

**RULES OF THE GENERAL ASSEMBLY OF JUDGES OF THE SUPREME  
ADMINISTRATIVE COURT**

**ON**

**CHAMBER, DISTRIBUTION OF CASE FILES AND TRANSFER OF CASES, PERFORMANCE OF  
OFFICIAL FUNCTIONS, CHALLENGE OF ADMINISTRATIVE JUDGES, PERFORMANCE OF  
FUNCTIONS OF ADMINISTRATIVE CASE OFFICIALS, AND POWER OF ATTORNEY IN  
ADMINISTRATIVE CASE PROCEEDINGS, B.E. 2544 (2001)**

As amended by Rules of the General Assembly of Judges of the Supreme Administrative Court on Chamber, Distribution of Case Files and Transfer of Cases, Performance of Official Functions, Challenge of Administrative Judges, Performance of Functions of Administrative Case Officials, and Power of Attorney in Administrative Case Proceedings (No.2), B.E. 2546 (2003) published in the Government Gazette, Vol. 120, Part 85a, dated 11th September B.E. 2546 (2003)

Translation

Whereas Article 29 paragraph one, Article 45 paragraph five, Article 56 paragraph three, Article 57 paragraph five and paragraph six Article 61(5) and Article 63 paragraph two of the Act on Establishment of Administrative Court and Administrative Court Procedure, B.E. 2542 (1999)

The General Assembly of Judges of the Supreme Administrative Court hereby issues the Rules, as follows:

**Clause 1**

These Rules are called the "Rules of the General Assembly of Judges of the Supreme Administrative Court on Chamber, Distribution of Case Files and Transfer of Cases, Performance of Official Functions, Challenge of Administrative Judges, Performance of Functions of Administrative Case Officials, and Power of Attorney in Administrative Case Proceedings, B.E. 2544 (2001)".

**Clause 2**

These Rules shall be in force as from the day following the date of their publication in the Government Gazette.

**Clause 3**

In these Rules, unless the context otherwise indicates:

"Court" means an Administrative Court or an administrative judge;

"Administrative Court" means an Administrative Court of First Instance or the Supreme Administrative Court;

"Secretariat General of the Administrative Court" means the Secretariat General of the Supreme Administrative Court, the Secretariat General of the Central Administrative Court of First Instance, or the Secretariat General of the Regional Administrative Court of First Instance;

"President of a chamber" means a president of a chamber of the Supreme Administrative Court, a president of a chamber of the Administrative Court of First Instance;

"judge-rapporteur" means an administrative judge who is appointed to be a judge-rapporteur;

"judge-commissioner of justice" means an administrative judge who is appointed to make the conclusion of an administrative case;

"Secretary-General" means the Secretary-General of the Administrative Court;

"case statement" means the conclusion on issues of facts, issue of law, and opinion of a judge-commissioner of justice.

#### **Clause 4**

The President of the Supreme Administrative Court shall be in charge of these Rules and shall have the authority to make the determination on issues in execution of these Rules and shall have authority to issue notifications or orders for the purpose of the execution of these Rules.

### **CHAPTER I**

#### **Chamber**

#### **Clause 5**

In the Supreme Administrative Court, the President of the Supreme Administrative Court shall announce the division of administrative judges into chambers by specifying the numeral to which each judge belongs, and shall assign chamber to be a chamber of particular specialization or shall assign certain jurisdiction whereby the merit of the case happened.

A judge in the Supreme Administrative Court may perform his or her duties in several chambers at the same interval.

#### **Clause 6**

In the Administrative Court of First Instance, the President of the Administrative Court of First Instance shall announce the division of administrative judges into chambers by specifying the numeral to which each judge belongs, and shall assign chamber to be a chamber of particular specialization or shall assign certain jurisdiction whereby the merit of the case happened.

A judge in the Administrative Court of First Instance may perform his or her duties in several chambers at the same interval.

#### **Clause 7**

Should there be any *force majeure* or any unavoidable necessity during the trial of administrative case, an administrative judge in a chamber to become unable to carry on the hearing process or render a judgment, the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance or a judge in the Supreme Administrative Court or a judge in the Administrative Court of First Instance appointed by the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance shall proceed the hearing of the case or attend a meeting for delivering a judgment or an order or sign in a judgment instead.

A *force majeure* or an unavoidable necessity cause in paragraph one means the case where the administrative judge in the chamber having been vacated from his or her position, suspended, transferred to hold a position elsewhere, infirmed, challenged and allowed to excuse oneself, given the order to stay away from the cases, or unable to perform duties to the extent of being unable to appear in the hearing or render a judgment or order in the case and also means the case where the conflict of opinions of judges in the chamber occurred and the majority votes can not be availed.

### **CHAPTER II**

#### **Distribution of Case Files and Transfer of Cases**

#### **Clause 8**

The President of the Supreme Administrative Court or the President of an Administrative Court of First Instance shall distribute cases to each chamber by appointing a judge-commissioner of justice for the distributed cases.

The appointment of the judge-commissioner of justice in the Supreme Administrative Court in any cases shall not be conducted if the appointed judge-commissioner of justice in the Supreme Administrative Court is a member or used to be a member of the chamber which conducted the trial of the case or used to be the judge-commissioner of justice in that case in the Administrative Court of First Instance.

When the chamber received the case, the President of a chamber shall appoint one of judges in the chamber to be the judge-rapporteur, the President of the chamber may appoint himself or herself to be the judge-rapporteur.

In the case where the President of the Supreme Administrative Court finds it proper he or she may distribute a case to a special chamber comprising of two or more chambers in the Supreme Administrative Court in order to try that case. In such a case, the President of the Supreme Administrative Court shall assign one of Presidents of chambers to be the judge-rapporteur of the chamber.

In the case where the President of the Administrative Court of First Instance finds it proper he or she may distribute a case to a special chamber comprising of two or more chambers in the Administrative Court of First Instance in order to try that case. In such a case, the President of the Administrative Court of First Instance shall appoint one of Presidents of chambers to be the judge-rapporteur of the chamber.

#### **Clause 9**

In the case where a case file is distributed to any chamber or any judge-rapporteur, unless otherwise provided in Article 56 paragraph three (2) and (3), a recall or transfer of the case file shall not be made, except in the following circumstances:

(1) in the case where it appears that justice in the trial and adjudication of the case shall otherwise be affected, and the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance instructs the recall or transfer of the case file;

(2) the transfer of the case file pursuant to clause 79 or clause 81 of Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000).

### **CHAPTER III**

#### **Performance of Official Functions**

#### **Clause 10**

An administrative judge entrusted by a chamber shall have the authorities to inquire into or issue an order on any matter which does not amount to the delivery of judgment.

#### **Clause 11**

In the proceedings to find facts, it shall be deemed that a judge-rapporteur is entrusted by a chamber to exercise the authorities pursuant to Article 61 in respect of the case under his or her responsibilities.

Unless otherwise specifically set forth in clause 10 and in paragraph one, a judge-rapporteur shall exercise the authorities under the Act on Establishment of Administrative Court and Administrative Court Procedure, B.E. 2542 (1999), and Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000), or other laws or rules, save the proceedings, adjudication, or issuance of orders, which, by its nature, shall be made by a chamber, or is under the authorities of the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance.

## **Clause 12**

In making the appointment of an administrative judge or several administrative judges as judge-commissioner of justice of the Supreme Administrative Court or the Administrative Court of First Instance, the President of the Supreme Administrative Court, as the case may be, shall notify such appointment for a certain period of time.

A judge-commissioner of justice of the Supreme Administrative Court shall normally be appointed from an administrative judge of the Supreme Administrative Court, who may be a person holding the position of the Vice President of the Supreme Administrative Court, the President of a chamber, or he or she can be appointed from a administrative judge of the Administrative Court of First Instance who hold any position.

An administrative judge of the Administrative Court of First Instance may be, at the same time, appointed as a judge-commissioner of justice of the Supreme Administrative Court and that of the Administrative Court of First Instance.

In making the appointment of judge-commissioner of justice of the Supreme Administrative Court from administrative judges of any Administrative Court of First Instance, the President of the Supreme Administrative Court shall make such appointment after having consulted the President of that Administrative Court of First Instance.

A judge-commissioner of justice of the Administrative Court of First Instance shall normally be appointed from an administrative judge of the Administrative Court of First

Instance, who may be a person holding the position of the President of the Administrative Court of First Instance, the Vice President of the Administrative Court of First Instance, or the President of the chamber of the Administrative Court of First Instance.

As long as being appointed as a judge-commissioner of justice of the Supreme Administrative Court, that administrative judge shall not perform official duties of trial and adjudication of cases in the chamber, but he or she may take part in the General Assembly of the Supreme Administrative Court or the Administrative Court of First Instance, as the case may call for, anyhow he or she may not vote in the making of the decision of the case.

In the case where there is any *force majeure* or unavoidable necessity as prescribed in clause 7 paragraph two causing the inability to perform official duties of a judge-commissioner of justice, the judge-commissioner of justice who is assigned by the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance shall perform the official duties in place of the former judge-commissioner of justice, and the replacing judge-commissioner of justice shall have the same authorities as those of the former judge-commissioner of justice.

## **Clause 13**

A statement of a judge-commissioner of justice shall be in writing except that where the case is one of urgency or one without complicated questions of facts or questions of law or where the statement involves provisional remedial measures before delivery of judgment under clause 72 or clause 76 of Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000), the judge-commissioner of justice may, after consultation with the President of the Supreme Administrative Court, the President of the Administrative Court of First Instance or the president of the chamber, present an oral statement in place of a statement in writing. In making the oral statement, a judge-commissioner of justice shall, whether before or after the presentation of the oral statement, prepare for inclusion in the file of case, a written memorandum of such statement wherein there shall also be stated the main points of the statement before the Court delivers a judgment or issues an order.

## **CHAPTER IV**

### **Challenge of Administrative Judges**

#### **Clause 14**

Any administrative judge in a chamber or judge-commissioner of justice may be challenged on account of one of the grounds for challenging judges provided in the Civil Procedure Code of Thailand or on account of any other ground of such serious nature which may compromise the impartiality of the trial and adjudication.

Where any of the ground of challenge specified in paragraph one occurs to any administrative judge, the judge himself or herself may, after having filed with the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance a declaration stating the ground on which he or she may be challenged, ask for permission to withdraw from sitting in such case.

#### **Clause 15**

Where any ground of challenge prescribed in clause 14 paragraph one occurs to any administrative judge, the party concerned may make a challenge by filing with the Court an application by motion at any time before the Court delivers a judgment or issues an order to settle the case but within fifteen days as from the day such a party has known of the ground of challenge.

Upon an application being submitted under paragraph one, the challenged administrative judge shall be abstained from his or her duties until an order for deciding the matters has been given, however, the provision under these rules shall not apply to administrative court proceedings which must be carried out in continuity or without delay.

#### **Clause 16**

The issuance of an order instructing the challenged administrative judge to be abstained from the proceedings or the withdrawal of the challenged administrative judge from the case shall not prejudice any act previously done by such administrative judge.

As well as administrative court proceedings, this must be carried out in continuity or without delay, even if it is carried out subsequent to the application, shall not be affected by an order of the Court admitting the challenge unless the Court directs otherwise.

#### **Clause 17**

When the administrative judges who are not challenged are sufficient in number to form a quorum, the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance shall arrange the chamber composing of such administrative judges for considering a decision on the challenge.

In the case where all administrative judges of the Administrative Court of First Instance are challenged or administrative judges of the Administrative Court of First Instance who are not challenged are not sufficient in number to form the quorum, the President of the Supreme Administrative Court shall assign one of the Supreme Administrative Court's chambers to consider a decision on the challenge.

In the case where all administrative judges of the Supreme Administrative Court are challenged or administrative judges of the Supreme Administrative Court who are not challenged are not sufficient in number to form the quorum, the decision on the challenge shall be given by the President of the Supreme Administrative Court.

#### **Clause 18**

Where a challenge has been made and the administrative judge who is challenged refuses to withdraw from sitting, the chamber responsible for considering a challenge shall consider the challenge and the memorandum of answer of the administrative judge who is challenged. For this purpose, the chamber may hear the statements both of the parties concerned and the challenged judge, including other evidence as the chamber considers being appropriate, and the chamber then shall issue an order either admitting or rejecting the challenge. Such order shall be final.

Where the administrative judge is permitted to withdraw from sitting in a case or the division responsible for considering a challenge issues an order admitting the challenge against the judge, the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance shall appoint another judge of the Administrative Court or a judge-commissioner of justice, either in that Court or other Courts, or himself or herself to carry out the duties instead.

## **CHAPTER V**

### **The Performance of Functions of Administrative Case Officials**

#### **Clause 19**

When any Administrative Court has been in operation, the Secretary-General shall provide for a number of administrative case officials to assist judges in such Administrative Court.

The Director of each Secretariat General of the Administrative Court under the advice of the President of the Supreme Administrative Court or the President of the Administrative Court of First Instance shall provide for one or several administrative case officials to assist any administrative judge.

The performance of functions in assisting an administrative judge of an administrative case official under paragraph one and paragraph two shall be the assistance of administrative case proceedings as prescribed by the Act on Establishment of Administrative Court and Administrative Court Procedure, B.E. 2542 (1999), Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000), these Rules and the other rules concerned as assigned by the administrative judge and within the call of suitability. For this purpose, the President of the Supreme Administrative Court given by a suggestion of the Secretary-General may announce rules and procedure for the performance of duties of administrative case officials and the assignment to be made by the administrative judge to the administrative case official.

For the sake of personnel administration of the Secretariat General of the Administrative Court, Secretary-General shall take into consideration opinions of administrative judges on the result of performance of functions of administrative case officials.

## **CHAPTER VI**

### **The Power of Attorney in Administrative Case Proceedings**

#### **Clause 20**

A party in administrative case may appoint a lawyer or other person being *sui juris* and having knowledge and ability to act on behalf of the appointer to represent the party in filing a case or carrying out an administrative case proceeding.

A party which is an administrative agency or a State official may authorize a government official, officer, or employee of such administrative agency as the case may require, any one of those of an administrative agency to which such State official is subject or a public prosecutor to file a case or carry out administrative case proceedings.

### **Transition Provisions**

#### **Clause 21**

Within three years as from the date of effectiveness of these Rules, the division of judges of the Administrative Court of First Instance into each chamber shall be announced after the consultation with the President of the Supreme Administrative Court is made.

## Clause 22

In the initial period where the number of members of the Judicial Commission of the Administrative Court is less than as provided by law for the position of the Judicial Commission of the Administrative Court or in the case where the Secretariat General of the Administrative Court cannot appoint sufficient officials under the supervision of the Secretariat General of the Administrative Court to be administrative case officials as required, the Secretary-General or the Director of the Secretariat General of the Administrative Court may assign a number of administrative court officials to assist judges of the Administrative Court in administrative case proceedings *pro tempore*, and such administrative court officials instructed by judges of the Administrative Court shall perform the same official duties in administrative case proceedings as administrative case officials.

Given on the 14th Day of February B.E. 2544 (2001)

Signed by Professor Dr. Ackaratorn Chularat

President of the Supreme Administrative Court

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