commendation or advice to the Minister for the issuance of the Ministerial Regulation and notification under this Act and other matters relating to private higher education institution;
- (3) to certify academic curriculum in accordance with the standard as laid down by the Ministry;
- (4) to give approval related to the certification of educational standard and academic qualification of a private higher education institution in accordance with the educational standard as laid down by the Ministry;
- (5) to issue rules and regulations for the execution of this Act;
- (6) to perform other acts as prescribed by this Act or any other law to be the powers and duties of the Commission.

### **Section 25**

The Office of Higher Education Commission shall be responsible for the performance of duties of the Commission under this Act.

### **Section 26**

The Commission shall have the power to appoint a committee or sub-committee to consider or carry out any act as entrusted by the Commission. Such committee or sub-committee shall report its performance of entrusted duty to the Commission.

The meeting of the appointed committee or sub-committee shall be in accordance with the rules as laid down by the Commission.

### **Section 27**

The Commission and the appointed committee and subcommittee shall have the power to summon any person to give statements or to submit any document or evidence which is necessary for the carrying out of their powers and duties.

## **CHAPTER III**

### **Operation**

#### **Section 28**

There shall be a Council of each private higher education institution, consisting of:

- (1) Chairperson as proposed by the licensee;
- (2) Rector as *ex officio* member;
- (3) not less than seven but not more than fifteen qualified members as proposed by the licensee whereby at least one of those is the representative of academic staffs;
- (4) not more than three qualified members selected by the Minister from the qualified members list as approved by the Commission.

The Minister shall appoint the Chairperson under (1) and qualified members under (3) and (4).

The Council shall select a qualified member to be Vice-Chairperson so as to act as the Chairperson in the case where the Chairperson is unable to perform his or her duties or where there is no Chairperson.

The Council shall appoint, with advice of the Rector, one of the administrators of the private higher education institution to be secretary.

#### **Section 29**

After the Chairperson under Section 28 (1) and qualified members under Section 28 (3) and (4) are appointed by the Minister, the Chairperson shall convene the meeting of members for the appointment of the Rector.

The first meeting of members shall be held within thirty days as from the date the private higher education institution receives the letter of appointment of the Chairperson and qualified members under Section 28.

#### **Section 30**

At least one-half of the members shall be persons of Thai nationality.

A member shall be a person with not lower than Bachelor's degree and shall not have disgrace behavior or being insufficient in good moral.

The licensee who is a natural person may be appointed as a member of the Council under Section 28 (3) or (4) if he or she has no any prohibition under paragraph two.

#### **Section 31**

The Chairperson and members under Section 28 (3) and (4) hold office for a term of four years and may be re-appointed.

#### **Section 32**

In addition to vacating office at the end of the term under Section 31, the Chairperson and members under Section 28 (3) or (4) vacate office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt, or being incompetent or quasi-incompetent person;
- (4) being imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (5) being dismissed from office by the Minister upon disqualifications under Section 30;
- (6) appointment of the Control Committee to control the private higher education institution by the order of the Minister under Section 86.

In the case where the Chairperson or a member under Section 28 (3) or (4) vacates office before the expiration of the term, the Minister may appoint another person having qualifications under Section 30 to replace him or her in accordance with the rules as prescribed in Section 28, and such person shall remain in office for the remaining of the term of the person he or she replaces.

In the case where the Minister appoints an additional member during the term of office of the appointed members, the newly appointed member shall remain in office for the remaining term of the appointed members.

At the expiration of term of office, if the newly members have not been appointed, the members appointed by the Minister who vacate office shall remain in office to continue their duties until the newly members are appointed.

### **Section 33**

The Chairperson shall convene the meeting of members.

At the meeting of members, the presence of not less than one-half of the total number of members is required to constitute the quorum.

The Chairperson shall preside over at the meeting. In the case where the Chairperson is unable to perform his or her duty, the Vice-Chairperson shall preside over at the meeting. If the Chairperson and Vice-Chairperson are unable to perform their duties, the members shall select one among themselves to preside over at the meeting.

A decision shall be made by a majority of votes.

In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at a meeting shall cast an additional vote as a casting vote.

The meeting shall be held at least four times a year.

### **Section 34**

The Council shall have the powers and duties to lay down policy and supervise general business of the private higher education institution, including the powers and duties as follows:

- (1) to approve a development plan of the private higher education institution;
- (2) to issue determinations, rules and regulations relating to business operation of the private higher education institution;
- (3) to allocate funds into various types and issue regulations relating to spending of those types of funds;
- (4) to approve a financial plan, balance sheet and annual budget of various types of funds;
- (5) to approve transfer of money from one type of fund to another;
- (6) to approve revision of curriculum and commencement of additional curriculum in accordance with the rules as laid down by the Commission;
- (7) to approve admission of students and awarding of certificate, diploma, degree or postgraduate certificate;
- (8) to approve awarding of honorary degree to qualified person;
- (9) to approve establishment, dissolution, amalgamation and termination of internal division;
- (10) to approve academic cooperation and other cooperation with any educational institution or person in accordance with the rules as laid down by the Commission;
- (11) to support participation of private higher education institution in providing education by gathering domestic and foreign human resources and transferring their experience, knowledge, skill and intelligence to improve academic quality of the graduates;

- (12) to approve admission or association with domestic or foreign educational institution in accordance with the rules as laid down by the Commission;
- (13) to give comment to the Commission for the revision of determinations under Section 11 paragraph three;
- (14) to give comment to the Commission on the report to be proposed to the King for appointment and removal of Professor and Special Professor;
- (15) to appoint and remove the Rector and Honorary Professor, and to remove full-time academic staffs under Section 97;
- (16) to approve an appointment and removal of Vice-Rector or a person holding equivalent position;
- (17) to approve an appointment and removal of Associate Professor, Special Associate Professor, Assistant Professor and Special Assistant Professor;
- (18) to promote and support education or provide scholarship to the underprivileged and gifted person;
- (19) to issue regulation on personnel administration of private higher education institution for the determination of position, rate of salary, wage, remuneration, welfare, other benefits, discipline, employment conditions and termination of employment of the executives, academic staffs, assistant lecturers and general staffs;
- (20) to develop capability of academic staffs and personnel and quality of the graduates for the compliance with the needs of the country;
- (21) to promote education, research and training of academic staffs and personnel for the compliance with the needs of community in order to enhance the economic development of community;
- (22) to promote and support the graduates for the compliance with the needs of entrepreneurs and to establish academic cooperation between entrepreneurs and private higher education institution;
- (23) to establish the quality assurance system in private higher education institution by enhancing students to participate in evaluation process for quality assessment of higher education institution under the regulation of the private higher education institution;
- (24) to create methodology which is able to improve efficiency of education, research, training and academic quality of private higher education institution;
- (25) to perform other acts relating to business of private higher education institution which are not specified to be duty of any particular person.

### **Section 35**

For the performance of duties under this Act, the Council may appoint a committee or sub-committee of private higher education institution to carry out any entrusted duty. Such committee or sub-committee shall report its performance of entrusted duty to the Council. In this regard, Section 33 shall apply *mutatis mutandis*.

### **Section 36**

There shall be an Academic Title Committee of private higher education institution consisting of:

- (1) Chairperson as appointed by the Council from the its members;
- (2) not less than six but not more than twelve of external qualified members.

The Rector shall appoint one of academic staffs of private higher education institution to be secretary.

The qualifications of, and rules and procedure for acquiring of, the Academic Title Committee of private higher education institution under paragraph one shall be in accordance with the regulations as laid down by the Commission.



### **Section 37**

A member of the Academic Title Committee of private higher education institution under Section 36 holds office for a term of three years and may be re-appointed.

The provisions of Section 32 paragraph two and paragraph four shall apply *mutatis mutandis* to the appointment of the Academic Title Committee of private higher education institution vacating office before term and the performance of duties upon the expiration of the term.

### **Section 38**

The Academic Title Committee of private higher education institution shall have the powers and duties as follows:

- (1) to consider academic title of academic staffs in private higher education institution;
- (2) to consider and give decision on an appeal against academic title of academic staffs in private higher education institution;
- (3) to compare academic title of other private higher education institutions with its academic title system.

The meeting and performance of duties of the Academic Title Committee of private higher education institution under paragraph one shall be in accordance with the regulation of private higher education institution.

### **Section 39**

There shall be a Rector of private higher education institution to be supervisor and responsible for business administration of private higher education institution. There may be one or several Vice-Rectors to perform and to be responsible for any act as entrusted by the Rector.

The Vice-Rector shall have the same qualifications and shall not be under any prohibition as the Rector. The Rector shall appoint and remove the Vice-Rectors with approval of the Council.

The Rector and Vice-Rector vacate office simultaneously.

### **Section 40**

The Council shall appoint the Rector from a person having qualifications and not being under any prohibition under Section 41 and shall notify the Office of Higher Education Commission within fifteen days as from the date of appointment.

### **Section 41**

The Rector shall have qualifications and shall not be under any prohibition as follows:

- (1) being a person with Bachelor's degree or equivalent and having experience in teaching in, or administration of, educational institution which provides an educational program at the level of Bachelor's degree or higher for not less than five years, or being a person with Master's degree or equivalent and having experience in teaching in, or administration of, educational institution which provides an educational program at the level of Bachelor's degree or higher for not less than three years, or being a person with Doctoral degree or equivalent and having experience in teaching in, or administration of, educational institution which provides an educational program at the level of Bachelor's degree or higher for not less than one year;
- (2) not having a disease as notified by the Minister in the Government Gazette;
- (3) not having disgrace behavior or being insufficient in good moral;
- (4) not being of unsound mind or mental infirmity;

- (5) not having been dismissed from work or official service through the commission of offence, except where the Minister is of opinion that such offence is not against the performance of the Rector;
- (6) not having been imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (7) not being bankrupt.

#### **Section 42**

In the case where the Rector is unable to perform his or her duties, the Vice-Rector shall be Acting Rector. If there are several Vice-Rectors, the Vice-Rector who is entrusted by the Rector shall be Acting Rector. If no such entrustment, the most senior Vice-Rector shall be Acting Rector.

In the case where there is no Rector or Acting Rector under paragraph one, or such person is unable to perform his or her duties, the Council shall appoint a qualified person who is not being under any prohibition under Section 41 to be Acting Rector.

The Acting Rector shall have the same powers, duties and responsibilities as the Rector.

#### **Section 43**

The Rector shall have the powers and duties as follows:

- (1) to control and supervise business of private higher education institution to be in accordance with laws, determinations, rules and regulations of private higher education institution, including policy and resolutions of the Council;
- (2) to establish administrative system in accordance with the regulations of the private higher education institution;
- (3) to appoint and remove an Associate Professor, Special Associate Professor, Assistant Professor and Special Assistant Professor with the approval of the Council;
- (4) to appoint and remove a Lecturer, Special Lecturer, Assistant Lecturer and general staff of private higher education institution;
- (5) to monitor and supervise the performance of academic staffs, Assistant Lecturers and general staffs of private higher education institution;
- (6) to prepare a register of full-time academic staffs, assistant lecturers, general staffs and students in accordance with the form as determined by the Commission;
- (7) to control of finance, procurement, campus area and other properties of private higher education institution to be in accordance with laws, determinations, rules and regulations of private higher education institution and resolutions of the Council;
- (8) being representative of private higher education institution in general business;
- (9) to prepare an annual report, annual balance sheet and other reports in accordance with the rules as determined by the Commission;
- (10) to keep discipline of students;
- (11) to prevent the organizing of any act which may be seriously harmful to the security or safety of the country, national culture, public order or good moral within the campus of the private higher education institution;
- (12) to perform other duties in accordance with the determinations, rules and regulations of private higher education institution, the duties entrusted by the Council and the duties as prescribed in this Act;
- (13) to carry out any ordinary course of business of private higher education institution.

#### **Section 44**

In the case where the Rector vacates office, the Council shall notify the Office of Higher Education Commission for information within fifteen days as from the date of the Rector vacates office.

#### **Section 45**

The academic staffs of private higher education institution shall have the following academic titles:

- (1) Professor or Special Professor;
- (2) Associate Professor or Special Associate Professor;
- (3) Assistant Professor or Special Assistant Professor;
- (4) Lecturer or Special lecturer.

#### **Section 46**

A full-time academic staff shall have the qualifications and shall not be under any of the prohibition as follows:

- (1) being a person with not lower than Bachelor's degree or its equivalent, or being specialized in particular subject;
- (2) not having a disease as notified by the Minister in the Government Gazette;
- (3) not having disgrace behavior or being insufficient in good moral;
- (4) not being of unsound mind or mental infirmity;
- (5) not having been imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;

#### **Section 47**

A Professors and Special Professor shall be appointed by the King with the advice of the Commission.

An Associate Professor, Special Associate Professor, Assistant Professor and Special Assistant Professor shall be appointed by the Rector with the approval of the Council.

A Lecturer and Special Lecturer shall be appointed by the Rector.

A Special Professor, Special Associate Professor, Special Assistant Professor and Special Lecturer shall be appointed from a person who is not full-time academic staffs of private higher education institution.

#### **Section 48**

In addition to the qualifications and prohibitions under Section 46, the rules and procedure on the appointment of academic staffs shall be in accordance with the regulations of private higher education institution. Such regulations shall not have lower standard than the standard as laid down by the Commission.

The removal of academic staffs from offices shall be in accordance with the rules and procedure as stipulated in the regulations of the private higher education institution.

#### **Section 49**

A Professor having special knowledge, capability and skill who vacates office without fault may be appointed by the Council as Honorary Professor in his or her specialized field.

The qualifications of a person to be appointed as Honorary Professor shall be in accordance with the regulations of private higher education institution.

#### **Section 50**

In the case where the King appoints a Professor, Special Professor, Honorary Professor, Associate Professor, Special Associate Professor, Assistant Professor and Special Assistant Professor, such person is entitled to use the academic title of Professor, Special Professor, Honorary Professor, Associate Professor, Special Associate Professor, Assistant Professor

and Special Assistant Professor, as the case may be, before his or her name so as to express his or her academic qualification.

An abbreviation of the academic titles under paragraph one shall be as follows:

- Professor is abbreviated to Prof.;
- Special Professor is abbreviated to Prof. (Special);
- Honorary Professor is abbreviated to Prof. (Honorary);
- Associate Professor is abbreviated to Assoc. Prof.;
- Special Associate Professor is abbreviated to Assoc. Prof. (Special);
- Assistant Professor is abbreviated to Asst. Prof.;
- Special Assistant Professor is abbreviated to Asst. Prof. (Special).

#### **Section 51**

The Rector shall, upon appointment of any person to hold an academic title in private higher education institution under Section 45 (2), (3) and (4), notify the Office of Higher Education Commission for information within thirty days as from the date of appointment.

#### **Section 52**

No person shall be a full-time academic staff in more than one private higher education institution.

#### **Section 53**

In case of necessity, there may be Assistant Lecturer in the private higher education institution.

A person to be appointed as Assistant Lecturer shall have the qualifications and shall not be under any prohibition in accordance with the determinations of the private higher education institution.

### **CHAPTER IV**

#### **Degree and Academic Quality Emblem**

#### **Section 54**

There are three levels of degree, viz.

Doctoral degree to be called *Dusadi Bandit*, which is abbreviated to "Dor";

Master's Degree to be called *Maha Bandit*, which is abbreviated to "Mor";

Bachelor's Degree to be called *Bandit*, which is abbreviated to "Bor".

Any private higher education institution may provide education in any division for awarding any level of degree if its academic quality is accredited by the Minister with advice of the Commission.

An application for accreditation and the accreditation of private higher education institution shall be in accordance with the rules, procedure and conditions as prescribed by the Ministerial Regulation.

#### **Section 55**

The private higher education institution may award certificate, diploma, degree or graduate degree in any division when its academic standard is accredited by the Minister with recommendation of the Commission.

An application for certification and accreditation of academic standard shall be in accordance with the rules, procedure and conditions as prescribed by the Ministerial Regulation.

The determination as to whether any division shall award any level of degree and abbreviation thereof shall be in accordance with the regulations as prescribed by the Commission.

#### **Section 56**

The Council may, with approval of the Commission, issue a regulation determining the rule for awarding Bachelor's degree with first class honor or second class honor.

#### **Section 57**

The Council may, with approval of the Commission, issue a regulation determining the rule for awarding certificate, diploma or graduate certificate as follows:

- (1) the issuance of certificate for a person who completes his or her study in particular courses;
- (2) the issuance of diploma for a person who completes his or her study under the curriculum in each division but not be entitled to Bachelor's degree or for a person who completes all courses of study for Bachelor's degree with cumulative points lower than required standard for Bachelor's degree, but not lower than standard as prescribed by the Ministerial Regulation;
- (3) the issuance of graduate certificate for a person who completes his or her study in any division after receiving a degree.

#### **Section 58**

The private higher education institution shall have the power to award an honorary degree to a person whom its Council is of opinion that such person qualified to such degree, but such degree shall not be awarded to a member of the Council and its academic staff or general staff.

The level and branch of the degree and the rules for awarding of honorary degree shall be prescribed by the Ministerial Regulation.

#### **Section 59**

The private higher education institution may provide academic gown and pin as academic emblem of a person who is awarded certificate, diploma, degree and graduate certificate, and it may provide title gown for its members of the Council, the executives and academic staffs.

The determination of characteristic, type, category and accessory of the academic gown and pin shall be prescribed by the Ministerial Regulation.

The determination of characteristic, type, category and accessory of the title gown shall be in accordance with the regulation of private higher education institution.

The occasions and condition for use of the academic gown, pin and title gown shall be in accordance with the regulation of private higher education institution.

## **CHAPTER V**

### **Properties and Accounting**

#### **Section 60**

The fund of private higher education institution consists of money and properties as prescribed in its determinations for establishment, including money and properties obtained thereafter.

The sources of fund of private higher education institution under paragraph one are, *viz.*

- (1) fund provided by the licensee which consists of money and properties as specified in its determinations for establishment and money and properties provided thereafter;

- (2) fund received from donation which consists of money and properties donated or contributed to private higher education institution with specific condition that the sum to be spent is limited to interests only;
- (3) accumulative fund which consists of money and properties obtained from the past performance of private higher education institution.

### **Section 61**

The private higher education institution shall allocate its fund into various types of with the following characteristics and objectives:

- (1) general fund, *viz.*, money and other properties allocated for the carrying out general business of private higher education institution;
- (2) permanent properties fund, *viz.*, all permanent properties commonly used for business operation of private higher education institution, including money allocated for additional procurement, construction and renovation of permanent properties of the private higher education institution, but not including permanent properties of other funds;
- (3) research fund, *viz.*, money and other properties allocated for conducting research with a view to academic development and promotion and support of research, including production of innovation;
- (4) library and technology fund, *viz.*, money and other properties allocated for the purchase of books, journals, teaching medias, equipments, instruments, technologies and other properties for the library;
- (5) personnel development fund, *viz.*, money and other properties allocated with a view to provide scholarships and trainings for academic staffs and general staffs of private higher education institution in accordance with the determinations of private higher education institution;
- (6) aid fund, *viz.*, money and other properties allocated with a view to provide scholarships to students, to provide other aids for students, to provide welfare for full-time academic staffs and general staffs of private higher education institution and to provide other aids in accordance with the determinations of private higher education institution;
- (7) fixed fund or other funds, *viz.*, money and other properties allocated for the fulfillment of other purposes as determined by the Council necessarily and appropriately.

The management of each type of fund shall be in accordance with the regulations of private higher education institution.

### **Section 62**

Income of private higher education institution consists of the followings:

- (1) benefit, tuition, due, fee, fine and other service charges of private higher education institution;
- (2) money and other properties donated or contributed to private higher education institution without specific condition that the sum to be spent is limited to interests only;
- (3) subsidy from the State;
- (4) earning or benefit incurred from investment and properties of private higher education institution;
- (5) other incomes and benefits.

Income of private higher education institution is deemed to be income of general fund, except income of each particular fund is deemed to be income of such fund.

If income received from donation exceeds the amount as specified by the Commission, the private higher education institution shall prepare an expenditure plan for such income and make account for actual expense under such plan annually.

The remaining money at the end of each year shall be credit for the next installment.

### **Section 63**

The private higher education institution shall arrange all of its income and properties to be in accordance with the objectives as prescribed in Section 8 and the objectives as determined by the donators.

### **Section 64**

The private higher education institution shall, at the beginning of each academic year, cause all types of funds to have sufficient amount of money for the fulfillment of their operations. If any fund has not enough money, money from general fund shall be transferred thereto.

In the case where the general fund has insufficient amount of money to fulfill the requirement under paragraph one, the licensee shall provide sufficient amount of money for the operation.

### **Section 65**

The private higher education institution shall prepare an account in accordance with international accounting standard and the rules as laid down by the Commission.

### **Section 66**

If income of the general fund is higher than annual expenditure, the Rector shall propose to the Council as follows:

- (1) to transfer surplus income of the general fund to compensate deficit amount of any fund;
- (2) to allocate the remaining money after transferring under (1) to each fund for not less than sixty per cent thereof and to the licensee, as his or her benefit, for not more than thirty per cent thereof. The remaining amount after such transferring of not less than ten per cent shall be credit for operation of the general fund.

### **Section 67**

The Rector shall be responsible for the preparation of annual balance sheet to be audited by the auditor before further submitting to the Council.

The Rector shall, upon the approval of the Council, submit the annual balance sheet together with the auditing report to the Office of Higher Education Commission within one hundred and twenty days as from the expiration date of accounting period.

### **Section 68**

The Council shall appoint the licensed auditor to be auditor of private higher education institution annually.

### **Section 69**

The auditor of private higher education institution shall have the power to examine account, document and evidence of private higher education institution, and shall have the power to inquire a member of the Council, the Rector or staffs of private higher education institution and to summon, if necessary, any book of account and document and evidence of private higher education institution from such persons.

## **CHAPTER VI**

### **Support and Promotion**

## **Section 70**

The State shall provide the following support and promotion to private higher education institution:

- (1) to allow government official and employee of State enterprise to work with private higher education institution and receiving salary and remuneration in accordance with the rules and procedure as prescribed by the Council of Ministers;
- (2) to establish the fund with a view to develop private higher education institution at all aspects;
- (3) to exempt import duty for durable goods and educational and research equipments which are certified by the Commission in accordance with the law on custom duty rate;
- (4) to promote and support the sharing of resources between State higher education institution and private higher education institution.

## **CHAPTER VII**

### **Supervision and Control**

#### **Section 71**

For the performance of duties under this Act, a competent official shall have the power to enter into private higher education institution or any place during its working hours for inspection of its business operation under this Act if there is evidence that it provides education at degree level without license.

In performing of duties of the competent official under paragraph one, all related persons shall facilitate or give statement to the competent official as appropriate.

#### **Section 72**

For the performance of duties under this Act, the competent official shall be an official under the Penal Code.

#### **Section 73**

For the performance of duties under this Act, the competent official shall produce his or her identification card to all related persons.

The identification card of competent official shall be in the form as notified by the Minister.

#### **Section 74**

In carrying out of the followings, the private higher education institution shall receive approval from the Commission:

- (1) accepting financial aid, educational equipments or any other benefit from any person exceeding the amount of money or value as specified by the Commission;
- (2) borrowing money once or several times which the aggregate amount thereof exceeds twenty five per cent of the aggregate value of all existing properties of private higher education institution, but the accumulated debts shall not exceed the value of properties;
- (3) leasing of property which the rent exceeds the amount as specified by the Commission;
- (4) purchase, hire purchase or dispose of property which its value exceeds the amount as specified by the Commission;
- (5) creating any charge on land and building as specified by the Commission.



### **Section 75**

No private higher education institution shall accept money, property or other benefits from any person if such acceptance may be harmful to the security or safety of the country or may be contrary to national culture or good moral of public.

### **Section 76**

In the case where the private higher education institution cease to provide teaching for more than three consecutive days apart from normal holidays, the Rector shall notify in writing to the Office of Higher Education Commission for information within three days as from the ceased date.

### **Section 77**

In the case where any full-time academic staff of private higher education institution is removed from office, the Rector shall notify the Office of Higher Education Commission for information within thirty days as from the date of removal.

### **Section 78**

If it appears that the conditions of any building, area or campus of private higher education institution may cause adverse effect to health and sanitary conditions or unsecured or there are other causes which may be harmful to students, the Minister shall have the power to order the Rector in writing to improve such conditions within reasonable period. If it is necessary, the Minister may order the private higher education institution to cease teaching during the period of improvement or until the cause of ceasing has passed.

### **Section 79**

No licensee, member of the Council, Rector, academic staff or general staff of private higher education institution shall use or allow other persons to use:

- (1) name, seal, emblem or symbol of private higher education institution in any manner other than the manner as specified in the regulation of the private higher education institution;
- (2) campus area for conducting illegal act or any act which is contrary to public order or good morals or other acts which is not suit for business of private higher education institution.

### **Section 80**

If it appears that any private higher education institution fails to carry out any measure necessarily to the provision of education in accordance with the licensed project within one year as from the date the license is given, or fails to request for approval of the Commission in commencing operation of any academic division in accordance with the licensed project within three years as from the date the license is given, the Minister shall, with the approval of the Commission, revoke such license.

### **Section 81**

In the case where an approval to commence operation of any academic division under Section 18 is given to any private higher education institution, if it fails to commence operation within one year as from the date of approval, it shall be deemed that such approval is expired.

### **Section 82**

An advertisement of the private higher education institution shall not contain statement which is false or inaccurate from the fact as specified in the license or its determinations or which may have adverse effect to public at large.

The statement under paragraph one includes any act expressed in form of letter, picture, cinema, light, sound, sign or other acts which enabling general public to understand its meaning.

### **Section 83**

In the case where the Commission is of opinion that any advertisement violates Section 82, the Commission shall have the power to issue one or several of orders as follows:

- (1) to rectify the statement of or method for advertisement;
- (2) to prohibit the use of certain statement as appeared in the advertisement;
- (3) to prohibit or the use of such advertisement or method for advertisement;
- (4) to advertise the statement so as to correct misunderstanding of public in accordance with the rules and procedure as determined by the Commission.

In the case where any private higher education institution fails to comply with the order of the Commission or fails to comply with the rules and procedure as determined by the Commission under paragraph one, the Minister with advice of the Commission shall, after having considered gravity of such act and, have the power to revoke such license.

### **Section 84**

In the case where an approval to commence operation of any academic division is given to any private higher education institution, if it fails to comply with the rules, procedure or conditions as determined by the Commission, or fails to use the word University, Institution or College in Thai alphabets before its name of the private higher education institution, or compounds foreign alphabets with its name without permission of the Minister, or its provision of education is lower than the certified academic standard, the Commission shall give a written warning thereto so as to improve the matters specified in the warning within the specified period.

If the private higher education institution fails to comply with the warning under paragraph one, the Minister shall, with advice of the Commission, have the power to make the following orders as he or she deems appropriate:

- (1) to suspend the enrolment of student in any or all academic divisions;
- (2) to revoke the certification of academic standard;
- (3) to revoke the approval for the commencing of operation of any or all academic divisions;
- (4) to revoke academic quality;
- (5) to revoke the license.

The order made under paragraph one and two shall not affect any legal proceedings against the offender who commits any act which is an offence to be punished under the law.

### **Section 85**

In the case where a private higher education institution fails to comply with the determinations of private higher education institution, or revises the determinations of private higher education institution under Section 11 (1), (2), (3), (4), (5), (6) and (7) without approval of the Commission, or commences operation of any academic division without regard to the rules, procedure and conditions as prescribed by the Commission, the Minister shall, with advice of the Commission, have the power to make an order under Section 84 paragraph two as he or she deems appropriate.

The order made under paragraph one shall not affect any legal proceedings against the offender who commits any act which is an offence to be punished under the law.

### **Section 86**

Upon the occurrence of any of the following circumstances to private higher education institution:

- (1) having insufficient fund to continue its business, or having its debt is over its properties, or having unstable financial status which may cause injury to private higher education institution;

- (2) violating the provisions of this Act and Ministerial Regulations, conditions as determined by the Minister or notifications issued under this Act, or failing to comply with the determinations of the private higher education institution or an order of the competent official under this Act which may cause injury to private higher education institution, or failing to comply with an order of the Minister made under Section 100 paragraph three;
- (3) ceasing of teaching for more than two consecutive months, except for the ceasing of teaching in accordance with the determinations of private higher education institution;
- (4) the Council, member of the Council, Rector, academic staffs or students of private higher education institution conduct any act which may be seriously harmful to the security or safety of the country, national cultures, public order or good moral;

The Minister shall, with advice of the Commission, have the power to order such private higher education institution to be under control of the Office of Higher Education Commission and shall appoint a Control Committee consisting of not less than five but not more than fifteen members to perform the duties in place of the Council. Such order shall be published in Thai daily newspaper for not less than three consecutive days.

### **Section 87**

Upon the order to control private higher education institution of the Minister, the Rector, full-time academic staffs and general staffs of the private higher education institution under such order shall cease the performance of their duties, unless they are entrusted by the Control Committee.

In the case where the Rector, full-time academic staffs and general staffs of private higher education institution are entrusted to continue their duties under paragraph one, the entrusted persons shall provide a reasonable care so as to maintain order in such private higher education institution, maintain properties of such private higher education institution and hand on all properties together with accounts, documents and other things which is relevant to business operation and properties of such private higher education institution to the Control Committee without delay.

### **Section 88**

The Minister shall have the power to order a government official attached to the Ministry of Education to perform work in private higher education institution during the period it is subjected to control power of the Office of Higher Education Commission as he or she thinks fit. The performance of work under such order is deemed as ordinary official service.

### **Section 89**

The private higher education institution may appeal against the control order to the Minister within thirty days as from the acceptance date of such order. The Minister shall have the power to appoint an Appeal Committee consisting of three representatives of private higher education institution, three representatives of the Office of Higher Education Commission and three qualified persons specialized in related matter. The Appeal Committee shall consider and give recommendation on an appeal to the Minister. The Minister shall render his or her final decision on such appeal in accordance with the resolution of the Appeal Committee.

### **Section 90**

In the case where the Control Committee is of opinion that the private higher education institution under control should be allowed to continue business on its own, or where the licensee requests for the continuation of its business, the Control Committee shall report to the Minister. If the Minister deems appropriate, he or she may revoke the control order and publish such revocation in Thai daily newspaper for at least three consecutive days. In this regard, the Control Committee shall hand on all properties, accounts, documents and

other things which is relevant to business and properties of such private higher education institution to its Council without delay.

### **Section 91**

If the Control Committee is of opinion that the private higher education institution under control is unable to continue its business or should not allow continuing its business and there is reasonable ground to revoke the license, the Control Committee shall report to the Minister. In this case, the Minister shall, with advice of the Commission, have the power to revoke the license.

### **Section 92**

In the case where the Control Committee reports to the Minister that there is a reasonable ground to revoke the license, the Commission shall order such private higher education institution to hand on all documents relating to academic transcripts of all of its students to the Office of Higher Education Commission within the period as specified by the Commission.

The Secretary-General of the Higher Education Commission shall issue transcripts of students of such private higher education institution with regard to the evidences received under paragraph one.

### **Section 93**

If the order to revoke the license is made by the Minister, it shall be deemed that such private higher education institution ceases to be juristic person under Section 13, and the Control Committee shall appoint a liquidator.

In this case, the provisions of the Civil and Commercial Code on liquidation of limited companies shall apply *mutatis mutandis* to the liquidation of such private higher education institution.

Upon the completion of liquidation, the remaining properties, if any, shall be returned to the licensee, unless the properties received by donation from other persons under Section 17 which shall be assigned to a charity with objectives in education promotion as specified in the determinations of such private higher education institution. If there is no such specification, such property shall devolve on the State.

### **Section 94**

All expenses incurred during the control period or liquidation process of private higher education institution shall be paid from its properties.

The Control Committee may be entitled to remuneration for the performance of its duties as specified by the Minister. Such remuneration shall be paid from properties of such private higher education institution.

### **Section 95**

A member of the Control Committee shall be an official under the Penal Code.

### **Section 96**

If it appears that the Rector:

- (1) is disqualified or being under any prohibition under Section 41;
- (2) violates or fails to comply with Section 43 (6) or (9), Section 51, Section 67, Section 79 or Section 87, or the regulations or determinations of private higher education institution;
- (3) operates business of private higher education institution in a manner which may be seriously harmful to the security or safety of the country, national culture, public order or good moral;
- (4) operates business of private higher education institution or allows other persons to do any act in any manner which may lessen academic quality or academic

standard of such private higher education institution from the requirements as laid down by the Commission, and the result of such circumstance may be detrimental to the reputation of the private higher education institution;

The Commission shall establish Investigation Committee. If it appears that the Rector is disqualified or being under any prohibition under (1), violates or fails to comply with (2), or operates business in a manner under (3) or (4), the Council shall remove the Rector from office within thirty days as from the date of acknowledgement of the investigation result. If the Council fails to do so, the Minister shall, with advice of the Commission, remove the Rector from office.

### **Section 97**

If it appears that an academic staff of private higher education institution:

- (1) is disqualified or being under any prohibition under Section 46, or his or her appointment is contrary to the regulation under Section 48;
- (2) violates or fails to comply with Section 52 or Section 87 or the regulations or determinations of private higher education institution;
- (3) acts in any manner which may be seriously harmful to the security or safety of the country, national culture, public order or good moral;

The Rector shall conduct an investigation. If the Rector is of opinion that such academic staff is disqualified or being under any prohibition or an appointed of such academic staff is contrary to the regulation under (1), violates or fails to comply with the provisions under (2), or act in a manner under (3), he or she shall remove such academic staff from office within thirty days as from the date of acknowledgement of the investigation result. In this case, such academic staff is entitled to appeal against such removal order to the Commission within thirty days. A decision of the Commission shall be final.

If the Rector fails to comply with the provisions of paragraph two, the Council shall be entitled to conduct removal process in place of the Rector and shall take any action against the Rector as appropriate.

Upon the completion of the removal of academic staff or imposition of any act against the Rector under paragraph two or paragraph three, the report on such matter shall be submitted to the Office of Higher Education Commission for information.

### **Section 98**

An investigation under Section 96 and Section 97 shall be in accordance with the rules and procedure as specified by the regulation of the Council which is approved by the Commission.

### **Section 99**

After the expiration of one year after being removed from office, a person who is removed from office under Section 96 or Section 97, as the case may be, may be appointed as the Rector or academic staff of private higher education institution upon permission of the Minister by advice of the Commission.

## **CHAPTER VIII**

### **Dissolution and Assignment**

### **Section 100**

A licensee who desires to dissolve the private higher education institution business shall, with approval of the Council, notify such desire in writing together with rational thereon and education plan of the remaining students to the Commission at least three months before the expiration of academic year.

In the case where the licensee is a juristic person, the dissolution of the private higher education institution under paragraph one shall be consented by such juristic person as provided by law.

The Minister may, with advice of the Commission, have an order to dissolve the private higher education institution business and may specify necessary conditions to be complied by the licensee. In this case, the provisions of Section 92, Section 93 and Section 94 shall apply *mutatis mutandis* to the dissolution of the private higher education institution.

#### **Section 101**

A licensee who desires to assign the license shall, with approval of the Council, notify such desire in writing together with rational thereon and detail relating to the assignment of the license and details of the assignee to the Commission.

In the case where the licensee is a juristic person, the assignment of license under paragraph one shall be consented by such juristic person as provided by law.

The Minister may, with advice of the Commission, grant permission to the assignment of such license order and may specify necessary conditions to be complied by the assignee.

#### **Section 102**

In the case where a licensee is deceased, his or her heir or administrator of the estate shall submit a request for permission to the assignment of license to the Commission and shall notify the Council in writing for information within sixty days. If such request is not submitted within the prescribed period, the Rector shall, with approval of the Council, notify name of the assignee to the Commission together with details and rational thereon.

In the case where the licensee ceases to be a juristic person, the Rector shall, with approval of the Council, notify name of the assignee to the Commission together with details and rational thereon.

The Minister shall, with advice of the Commission, have the power to have decision on such matter as appropriate.

#### **Section 103**

In the case where there is no assignee under Section 102, the Minister shall, with advice of the Commission, have the power to order the private higher education institution to be under control of the Office of Higher Education Commission. In this case, the provisions of Section 92, Section 93 and Section 94 shall apply *mutatis mutandis*.

The dissolution of business under Section 100, the assignment of license under Section 101 and the changing of licensee under Section 102 shall be published in the Government Gazette.

### **CHAPTER IX**

#### **Penalties**

#### **Section 104**

Whoever fails to comply with Section 10 paragraph one shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding five hundred thousand Baht or to both.

#### **Section 105**

Any private higher education institution which fails to comply with Section 14 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 106**

Any private higher education institution which violates Section 11 and Section 18 paragraph one shall be liable to a fine of not exceeding one hundred thousand Baht.

### **Section 107**

Any private higher education institution which violates or fails to comply with the Ministerial Regulation issued under Section 20 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 108**

Any private higher education institution which fails to comply with Section 21, Section 23 or Section 62 paragraph three shall be liable to a fine of not exceeding one hundred thousand Baht.

### **Section 109**

Any person who violates Section 22 shall be liable to a fine of not exceeding one hundred thousand Baht and to additional daily fine of five thousand Baht a day during the period of violation.

### **Section 110**

Whoever fails to comply with the order of the Commission, committee or sub-committee under Section 27 shall be liable to a fine of not exceeding ten thousand Baht.

### **Section 111**

Whoever holds the position of Rector, Vice-Rector or full-time academic staff or assistant academic staff by knowing that he or she is disqualified or being under any prohibition under Section 39 paragraph two, Section 41, Section 46 or Section 53 paragraph two, as the case may be, shall be liable to a fine of not exceeding fifty thousand Baht.

### **Section 112**

A Rector who fails to comply with Section 43 (6) or (9), Section 51, Section 67, Section 76, Section 77 or Section 78 shall be liable to a fine of not exceeding one hundred thousand Baht.

### **Section 113**

Whoever violates Section 52 shall be liable to a fine of not exceeding fifty thousand Baht.

### **Section 114**

Whoever fails to facilitate the competent official under Section 71 paragraph two shall be liable to a fine of not exceeding ten thousand Baht.

### **Section 115**

Any private higher education institution which fails to comply with Section 74 or Section 75 shall be liable to a fine of not exceeding one million Baht.

In the case where a private higher education institution commits an offence under Section 74 or Section 75, a member of the Council, the Rector or a person who is responsible for business operation of such private higher education institution shall also be liable to punishment as prescribed for such offence, unless he or she can prove that he or she took no part in the committing of such offence.

### **Section 116**

A licensee, member of the Council, the Rector, academic staff or general staff of private higher education institution who violates Section 79 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 117**

A Rector, academic staff or general staff of private higher education institution who violates Section 87 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 118**

Any private higher education institution which fails to comply with the order of the Commission made under Section 92 paragraph one shall be liable to a fine of not exceeding one hundred thousand Baht and to additional daily fine of five thousand Baht a day during the period of violation.

### **Section 119**

Whoever uses the academic gown, academic pin, title gown, uniform, emblem or student's dress of private higher education institution without the legal right or presents in any manner that he or she has is entitled to a certificate, diploma, degree, graduate certificate or academic position of private higher education institution without legal right, if such act is done to mislead other persons that he or she is entitled to such use or have such academic title or position, shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 120**

Whoever uses, forges or imitates the seal, emblem or symbol of private higher education institution, irrespective of colors or method, or cause them to appear on any object or goods without permission of private higher education institution shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand Baht or to both.

### **Section 121**

Whoever provides education at degree level without license or act in any manner so as to make other persons to believe that he or she has the power and duty in providing education at degree level shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding five hundred thousand Baht or to both.

### **Section 122**

If any private higher education institution presents or acts in any manner so as to make other people to falsely believe that its academic quality has been accredited or it is approved to commence operation of teaching in any academic division or academic standard of any of its academic division has been accredited, its Rector shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding five hundred thousand Baht or to both.

### **Section 123**

With regard to offences punishable with fine only, the Secretary-General of the Higher Education Commission shall have the power to settle them. If the offender pay the full amount of settlement fine within thirty days, such case is deemed to be settled.

If the offender does not agree to conclude the settlement or fails to pay the full amount of settlement fine within the prescribed period, the case shall be continued.

## **Transitory Provisions**

### **Section 124**

The Private Higher Education Institution Commission under the Private Higher Education Institution Act, B.E. 2522 (1979) shall perform the duties under this Act until there shall be the Higher Education Commission under the law on administration of the Ministry of Education.



### **Section 125**

The Control Committee, the Council and other committees appointed under the Private Higher Education Institution Act, B.E. 2522 (1979) shall be the Control Committee, the Council and other committees under this Act until there shall be the Higher Education Commission under the law on administration of the Ministry of Education.

### **Section 126**

The license under the Private Higher Education Institution Act, B.E. 2522 (1979) which is issued prior to the date this Act comes into force which it still valid on the date this Act is published in the Government Gazette is deemed to be the license under this Act.

### **Section 127**

If an applicant for license has submitted the proposal of the project for establishment of private higher education institution before the date this Act comes into force, it shall be proceeded until completion and such proceedings is deemed to be proceedings under this Act. In this case, the proceedings shall be completed within ninety days as from the date this Act comes into force.

### **Section 128**

All persons holding academic title of private higher education institution on the date this Act is published in the Government Gazette shall remain their academic title of private higher education institution under this Act.

### **Section 129**

All persons who has been appointed to work for the private higher education institution under the Private Higher Education Institution Act, B.E. 2522 (1979) shall become persons who work for private higher education institution under this Act.

### **Section 130**

In the absence of the Ministerial Regulation, notification, order, determination, rule and regulation for the execution of this Act, the Ministerial Regulations, notifications, orders, determinations, rules and regulations issued under the Private Higher Education Institution Act, B.E. 2522 (1979) shall apply *mutatis mutandis*.

Countersigned by

Pol. Lieut. Col. Thaksin Shinawatra

Prime Minister

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