Royal Decree on the Establishment of the Office for National Education Standards and Quality Assessment (Public Organization), B.E. 2543 (2000)

Translation

BHUMIBHOL ADULYADEJ REX.
Promulgated on the 27th Day of October B.E. 2543 (2000)
Being the 55th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that it is deemed expedient to establish the Office for National Education Standards and Quality Assessment as a public organization in accordance with the law of the Public Organizations.

By virtue of Section 221 of the Constitution of the Kingdom of Thailand and Section 5 of the Public Organizations Act, B.E. 2542 as well as Section 49 of the National Education Act B.E. 2542,

His Majesty, therefore, is pleased to promulgate the Royal Decree as follows:

Section 1
This Royal Decree shall be called “Royal Decree on the Establishment of the Office for National Education Standards and Quality Assessment (Public Organization), B.E. 2543 (2000)”.

Section 2
This Royal Decree shall be in force as of the day following the date of its publication in the Government Gazette.

Section 3
In this Royal Decree,

“Educational institutions” means early childhood development institution, school, learning center, college, institute, university, educational agency, or other state or private bodies with functions or objectives of provision of education.

“Education standards” means specifications of educational characteristics, quality desired, and standards required for all educational institutions as criteria for comparison for purposes of promotion and supervision, checking, evaluation, and assurance of educational quality.

“External quality assessment” means assessment of quality of the provision of education, monitoring and inspection of the educational quality and standards of the institutions to be carried out by the Office or external assessors as the case may be, with a view to a better development of educational quality and standards of educational institutions.

“External assessor” means a person or an agency certified by the Office to carry out external assessment.

“Recognition of standards” means certification of external assessment by external assessors having desirable characteristics and quality in accordance with the criteria and standards set by the Office.

“Committee” means the Executive Committee of the Office for National Education Standards and Quality Assessment.

“Office” means the Office for National Education Standards and Quality Assessment. (Public Organization)

“Director” means the Director of the Office for National Education Standards and Quality Assessment.
“Official” means an official of the Office for National Education Standards and Quality Assessment.

“Employee” means an employee of the Office for National Education Standards and Quality Assessment.

“Minister” means the Minister who shall take charge of the execution of this Royal Decree.

Section 4
The Prime Minister shall take charge of the execution of this Royal Decree.

Chapter 1
Establishment, Objectives and Functions

Section 5
A public organization shall be established under the name of “Office for National Education Standards and Quality Assessment (Public Organization)”, with an acronym of “ONESQA.”

Section 6
The headquarters of the Office shall be located in the Bangkok Metropolitan Area or in a nearby province.

Section 7
The objectives of the Office shall be the development of the criteria and methods of external assessment and the assessment of the outcomes of educational provision in order to evaluate the quality of educational institutions, taking into account the aims, principles and direction for provision of each level of education as stipulated in the National Education Act.

Section 8
To attain the objectives stipulated in Section 7, the Office shall have the following functions:

1. to develop the external assessment system, set the framework, direction and methods for efficient external assessment in line with the quality assurance system of the educational institutions and the agencies to which such institutions are attached;

2. to develop the standards and criteria for external assessment;

3. to certify external assessors;

4. to supervise and set standards for external assessment conducted by external assessors as well as to issue certification of standards, provided that in case of necessity or for the benefit of study and research for development of the external assessment system, the Office may carry out an external assessment itself;

5. to develop and train external assessors; prepare training course curricula and encourage private, professional or academic bodies to participate in the efficient training of external assessors; and

6. to submit annual reports on the assessment of educational quality and standards to the Council of Ministers, Minister, Minister of Education, Religion and Culture, and the Budget Bureau for consideration in formulating educational policy and allocating budget for education, as well as to disseminate the reports to the agencies concerned and the public.
Section 9

Other than the functions under Section 8, the Office, within the scope of its objectives, shall have the power to undertake the following:

1. to hold titles, possession and property rights;
2. to create the rights or execute juristic acts relating to property;
3. to enter into agreements and co-operate with domestic or foreign organizations or agencies or local administration organizations in matters relating to the carrying out of the objectives of the Office;
4. to procure and provide funds to support development of educational quality assessment;
5. to levy fees, contributions, remunerations or service charges for the functioning of the Office;
6. to authorize a person to carry out any act within the functions of the Office;
7. to confer certificates, testimonials and credentials for activities in accordance with the objectives and functions of the Office; and
8. to take any other necessary or subsequent actions to attain the objectives of the Office and as to be assigned by the Committee.

Chapter 2
Capital, Income and Property

Section 10

The capital and property for the functioning of the Office consist of:

1. money or property transferred to the Office in accordance with Section 51;
2. money allocated by the government as endowment funds;
3. subsidies for general purposes, allocated as appropriate, by the government on an annual basis;
4. subsidies from the private sector, and local administration organizations or other bodies, including subsidies from foreign or international organizations and money or property donated by donors;
5. fees, contributions, remunerations, service charges or income from the functioning of the Office; and
6. interest from the money or income from the property of the Office.

Section 11

All incomes of the Office are not those subject to submission to the Ministry of Finance in accordance with the law of Treasury Reserves and the law of Budgetary Procedure.

Section 12

The immovable property acquired by the Office through a gift or purchase with its income shall be the ownership of the Office.

The Office shall have the powers to administer, supervise, maintain, use, dispose of and exploit its property.

Section 13

Utilization of the fund of the Office shall be solely for its functioning.

Keeping and withdrawing of the fund of the Office shall be in accordance with the regulations set by the Committee.
Section 14
There shall be established a committee entitled “Executive Committee of the Office for National Education Standards and Quality Assessment”, composed of:

(1) A chairperson appointed by the Council of Ministers through a search among scholars, who have knowledge, expertise and experience in administration, human sciences, social sciences or science and technology. The chairperson shall not be a government official in post or on a regular salary.

(2) Three ex-officio committee members; namely, the Permanent Secretary for Education, Religion and Culture; the Chairperson of the Committee for Development of Assessment System of Basic Education Quality; and the Chairperson of the Committee for Development of Assessment System of Higher Education Quality.

(3) Six scholar members appointed by the Council of Ministers through a search among scholars, who have knowledge, expertise and experience in administration, human sciences, social sciences or science and technology. Among the scholar members, there shall be not less than four who are not government officials in post or on a regular salary.

The Director shall serve as ex-officio secretary of the Committee and he/she shall appoint an official to serve as assistant secretary.

The criteria and methods of searching for the chairperson and scholar members as well as for a chairperson and scholar members to replace those vacating their office before termination of the term of office as stipulated in Section 19 shall be in accordance with the regulations set by the Minister on recommendation of the Committee, provided that there shall be scholars who are not government officials in post or on a regular salary participating in one searching.

Section 15
The chairperson and scholar members shall have the qualifications and shall not be subject to any prohibitions as follows:

(1) having Thai nationality;
(2) being not less than thirty-five years and not more than seventy years of age;
(3) not being a bankrupt, incompetent or a quasi-incompetent person;
(4) not having been imprisoned by a final court judgment except for an offence committed through negligence or a petty offence;
(5) not holding political office; not being a local councilor or a local administrator; committee member or office bearer responsible for administration of a political party; adviser or officer of a political party; and
(6) not being an official or employee of the Office or adviser or specialist under contract with the Office.

In the case where the person appointed as chairperson or scholar member is subject to a prohibition stipulated in (5) or (6), the appointee must resign from his/her former position before assuming the post of chairperson or scholar member, which shall be done within 15 days as from the appointment date. Failure to do so within this required period shall be deemed that such person had not been appointed as the chairperson or scholar member.

Section 16
The chairperson and members stipulated in Section 14, advisers of the Committee and sub-committee members of the Office shall not be engaged in any enterprise which is in competition with the activities of the Office or have vested interests in transactions with the Office either directly or indirectly.
Nor shall they be involved in the accreditation or quality assessment of educational institutions in which they have a vested interest either directly or indirectly.

Section 17
Each term of office of the chairperson and scholar members shall be four years. Upon termination of the term of office stipulated in the first paragraph, if a new chairperson or scholar member is not yet appointed, the chairperson or scholar member whose term of office has expired shall continue to serve until a new chairperson or scholar member assumes post.
The chairperson or scholar member whose term of office has expired may be re-elected, but shall not hold office for more than two consecutive terms.

Section 18
In addition to the expiration of the term of office, membership of the chairperson and scholar members shall terminate upon:

(1) death;
(2) resignation;
(3) discharge by the Council of Ministers due to neglect of duty, misconduct or incompetence; and
(4) lack of qualifications required or being subject to any of the prohibitions stipulated in Section 15 or commission of an offence stipulated in Section 16.

Section 19
In the case where the chairperson or a scholar member terminates office before the expiration date, the Council of Ministers shall appoint a replacement from among a list of suitable nominees. If the remaining term of office is less than 90 days, appointment of a replacement shall be optional. The term of office of the person thus appointed shall be the remainder of the office of the chairperson or scholar member who has previously occupied the post.

In the case where the chairperson or a scholar member terminates office before the expiration date, the Committee shall comprise all remaining members until a new chairperson or scholar member is appointed under the first paragraph and in the case where the chairperson terminates office before expiration date, the remaining committee members shall elect a temporary chairperson.

Section 20
The Committee shall have the following powers and duties:

(1) to function in accordance with the objectives and powers and duties of the Office stipulated in Section 7, Section 8 and Section 9;
(2) to formulate administrative policy and approve the work plans of the Office;
(3) to approve the financial plans of the Office;
(4) to prescribe measures for the dissemination of results of assessment of educational quality and standards of educational institutions to those concerned and to the public;
(5) to certify external assessors and prescribe the scope of powers and duties and regulations concerning functioning of external assessors;
(6) to supervise the functioning and general affairs administration of the Office as well as issue ordinances, regulations, announcements or stipulations of the Office regarding the following:
   (a) administration of the general affairs of the Office, organization structure and distribution of functions among the various units;
   (b) stipulation of position classification, qualifications required for different posts, scales of salaries, wages and other remunerations of officials and employees of the Office;
(c) selection, engagement, appointment, dismissal, discipline and disciplinary action, termination of office, complaint and appeal by officials and employees against disciplinary action as well as methods and conditions for engaging employees;

(d) management of finance, supplies and property of the Office, including accounting and canceling of property from the statement of assets and liabilities;

(e) provision of benefits for welfare and other interests of officials and employees; and

(f) scope of powers and duties, criteria, and methods of work of internal assessors.

(7) to take any necessary or subsequent action to attain the objectives of the Office.

Regulations regarding cancellation of property from the statement of assets and liabilities under (6) (d) shall follow the criteria stipulated by the Council of Ministers.

Section 21
For a committee meeting, the quorum required is the attendance of not less than half of the total number of members.

In a committee meeting, if the chairperson is absent or unable to officiate, the committee members attending shall elect a member to serve as chairperson.

Decisions of the meeting shall be passed by the majority of votes. In voting, a committee member shall have one vote. If a vote is equally divided, the chairperson of the meeting shall cast the deciding vote.

Section 22
The Committee shall have the powers to appoint scholars with expertise to serve as its advisers and establish sub-committees to consider or undertake any assignment given by the Committee.

For a sub-committee meeting, provisions in Section 21 shall apply, *mutatis mutandis*.

Section 23
The chairperson, committee members, advisers and sub-committee members shall receive allowances or other remunerations in accordance with the criteria stipulated by the Council of Ministers.

Section 24
With a view to enabling the enactment of this Royal Decree to attain the objectives and attune educational quality assessment to various types of education, there shall be established a Committee for Development of Assessment Systems of Basic Education Quality and a Committee for Development of Assessment Systems of Higher Education Quality, with the powers and duties:

(1) to provide academic support to the Committee;

(2) to develop and improve the system and methods of external assessment and develop the standards and criteria for external assessment of different levels of education in accordance with the policy of the Committee;

(3) to supervise actions to ensure recognition of standards and quality assessment of educational institutions at different levels in accordance with the policy of the Committee; and

(4) to take any other action assigned by the Committee.

Having completed their duties regarding recognition of standards and quality assessment, the Committee for Development of Assessment Systems of Basic Education Quality and the Committee for Development of Assessment Systems of Higher Education Quality shall report to the Committee in accordance with the regulations prescribed by the latter.
Section 25
The Committee for Development of Assessment Systems of Basic Education Quality shall not exceed 11 in number, comprising a chairperson who is not a civil servant in post or on a regular salary, and members appointed by the Committee from among those with knowledge and expertise in human sciences, social sciences, or science and technology or with experience in administration, assessment or evaluation.

The Director shall serve as member and secretary.

Section 26
The Committee for Development of Assessment Systems of Higher Education Quality shall not exceed 11 in number, comprising a chairperson who is not a civil servant in post or on a regular salary, and members appointed by the Committee from among those with knowledge and expertise in human sciences, social sciences or science and technology or with experience in administration, assessment and evaluation.

The Director shall serve as member and secretary.

Section 27
Appointment of the chairperson and members stipulated in Section 25 and Section 26 shall be through a search for suitable candidates.

Criteria and nomination methods, term of office, termination of office, appointment of a replacement and meeting procedures shall be in accordance with the requirements of the Committee.

Provisions in Section 15 and Section 16 shall apply mutatis mutandis to the qualifications and prohibitions of the chairperson and committee members under Section 25 and Section 26.

Section 28
Meeting allowances and other benefits of the chairperson and committee members in Section 25 and Section 26 shall be as prescribed by the Committee.

Section 29
There shall be a Director of the Office. The Committee shall have the powers to search for, appoint and remove the Director.

The criteria and search method for the Director shall be as stipulated by the Committee.

Section 30
The Director shall be the person who can devote his full time for the work of the Office, shall have the qualifications required and shall not be subject to any of the prohibitions as follows:

(1) having Thai nationality;
(2) not being less than thirty-five and not more than sixty-five years of age;
(3) being scholar with knowledge, competency and experience appropriate to the functions of the Office as stipulated in the objectives, powers and duties in Section 7, Section 8 and Section 9; and
(4) not being under any prohibition stipulated in Sections 15 (3), (4), (5) or (6).

Section 31
The Director shall not be engaged in any activity which is in competition with the activities of the Office or have vested interest in transactions with the Office either directly or indirectly. Nor shall he/she be involved in the accreditation or quality assessment of educational institutions in which he/she has a vested interest either directly or indirectly.
Section 32
Each term of office of the Director shall be four years. He/she may be re-appointed, but not for more than two consecutive terms.

Section 33
Other than vacation of office upon termination of the term, the Director shall vacate office upon:

(1) death;
(2) resignation;
(3) termination of tour of duty in cases agreed upon between the Committee and the Director;
(4) discharge by the Committee due to neglect of duty, misconduct or incompetence; and
(5) lack of qualifications required or being subject to any of the prohibitions under Section 30 or committing an offence under Section 31.

The decision of the Committee to discharge the Director under (4) shall require not less than a two-thirds majority of the votes of the serving members, excluding that of the Director.

Section 34
The Director shall have the duty to administer the Office in accordance with the law, objectives of the Office, rules, regulations, announcements, stipulations, policies and decisions of the Committee, and shall serve as supervisor of all officials and employees except the internal auditor under Section 43, second paragraph, and shall have the following duties:

(1) to submit to the Committee the goals, work plans, projects, and budget to ensure that the functioning of the Office attains its objectives;
(2) to submit to the Committee annual reports on the achievements of the Office in various aspects, including financial statements and accounts; and
(3) to submit to the Committee views regarding improvement of the affairs and functioning of the Office to ensure efficiency and attainment of the objectives.

The Director shall be accountable to the Committee regarding the administration of the Office.

Section 35
The Director shall have the powers:

(1) to engage, appoint, increase, decrease or cut salaries or wages, take disciplinary action against officials and employees who may also be discharged from office in accordance with the regulations stipulated by the Committee; and
(2) to formulate regulations for the functioning of the Office not contrary to the rules, regulations, announcements, stipulations, policies or decisions of the Committee.

Section 36
In matters relating to third persons, the Director shall represent the Office for which he may authorize a person to carry out a specific task on his behalf. Such authorization shall follow the regulations stipulated by the Committee.

Section 37
The Committee shall set the salary scale and other benefits of the Director in accordance with the criteria stipulated by the Council of Ministers.
Chapter 4  
Personnel of the Office

Section 38
There shall be three categories of personnel of the Office as follows:

1. officials or employees i.e. staff members who receive salaries or wages from the budget of the Office;
2. advisers or specialists i.e. those employed on contract to serve as advisers or specialists of the office; and
3. state officials on temporary secondment to the Office under Section 42.

Section 39
The officials shall have the qualifications required and shall not be subject to any prohibitions as follows:

1. having Thai nationality;
2. not less than eighteen years and not more than sixty years of age;
3. able to work full time for the Office;
4. having academic qualifications or appropriate experience in line with the objectives and powers and duties of the Office;
5. not being civil servants or employees of government agencies, officials or employees of state enterprises or other state agencies or officials or employees of local administration agencies; and (4) not being subject to any of the prohibitions stipulated in Section 15 (3), (4) or (5).

The provision in (1) shall not apply to foreign personnel whom the Office is obliged to employ or appoint under commitments or due to the nature of work of the Office.

Section 40
The officials shall not be engaged in any enterprise which is in competition with the responsibilities of the Office or have vested interest in transactions with the Office either directly or indirectly.

Nor shall they be involved in the accreditation or quality assessment of educational institutions in which they have a vested interest either directly or indirectly.

Section 41
The officials shall terminate office upon:

1. death;
2. resignation;
3. lack of qualifications required or being subject to any of the prohibitions under Section 39 or committing an offence under Section 40; and
4. being discharged or dismissed due to unsatisfactory results in assessment of performance or violation of discipline in accordance with the criteria and methods stipulated in the regulations drawn up by the Committee.

Section 42
With a view to facilitating the administration of the Office, the Minister may request temporary secondment of civil servants, employees, officials or other staff members of ministries, bureaus, departments, provincial administration agencies, local administration agencies, state enterprises or other state agencies to the Office. Such secondment shall be effective upon the authorization of supervisors or employers of the persons as the case may be.
In cases where civil servants, employees, officials or other staff members of ministries, bureaus, departments, provincial administration agencies, local administration agencies, state enterprises or other agencies are requested by the Minister to serve as officials or employees of the Office with authorization of their supervisors or employers and with an agreement entered into such persons shall be entitled to rights under Section 36 of the Public Organizations Act of 1999. In cases where the persons concerned seek to re-enter the civil service or re-instate in the parent agencies within the specified period of time, they shall be engaged and appointed to the posts and paid salaries in the parent government agencies or units at the levels not lower than they were previously.

Chapter 5
Accounting, Auditing and Evaluation of Achievements of the Office

Section 43
Accounting of the Office shall be based on generally accepted principles and shall follow the models and criteria stipulated by the Committee. In addition, an arrangement shall be made for internal auditing of the finance, accounting and supplies of the Office. Audit reports shall be submitted to the Committee at least once a year.

For internal auditing, a staff member of the Office shall specifically serve as internal auditor and shall be directly accountable to the Committee in accordance with the regulations drawn up by the latter.

Section 44
The Office shall submit to the auditor balance sheets, financial balances and operating accounts within 90 days as of the end of each accounting year.

Each year, the Office of the Auditor-General or external persons appointed by the Committee with the approval of the Office of the Auditor-General shall audit the accounts and evaluate the outcomes of utilization of money and property of the Office, thereby providing analytical opinions on the extent to which the spending is in line with the objectives, economical and yields results.

The audit reports shall be duly submitted to the Committee.

For such purposes, the auditor shall have the powers to inspect various books of account and substantiating documents of the Office; ask questions of the Director, the internal auditor, officials and employees; and call for additional books of account and substantiating documents of the Office as is deemed necessary.

Section 45
The Office shall submit an annual report to the Minister. The report shall include information on the achievements of the Office during the past year, operating accounts together with the auditor’s report as well as explanations on the policies of the Committee, projects and future work plans.

Section 46
With a view to strengthening the efficiency and auditing of the functioning of the Office to ensure the attainment of its objectives and implementation of the projects and work plans prepared, there shall be an evaluation of the achievements of the Office at intervals to be determined by the Committee.

Evaluation under the first paragraph shall follow the method stipulated by the Committee.

Chapter 6
Supervision
Section 47
The Minister shall have the powers and duties to supervise the functioning of the Office to ensure that it is administered in accordance with the law and the objectives of establishing the Office, government policies and decisions of the Council of Ministers concerning the Office. For such purpose, the Minister shall have the powers to instruct the Office to provide clarification, opinions, reports or prohibit actions of the Office contrary to the objectives of its establishment, government policies or decisions of the Council of Ministers concerning the Office as well as order an investigation into its functioning.

Chapter 7
Certificates and Credentials

Section 48
The Office may issue regulations concerning certificates and credentials for activities in line with its objectives and scope of powers and duties.

Section 49
The Office may prescribe its own credentials.
Announcement of the characteristics, kinds, categories and components of the credentials shall be made by the Office and published in the Government Gazette.
Occasions and conditions for utilization of the credentials shall follow the regulations of the Office.

Section 50
The Office may prescribe a logo, sign or symbol for the entire unit or for different parts of the unit through regulations, which shall be announced in the Government Gazette.

Transitory Provisions

Section 51
In accordance with Section 9 of the Public Organizations Act, B.E 2542, the Minister shall submit to the cabinet a request for authorization to transfer to the Office under this Royal Decree the affairs, property, rights, debts and budget allocated to the Research and Development Project on National Education Standards of the Office of the National Education Commission, Office of the Prime Minister, and the fund for external assessment allocated by the Budget Bureau to the Ministry of University Affairs available on the effective date of this Royal Decree, with the exception of budgetary allocations for salaries and wages for the posts with incumbents.

Section 52
Pending the establishment of the Ministry of Education, Religion and Culture, the Permanent Secretary for Education, Permanent Secretary for University Affairs and Secretary–General of the National Education Commission shall serve as ex-officio committee members under Section 14 (2), representing the Permanent Secretary for Education, Religion and Culture; and there shall be four scholar members under Section 14 (3), who shall not be civil servants in post or on a regular salary.

Section 53
At the initial stage, there shall be a seven–member Selective Committee to select a Nominations Committee. The Selective Committee shall comprise representatives of the Ministry of Education, the Ministry of University Affairs, the Office of the National Economic and Social Development Board, the Budget Bureau, the Office of the National Education Commission, the Secretary–General of the Public Service Reform Committee and the Secretary–General of the Education Reform Office. The Selective Committee shall be responsible for the selection of a nine–member Nominations Committee, which shall
include not less than five members who are not civil servants in post or on a regular salary.

The Selective Committee shall submit for consideration of the Minister the names of suitable candidates to serve as members of the Nominations Committee within 30 days as of the effective date of this Royal Decree.

The Nominations Committee under the first paragraph shall search for suitable candidates, for the posts of chairperson and scholar members of the Executive Committee of the Office of National Education Standards, chairperson of the Committee for Development of Assessment System of Basic Education Quality and chairperson of the Committee for Development of Assessment System of Higher Education Quality. The list of candidates shall be submitted for appointment by the Council of Ministers within 45 days as of the date establishing the Nominations Committee.

Section 54
At the initial stage, pending the appointment of the Director, the Secretary-General of the National Education Commission shall serve as interim director, and the Office of the National Education Commission shall take all necessary measures for the selection and nomination of the various committees as well as other necessary steps as stipulated in this Royal Decree until such time as the Executive Committee of the Office to be established by the cabinet appoints the Director in accordance with this Royal Decree.

Section 55
The issuing of rules, announcements, stipulations, regulations or the prescription of criteria and methods in accordance with the enactment of this Royal Decree shall be completed within one year as of the effective date of this Royal Decree.

Pending the completion of the rules, announcements, stipulations, regulations or the prescription of the criteria and methods for external assessment, relevant rules, announcements, stipulations, regulations or criteria or methods adopted by the Office of the National Education Commission or Ministry of University Affairs as of the effective date of this Royal Decree shall apply, mutatis mutandis.

Section 56
Within six years as of the effective date of the National Education Act, B.E. 2542, the first external assessment of all educational institutions providing formal education in accordance with the national education law shall be made.

Countersigned by Mr. Chuan Leekpai as Prime Minister

Note: The rationale for the promulgation of this Royal Decree is that the National Education Act, B.E. 2542 requires the establishment of the Office for National Education Standards and Quality Assessment as a public organization in accordance with the Public Organizations Act, having the duties to develop the criteria, methods for external assessment and assessment of the outcomes of educational provision through assessment of educational institutions to ensure attainment of the objectives through observance of principles and guidelines for each level of education as stipulated in the national education law. There should therefore be established the Office for National Education Standards and Quality Assessment in accordance with the provisions of the said Act. It has, thus, become necessary to promulgate this Royal Decree.

Disclaimer
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