

## INDUSTRIAL PRODUCT STANDARDS ACT B.E. 2511

**BHUMIBOL ADULYADEJ, REX.**

**Given on the 27 th Day of December B.E. 2511;**

**Being the 23 rd Year of the Present Reign.**

His majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that: Whereas it is expedient to have a law on industrial product standards; 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 "Industrial Product Standards Act, B.E. 2511"

**Section 2.** This Act shall come into force as from the day following the date of its publication in the Government Gazette. <sup>(2)</sup>

**Section 3.** In this Act

**"standard"** means specifications on one or many of descriptions concerning the following:

- (1) kind, type, shape, dimension, manufacture, equipment, quality, grade, component, faculty, durability and safety of the industrial products;
- (2) methods of manufacture, design, drawing, usage, material used for the industrial products and safety concerning the manufacture of the industrial products;
- (3) kind, type, shape, dimension of packages or other kinds of containers including the making of packages or other kinds of containers, and methods of packing, wrapping or binding and materials used therefor;
- (4) methods of experiment, analysis, comparison, examination, testing and weighing and measuring in volume and size concerning the industrial products;
- (5) proper name, abbreviation, symbol, sign, colour, number and unit of technical process concerning industrial products;
- (6) other specifications concerning industrial products according to the Notifications of the Minister or the Royal Decrees;

**"Institute"** means the Industrial Product Standards Institute;

**"Council"** means Industrial Product Standards Council;

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

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

**Section 4.** <sup>(3)</sup> There shall be established the Industrial Product Standards Institute in the Ministry of Industry with the following power and duties:

- (1) to examine applications for the use of a standard mark under section 16, applications for licence to manufacture or import industrial products under section 20, section 20 bis, section 21 and section 21 bis for further submission to the council;
- (2) to inspect and control the manufacture of industrial products, industrial products which are required by the Royal Decree to conform with the standard and industrial products which are permitted to be manufactured under section 20 bis;
- (3) to inspect and control the industrial products which are required by a Royal Decree to conform with the standard and imported for sale including industrial products which are permitted to be imported under section 21 bis;
- (4) to supervise the use of the standard mark;
- (5) to carry out other matters as entrusted by the Council.

**Section 4 bis.** <sup>(4)</sup> The Secretary-General of the Industrial Product Standards Institute shall have the duty to supervise and control the administration of the Industrial Product Standards Institute

**Section 5.** <sup>(5)</sup> The Minister, with the Approval of the Council, shall have the power to publish in the Government Gazette designating Government agencies, Government organizations, state enterprises or other agencies, either within or outside the country, to be inspectors for the inspection of industrial products for further submission to the Council whether or not they conform with the standards.

**Section 6.** <sup>(6)</sup> The Minister has the power to publish in the Government Gazette determining the rates of expenses for the inspection of industrial products or materials under section 16, section 20, section 20 bis, section 21, section 21 bis and section 44 (1) only in respect of the industrial products using the standard marks under section 16 or receiving licences or being permitted under section 20, section 20 bis, section 21 or section 21 bis, as the case may be.

The expenses for the inspection of industrial products or materials under paragraph one shall be collected from the applicant for a licence, the licensee, the person who obtains a permit, the manufacturer, the importer, the seller or the person having the products for sale, as the case may be.

**Section 7.** <sup>(7)</sup> There shall be an Industrial Product Standards Council consisting of the Permanent Secretary for Industry as chairman, Director-General of the Department of Industrial Works, Director-General of the Department of Industrial Promotion, representative of the Ministry of Agriculture and Cooperatives, representative of the Ministry of Interior, representative of the Ministry of Commerce, representative of the Ministry of Science, Technology and Energy, representative of the Ministry of Public Health, representative of the Customs Department, representative of Thailand Institute of Scientific and Technological Research, representative of the Office of the Board of Investment, representative of the Office of the National Economic and Social Development Board and not more than six qualified persons appointed. by the Council of Ministers as members.

The Secretary-General of the Industrial Product Standards Institute shall be member and secretary.

**Section 8.** <sup>(8)</sup> The Council has the power and duties as follows :

- (1) to recommend the Minister on the determination, amendment and revocation of standards;
- (2) to permit the use of a standard mark;
- (3) to permit the manufacture of industrial products which are required by the Royal Decree to conform with the standard;
- (4) to permit the import for sale in the Kingdom of industrial products which are required by the Royal Decree to conform with the standards;
- (4 bis) to recommend the Minister on the determination of rules and conditions on the manufacture or import of industrial products which are required by the Royal Decree to conform with the standard, or to conform with foreign or international

standards under section 20 bis and section 21 bis;

(5) to select and submit qualified persons to the Minister for appointment to the Technical Committees;

(6) to carry out other matters under this Act.

**Section 9.** Members appointed by the Council of Ministers shall hold office for a term of three years. A member who vacates office may be reappointed.

**Section 10.** Apart from vacating office at the end of term under section 9 paragraph one, a member appointed by the Council of Ministers vacates office upon :

(1) death;

(2) resignation;

(3) being bankrupt;

(4) being an incompetent or quasi-incompetent person;

(5) being imprisoned by a final judgment except for a petty offence or offence committed through negligence;

(6) being removed by the resolution of the Council of Ministers.

When a member appointed by the Council of Ministers vacates office before the end of term, the Council of Ministers may appoint any other person to replace him.

The member appointed under paragraph two shall hold office for the unexpired term of the member he replaces.

**Section 11.** At a meeting of the Council, the presence of not less than one-third of the total number of members shall constitute a quorum. If the chairman is not present at a meeting, the members present shall elect one among themselves to preside over the meeting. The decision of the meeting shall be made by a majority of votes. Each member has one vote. In case of an equality of votes, the person who presides over the meeting shall cast an additional vote as a castion-vote.

**Section 12.** The Council has the power to appoint subcommittees to assist in the execution of functions or deliberation on any matters entrusted by the Council. The provisions of section 11 shall apply to the meeting of the sub-committees mutatis mutandis.

**Section 13.** (9) The Minister has the power to appoint qualified persons whom the Council submits under section 8 (5) members of one or several Technical Committees. The Technical Committee has the duty to prepare a draft standard and carry out other technical matters concerning the standard and submit to the Council. In the performance of its duties, the Technical Committee has the power to appoint subcommittees to assist in carrying out the activities or considering matters entrusted by the Technical Committee. The provisions of section 11 shall apply to the meetings of the Technical Committees and the technical sub-committees mutatis mutandis.

**Section 14.** A member of the Technical Committee vacates office upon:

(1) death;

(2) resignation;

(3) being bankrupt;

(4) being an incompetent or quasi-incompetent person;

- (5) being imprisoned by a final judgment except for a petty offence or offence committed through negligence;
- (6) being advised in writing by the Minister.

**Section 15.** For the benefit of industrial promotion, the Minister may determine, amend and revoke standards for industrial products according to the recommendation of the Council. The determination, amendment and revocation of standards under paragraph one shall be published in the Government Gazette.

**Section 16.** (10) Subject to section 25, any person who manufactures industrial products, a standard of which has already been determined, may display the standard mark on his industrial products only after inspection by a competent official and having received a licence from the Council. The application for a licence, the inspection and the issue of a licence shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 17.** For the purpose of ensuring safety or preventing harmful effect which may befall the public, the industry or economy of the country, any particular kind of industrial products which shall conform with a standard may be determined. The determination under paragraph one shall be made by a Royal Decree and the date of its coming into force shall not be less than sixty days from the date of its publication in the Government Gazette.

**Section 18.** Before the issuance of a Royal decree under section 17, the following steps shall be taken:

- (1) the Institute, shall publish, in the Government Gazette and at least in one Thai daily newspaper for a period of not less than seven days, an announcement stating the intention requiring any particular kind of industrial products to be manufactured in conformity with a standard, the place where the particulars are available and the period for a person wishing to protest to submit his protest to the Institute, which is not less than thirty days from the date of the publication;
- (2) if no protest is received, the Institute shall report to the Council, and in such case, the Council shall proceed further;
- (3) in the case where a protest is received, the Institute shall refer the protest to the Council;
- (4) the Institute shall post a notice at the Institute specifying the date, time and place where an hearing of the protest will be held and inform the protestant of it in writing;
- (5) the Council shall avail itself of the opportunity for all persons interested to attend and give their opinion in the hearing;
- (6) if the protestant does not show up within the specified time, the Council shall have the power to proceed as it thinks fit;
- (7) When a decision has been made by the Council, the Institute shall post a copy of the decision at the Institute and send one copy thereof to the protestant.

**Section 19.** A person having interest in the decision of the Council under section 18 has the right to appeal against such decision to the Minister within thirty days from the date of posting the copy of the decision at the Institute. The decision of the

Minister shall be final.

**Section 20.** <sup>(11)</sup> Subject to section 25, and person who manufactures industrial products which are required by the Royal Decree to conform with the standard must produce an evidence to a competent official for inspection and receive a licence from the Council.

The application for a licence, the inspection and the issue of a licence shall be in accordance with the rules and procedure prescribed in the Ministerial Regulation.

**Section 20 bis.** <sup>(12)</sup> For the export benefit or where there is necessity to manufacture for use in the Kingdom for a temporary period industrial products different from the standard, the Minister may, from time to time, permit the licensee under section 20 to manufacture the industrial products which are required by the Royal Decree to conform with the standard in conformity with a foreign or international standard which may be lower or higher than the standard under this Act.

The foreign or international standard under paragraph one must have been approved by the Council and the manufacturing of such industrial products shall be in accordance with the rules and conditions prescribed by the Council.

**Section 21.** <sup>(13)</sup> Subject to section 25, any person who imports for sale the industrial products which are required by the Royal Decree to conform with the standard must produce an evidence to a competent official for inspection and receive a licence from the Council.

The Application for a licence, the inspection and the issue of a licence shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 22.** The licensee shall display his licence at a conspicuous place in the establishment specified in the licence.

**Section 23.** If the licence is lost or materially damaged, the licensee shall apply for a substitute of licence to the Council within thirty days from the date of the knowledge thereof.

The application for and the issue of a substitute of licence shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation

**Section 24.** The moving of the establishment specified in the licence shall be made only after having received a licence from the Council.

The application for and the issue of a licence shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 25.** <sup>(15)</sup> The transfer of a licence issued under section 16, section 20 and section 21 may be made only upon receiving the licence to transfer a licence from the Council.

After having submitted the application for the transfer of a licence under paragraph

one, the applicant shall continue to display or use the standard mark, or manufacture or import products which conform with the standard, as the case may be, until the final order or decision refusing to permit the transfer of the licensee is made; provided that, the applicant is deemed to be a licensee who must comply with this Act.

The Council must consider the application for the transfer of a licence and make a decision within thirty days as from the date of receiving the application.

In the case where the Council does not finish the consideration within the period under paragraph three, it shall be deemed that the said application for the transfer of a licence has been permitted and the Council must issue the licence to transfer a licence to the applicant without delay.

The application for the transfer of a licence and the issue of the licence to transfer a licence shall be in accordance with the rules and procedure prescribed in the Ministerial Regulation.

**Section 25 bis.** <sup>(16)</sup> In the issue of a licence under section 16, section 20, section 21, section 24 and section 25, the Council may prescribe the conditions in writing requiring the licensee to observe in the following matters:

- (1) procedure for controlling the quality of industrial products to be in conformity with the standards;
- (2) prescription of time for the display of the standard mark;
- (3) prescription of time for the payment of expenses for the inspection of industrial products.

The conditions so prescribed under paragraph one may be amended by the Council.

**Section 26.** In case an application for a licence under section 16, section 20, section 21, section 24, or section 25 is refused by the order of the Council, the applicant has the right to appeal to the Minister within thirty days from the date of being informed of such order.

The decision of the Minister shall be final.

**Section 27.** <sup>(17)</sup> A licence expires when:

- (1) the licensee ceases his operation;
- (2) the licensee under section 16 applies for the cancellation of the display of the standard mark on his industrial products;
- (3) the Notification or the Royal Decree determining a new standard, amending or revoking the standard in connection with such kind of industrial products comes into force, In case of determining a new standard or amending the standard, the licensee wishing to comply with the new standard or the amended standard shall submit an application for a licence before the date on which the new or amended standard comes into force. After having submitted the application therefor, he shall continue his operation under the previous licence and under the previous standard within the period prescribed by the Council which shall not exceed one year as from the date the new or amended standard comes into force.

**Section 28.** When the licensee ceases his operation, he shall notify the Council in writing within thirty days from the date of cessation thereof.

**Section 29.** The licensee under section 20 or section 21 shall manufacture the industrial products in conformity with the standard thereof or import industrial products which are in conformity with the standard thereof, as the case may be.

**Section 30.** The Minister shall determine a standard mark to be used in connection with the industrial products under section 16, section 20 and section 21.

The description, making and method of displaying of the standard mark shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 31.** No person other than the licensee under section 16, section 20 or section 21 shall use the standard mark.

**Section 32.** No person shall imitate the standard mark so as to mislead the public.

**Section 33.** <sup>(18)</sup> The licensee under section 20 and section 21 shall display the standard mark before taking the industrial products out of the premises where they are manufactured or before receiving them from the Customs Officer. In the latter case, the Minister may permit that the standard mark be exhibited afterwards under the specified conditions.

In the case where the permission to manufacture of import industrial products different from the standard under section 20 bis or section 21 bis, as the case may be, has been granted, the licensee or authorized person shall display the mark or statement showing that such industrial products do not conform with the standard under this Act pursuant to paragraph one. Such mark or statement shall be prescribed by the Council.

In the case where there is an evidence that the imported industrial products conform with a foreign standard not lower than the standard under this Act and foreign standard mark is displayed thereon, the Council may exempt the licensee or authorized person from using the standard mark under paragraph one or mark or statement under paragraph two, as the case may be.

**Section 34.** In using the standard mark, the licensee shall cause his name or registered trade mark to be displayed in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 35.** No licensee under section 16, section 20 or section 21 shall display the standard mark on the industrial products which do not conform with the standard.

**Section 36.** <sup>(19)</sup> No person shall advertise, sell or have for sale, any industrial product knowing that it does not conform with section 16, section 20, section 20 bis, section 21, section 21 bis, section 29 or section 33 paragraph one or paragraph two, or that it is an industrial product on which the standard mark is displayed in violation

of section 31, section 32 or section 35.

**Section 37.** <sup>(20)</sup> The Council has the power to suspend a licence for a period not exceeding three months each time when it is found that the licensee violates or fails to comply with section 24, section 25, section 29, section 33 paragraph one, section 34, section 35 or the Ministerial Regulation issued under this Act or the conditions prescribed by the Council under section 25 bis.

**Section 38.** If the person whose licence has been suspended has complied with this Act, The Council may cancel the order suspending the licence before the end of the suspension period.

**Section 39.** The Council has the power to revoke a licence when it is found that the licensee whose licence has been suspended has committed a similar offence within the past five years.

**Section 39 bis.** <sup>(21)</sup> The Minister has the power to revoke the permission given under section 20 bis or section 21 bis, when it is found that the licensee or authorized person, as the case may be, has not complied with section 33 paragraph two or the rules or conditions prescribed by the Council.

**Section 40.** Before suspending a licence under section 37 or revoking a licence under section 39, the Council shall order the Institute to give the licensee a written warning to rectify his practice within a specified time, but it shall not relieve him from the liability for the offence committed under this Act. In the case where the said licensee is not found, the written warning shall be posted on the establishment specified in the licence, and the licensee shall be deemed to have knowledge of the warning from the date thereof.

**Section 41.** <sup>(22)</sup> When the order under section 37, section 39 or section 39 bis has been issued, the Institute shall notify in writing the relevant person of the suspension, revocation or cancellation. In the case where the relevant person is not found, a notice shall be posted on the establishment specified in the licence or permit, as the case may be, and such person shall be deemed to have knowledge of the order from the date thereof.

**Section 42.** When the Council suspends or revokes a licence, the licensee has the right to appeal against the order to the Minister within thirty days from the date of the knowledge of the order.

The decision of the Minister shall be final.

During the appeal, the appellant may request the Minister to stay the enforcement of the order of suspension or revocation of the licence.

**Section 43.** A person whose licence in connection with a particular kind of industrial products has been revoked may not apply for a new licence in connection therewith until a period of six months from the date of the knowledge of the order has elapsed.

**Section 44.** <sup>(23)</sup> In the performance of his duties, a competent official shall have the power:

(1) to enter premises where the industrial products are manufactured, kept or sold during the time between sunrise and sunset or during the office hours, or a vehicle carrying industrial products, for the purpose of inspection of the industrial products or the manufacturing thereof whether or not they conform with this Act, and to take reasonable quantities of the industrial products, materials used or having reasonable ground to believe that they will be used in the manufacture thereof as samples for further inspection;

(2) to enter premises or any other place during the time between sunrise and sunset or during the office hours, or any vehicle where there is a reasonable ground to suspect that this Act is not complied with or is violated, and to take reasonable quantities of the industrial products, materials used or having reasonable ground to believe that they will be used in the manufacture thereof as samples for further inspection;

(3) to seize or attach industrial products in the case where there is a reasonable ground to believe that;

(a) they do not conform with section 16, section 20, section 20 bis, section 21, section 21 bis, section 29 or section 33 paragraph one or paragraph two;

(b) they do not conform with the rules and conditions prescribed by the Council under section 20 bis paragraph two or section 21 bis paragraph two; or

(c) they are industrial products on which the standard mark is used or displayed in violation of section 31, section 32 or section 35.

**Section 45.** A competent official shall have an identity card in the form prescribed in the Ministerial Regulation.

In the performance of his duties under section 44, the competent official must produce his identity card to persons concerned.

**Section 46.** <sup>(24)</sup> As for the industrial products which have been seized or attached by the competent official under section 44 (3), the Council shall have the following power:

(1) in the case where the licensee under section 16 violates section 35 or in the case of failing to comply with section 16 and thereby violating section 31, the Council may order that the industrial products be modified or improved to be in conformity with the standard, or may order that the standard mark be removed from or taken out of such industrial products: if the standard mark cannot be removed from or taken out of the industrial products, the Council may order that the industrial products be destroyed;

(2) in the case of failing to comply with section 20 or section 21, or violating or failing to comply with the rules or conditions prescribed by the Council under section 20 bis paragraph two or section 21 bis paragraph two, the Council may order that the industrial products be destroyed, or in case of imports, may order that they be sent back; if they are not sent back, the Council may order that the industrial products be destroyed or that they be withheld for the manufacturer or importer to apply for a licence or permit;

(3) in the case where the licensee fails to comply with section 29, the Council may order that the industrial products be modified or improved to be in conformity with the standard, or may order that the industrial products be destroyed, or in the case of imports, may order that they be sent back and may also order that the

standard mark be removed from or taken out of such industrial products; if they are not sent back or the standard mark is not removed from or taken out of the industrial products, the Council may order that the industrial products be destroyed.

(4) in the case where the advertiser, the seller or the person having the products for sale acts in violation of section 36, the Council may order that the industrial products be modified or improved to be in conformity with the standard or may order that they be destroyed;

provided that, the licensee, the person who obtains a permit, the manufacturer, the importer, the advertiser, the seller or the person having the products for sale, as the case may be, shall bear the expenses incurred from the modification, improvement, destruction or sending back of the industrial products or the withholding in order to apply for a licence or permit or the removal or taking of the standard mark from or out of the industrial products.

**Section 46 bis.** <sup>(25)</sup> As to the industrial products seized or attached under section 44 (3), if the owner or possessor thereof does not appear within ninety days as from the date of the seizure or attachment, the ownership thereof shall be vested in the state and the Institute shall, with the approval of the Council, have the power to manage them in any manner whatsoever as it thinks fit.

If the industrial products so seized or attached under section 44 (3) are perishable, or if being kept would involve risks of damage or incur expenses more than their value, the Institute may arrange for the sale of such products by auction before the case is final or before they are vested in the state. The net proceeds from the sale of such products after deduction of expenses and all obligations shall be held in lieu of such products.

**Section 47.** A person who is affected by the performance of the duty of a competent official shall provide facilities, assistance. or explanations to the competent official at his request.

**Section 48.** <sup>(26)</sup> Any person who fails to comply with section 20 or section 21 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand Baht or to both

**Section 48 bis.** <sup>(27)</sup> Any person who has been granted permission to manufacture or import industrial products under section 20 bis paragraph one or section 21 bis paragraph one and violates or fails to comply with the rules or conditions prescribed by the Council under section 20 bis paragraph two or section 21 bis paragraph two, as the case may be, or fails to comply with section 33 paragraph two shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand Baht or to both.

**Section 49** <sup>(28)</sup> Any licensee who fails to comply with section 22 or section 23 paragraph one shall be liable to a fine not exceeding one thousand Baht

**Section 50.** <sup>(29)</sup> Any licensee who fails to comply with section 24, section 25 or section 28 shall be liable to imprisonment for a term not exceeding one month or to a

fine not exceeding five thousand Baht or the both.

**Section 51.** <sup>(30)</sup> Any licensee who fails to comply with section 29 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand Baht or to both.

**Section 52.** Any person who violates section 31 or section 32 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

**Section 53.** Any licensee who fails to comply with section 33 paragraph one or section 34 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding five thousand Baht or to both.

**Section 54.** <sup>(31)</sup> Any licensee who violates section 35 shall be liable to:

(1) in the case of a licensee under section 16, imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both;

(2) in the case of a licensee under section 20 or section 21, imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand Baht or to both.

**Section 55.** Any person who violates section 36 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding five thousand Baht or to both.

**Section 56.** <sup>(32)</sup> Any person who obstructs a competent official while performing his duties under section 44 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

**Section 56 bis.** <sup>(33)</sup> Any person who fails to comply with the order of the Council under section 46 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Bath or both

**Section 57.** <sup>(34)</sup> Any person who fails to provide facilities, assistance or explanations to a competent official under section 47 shall be liable to a fine not exceeding one thousand Bath

**Section 57 bis.** <sup>(35)</sup> In the case where a juristic person is an offender under this Act, The representative, director, manager and any other person who acts for a juristic person shall be deemed an offender and shall also be liable to the same punishment as that imposed on such juristic person unless he can prove that he had no part in the commission of the offence by the juristic person.

**Section 57 ter.** <sup>(36)</sup> The Secretary-General of the Industrial Product Standards Institute or the competent official entrusted by him shall have the power to settle the offences under section 49, section 50, section 53, section 55 or section 57.

When the offender has paid the fine so fixed, the case shall be deemed to have been settled under the Criminal Procedure Code.

**Section 58.** The Minister of Industry shall have charge and Control of the execution of this Act and have the power to appoint competent officials, to issue Ministerial Regulations prescribing fees not exceeding the rates attached hereto and to prescribe other matters for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by:  
Field Marshal Thanom Kittikachorn  
Prime Minister

**Rates of fees**

(1) Application	10	Baht	each
(2) Licence under section 16	1,000	Baht	each
(3) Licence under section 20	1,000	Baht	each
(4) Licence under section 21	1,000	Baht	each
(5) Licence under section 24	500	Baht	each
(6) Licence under section 25	500	Baht	each
(7) Licence Substitute	100	Baht	each