

Unofficial Translation*

**FERTILISERS ACT,
B.E. 2518 (1975)**

BHUMIBOL ADULYADEJ, REX.
Given on the 4st Day of January B.E. 2518;
Being the 30th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on fertilisers;
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Legislative Assembly acting as the National Assembly, as follows.

Section 1. This Act is called “Fertilisers Act, B.E. 2518 (1975)”.

Section 2.¹ This Act shall come into force from the day following the date of its
publication in the Government Gazette.

Section 3.² In this Act:

“fertiliser” means an organic substance, synthetic organic substance, inorganic
substance, or microorganism whether it occurs naturally or is synthesized for use as a plant
nutrient regardless of the means employed or for creating the chemical, physical or biological
transformation in soil for the purpose of plant growth;

“chemical fertiliser” means a fertiliser derived from an inorganic substance or
synthetic organic substance; the term includes a single fertiliser, mixed fertiliser, compound
fertiliser and organic chemical fertiliser; however, the term does not include:

* Translated by Mr. Watthana Suksiripakonchai, and reviewed by Associate Professor Pisawat
Sukonthapan under contract for the Office of the council of State of Thailand’s Law for ASEAN project. –
Tentative version –pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 92, Part 5, Special Issue, Page 29, dated 9th
January B.E. 2518 (1975)

² Section 3 has been amended by the Fertiliser Act (No. 2) B.E. 2550

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ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(1) calcium hydroxide, marl, plaster, gypsum, dolomite or other substances as prescribed by the Minister and published in the Government Gazette;

(2) an inorganic substance or organic substance, whether it occurs naturally or is synthetically produced, to be used in industrial operations or other operations as prescribed by the Minister and published in the Government Gazette;

“bio fertiliser” means a fertiliser obtained by using a microorganism that can create nutrients or make useful nutrients for plants to biologically, physically or chemically correct the condition of soil; the term shall include effective microorganisms;

“organic fertiliser” means a fertiliser obtained or made from an organic substance by being dampened, chopped, fermented, ground up, sifted, extracted or by other means, and the organic substance completely broken down by a microorganism; this type of fertiliser is not a chemical fertiliser or bio fertiliser;

“organic-chemical fertiliser” means a fertiliser with a certain amount of a nutrient together with the amount of an organic substance as prescribed by the Minister and published in the Government Gazette;

“single fertiliser” means a chemical fertiliser with one primary nutrient, namely nitrogen fertiliser, phosphate fertiliser or potash fertiliser;

“mixed fertiliser” means a chemical fertiliser obtained by mixing various types or kinds of chemical fertilisers in order to obtain the desired nutrients;

“compound fertiliser” means a chemical fertiliser that is produced by a chemical process and contains at least two primary nutrients;

“nutrient” means a nutrient that is contained in a fertiliser and can be used as a nutrient for plants;

“primary nutrient” means nitrogen, phosphorus or potassium;

“secondary nutrient” means magnesium, calcium or sulfur;

“micronutrient” means iron, manganese, copper, zinc, boron, molybdenum, chlorine or other nutrients as prescribed by the Minister and published in the Government Gazette;

“guaranteed quantity of a nutrient” means the minimum quantity of a primary nutrient that the manufacturer or importer of fertiliser guarantees on the label is contained in the manufactured or imported fertiliser, as the case may be, by showing the amount of that nutrient as a percentage of the net weight of the chemical fertiliser;

“type of microorganism” means a group or species of a microorganism identified by its scientific name;

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“effective microorganism” means a biological microorganism with a high concentration of cells per unit that is cultured by scientific methods;

“carrier” means a substance used to mix with an effective microorganism in the process of producing bio fertiliser;

“guaranteed quantity of a microorganism” means the minimum quantity, guaranteed by the manufacturer or importer, of total cells, total spores or other unit count, which is prescribed by the Minister and published in the Government Gazette, of living microorganisms contained in the bio fertiliser or effective microorganisms manufactured or imported, as the case may be;

“pathogenic microorganism” means a microorganism that causes disease in a human being, animal or plant; the term shall also include a microorganism that destroys a useful microorganism, by whatever means;

“guaranteed quantity of an organic substance” means the minimum quantity of an organic substance that the manufacturer or importer of organic fertiliser guarantees on the label is contained in the organic fertiliser he or she manufactures or imports, as the case may be; such quantity is calculated in the form of a percentage of the net weight of the organic fertiliser;

“toxic substance” means a chemical substance or other substance that may be harmful to a human being, animal, plant, microorganism, the environment or other property;

“standard chemical fertiliser” means a chemical fertiliser that conforms to the formula, the minimum or maximum quantity of a nutrient or toxic substance, or other characteristics prescribed by the Minister for each type of chemical fertiliser;

“deteriorated chemical fertiliser” means an expired chemical fertiliser or a chemical fertiliser that has been affected in any way causing it to become deteriorated due to a decrease in, or a change in the condition of, the nutrient;

“label” includes a picture, artificial mark, or any statement displayed on a container or package of fertiliser;

“fertiliser brochure” means paper or any other object that exhibits a message related to fertiliser, via a picture, artificial mark, mark or any statement; the paper or object may be attached to, included in or form part of a fertiliser container or package; the term shall also include instruction manuals on the use of fertiliser;

“manufacture” means to make, culture, gather, mix, alter, modify, change the container or package of, or pack in portions of, fertiliser;

“sell” means to distribute, allot, give away, exchange, transfer rights, or transfer possession to another person for a commercial purpose; the term shall also include having possession with intent to sell;

“import” means to bring or to order into the Kingdom;

“export” means to take or to send out of the Kingdom;

“transit” means to take or transit through the Kingdom by means of loading or changing of vehicles;

“competent official” means a person appointed by the Minister to perform duties under this Act;

“Director-General” means the Director- General of the Department of Agriculture;

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

Section 4.³ The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulations prescribing fee rates not exceeding the rates annexed to this Act, exempt fees, prescribe other acts and issue Notifications for the execution of this Act.

The Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I FERTILISER COMMITTEE

Section 5. There shall a committee called “The Fertiliser Committee” consisting of the Permanent Secretary of the Ministry of Agriculture and Cooperatives as the Chairperson, a representative from the Ministry of Commerce, a representative from the Land Development Department, two representatives from the Department of Agriculture, a representative from the Department of Science Service, a representative from the Department of Agricultural Extension, a representative from the Thai Industrial Standards Institute, a representative from the Office of Agricultural Economics and no more than ten experts appointed by the Minister. The experts shall consist of four farmers, two representatives from associations operating businesses related to

³ Section 4 has been amended by the Fertiliser Act (No. 2) B.E. 2550

fertiliser manufacturing and trade, and no more than four experts from the areas of environmental science, law and the fertiliser industry. A representative from the Department of Agriculture shall be a member of the Committee and serve as the secretary.⁴

The Department of Agriculture shall have the duty to implement the resolutions adopted by the Fertiliser Committee.

Section 6. A qualified member shall hold office for a term of two years and may be re-appointed.

Section 7. In addition to vacating office upon the expiration of the term under section 6, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being incompetent or quasi-incompetent person;
- (4) being imprisoned due to a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence.

If a qualified member vacates office before the expiration of his or her term, or if the Minister appoints an additional qualified member during the period when the appointed members are in office, the person newly appointed shall hold office for the remainder of the term of office of the qualified members already appointed.⁵

Section 8. At a meeting of the Committee, the presence of not less than one-half of the total members is required to constitute a quorum. If the Chairperson of the Committee or the person assigned by the Chairperson is not present at the meeting, the members present shall elect one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. Each member shall have one vote. In the case of equal votes, the presiding member shall have an additional vote as the casting vote.

Section 9. The Fertiliser Committee shall have the power to appoint one or more sub-committees to perform any task entrusted to it or them by the Fertiliser Committee. The provisions of section 8 shall apply to sub-committee meetings *mutatis mutandis*.

Section 10.⁶ The Fertiliser Committee shall have the power to provide recommendations or opinions to the Minister or the Director-General, as the case may be, on the following matters:

⁴ Section 5 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550

⁵ Section 7 paragraph two has been amended by the Fertiliser Act (No. 2) B.E. 2550

⁶ Section 10 has been amended by the Fertiliser Act (No. 2) B.E. 2550

(1) granting permission for the manufacture of fertiliser for commercial purposes or the sale, import, export or transit of fertiliser; the registration or revocation of registration of fertiliser; or the suspension or revocation of a licence;

(2) prescribing the rules, procedures, and conditions relating to the manufacturing of fertiliser for commercial purposes; the selling, importing, exporting, or transiting of fertiliser; the sampling of fertiliser for examination and testing; the procedure for examining and analyzing fertiliser; the inspection of places used to manufacture, sell, import, export or store fertiliser; and the adoption of specifications for laboratories used for fertiliser testing;

(3) issuing the Notifications referred to in sections 33/2 and 34 and prescribing the rules, procedures and conditions referred to in section 38;

(4) performing other acts as prescribed by law;

(5) performing other tasks as assigned by the Minister.

Section 11. In the performance of duties under this Act, the Fertiliser Committee shall have the power to issue orders in writing to summon any person to give statements or to submit related documents or objects for consideration.

CHAPTER II

APPLYING FOR AND GRANTING OF FERTILISER RELATED LICENCES⁷

Section 12.⁸ No person shall manufacture for commercial purposes, sell, import, export or transit the following fertilisers unless otherwise granted a licence by a competent official:

- (1) a chemical fertiliser;
- (2) a bio fertiliser except the bio fertiliser prescribed by the Minister under section 34 (7);
- (3) an organic fertiliser except the organic fertiliser prescribed by the Minister under section 34 (7).

Applications for, and the granting of, permission, as well as the issuance of licences, under paragraph one shall conform to the rules, procedures and conditions prescribed by the Director-General, with the approval of the Fertiliser Committee.

⁷ The name of Chapter 2 Permission for license and issuance of license relating to fertiliser has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁸ Section 12 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Section 13. The Minister, on the Fertiliser Committee's recommendation, has the power to exempt mining operators under the law on minerals from having to apply for a licence to manufacture a chemical fertiliser for commercial purposes under section 12 in order to manufacture a mineral that is defined as a chemical fertiliser, as published in the Government Gazette.

Any person given an exemption under paragraph one who wishes to manufacture such a chemical fertiliser shall submit an application for a permit from the Director-General and shall comply with the rules, procedures and conditions prescribed by the Director-General, with the approval of the Fertiliser Committee.

If the person receiving the permit under paragraph two fails to comply with such rules, procedures and conditions, the Director-General has the power to revoke the permit.

Section 14.⁹ The provisions of section 12 and section 35 shall not apply to:

- (1) importing or exporting a fertiliser for the purpose of study, experiment or research;
- (2) manufacturing, importing or exporting a fertiliser as a sample for the registration of fertiliser or for consideration in making a purchase order;
- (3) importing or exporting a fertiliser in an amount not exceeding fifty kilograms or fifty litres per time per type of fertiliser.

An operator given an exemption under paragraph one shall comply with the rules, procedures and conditions prescribed by the Director-General with the approval of the Fertiliser Committee.

Section 15. A competent official shall issue a licence to produce for commercial purposes, sell, import or export a fertiliser when it appears that the person applying for the licence:

- (1) is the owner of the business;
- (2) has a place of residence or an office in Thailand;
- (3) has a place to manufacture for commercial purposes, sell, import, export or store fertiliser;
- (4) does not use a trade name that is the same as or similar to the trade name used by an existing licensee or the trade name of a licensee whose licence is being suspended or has been revoked for less than one year¹⁰.

⁹ Section 14 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

¹⁰ Section 15 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550.

If the applicant is a juristic person, it shall have the qualifications described in (1), (2), (3) and (4), and its operator shall possess the qualification described in (2).

Section 16.¹¹ The types of licences are as follows:

- (1) a licence to manufacture a chemical fertiliser for commercial purposes;
- (2) a licence to manufacture a bio fertiliser for commercial purposes;
- (3) a licence to manufacture an organic fertiliser for commercial purposes;
- (4) a licence to sell fertiliser;
- (5) a licence to import fertiliser;
- (6) a licence to export fertiliser;
- (7) a licence to transit fertiliser.

A person receiving a licence under (1), (2) or (3) shall be deemed a person receiving a licence under (4) with respect to the fertiliser he or she manufactures; and a person receiving a licence under (5) shall be deemed a person receiving a licence under (4) with respect to the fertiliser he or she imports.

Section 17. The licence under section 16 shall also cover the licensee's employees or agents.

Conduct of the licensee's employees or agents that is safeguarded under paragraph one shall be deemed the conduct of the licensee unless the licensee proves that such conduct is beyond his or her knowledge or control.

Section 18. The licence under section 16 shall be valid for the following periods:

- (1) a licence to manufacture a chemical fertiliser for commercial purposes, a licence to manufacture a bio fertiliser for commercial purposes, or a licence to manufacture an organic fertiliser for commercial purposes shall be valid for a period of five years from the date of issuance of such licence;
- (2) a licence to sell fertiliser shall be valid for a period of one year from the date of issuance of such licence;
- (3) a licence to import fertiliser shall be valid for a period stipulated in the licence but not exceeding one year from the date of issuance of such licence;
- (4) a licence to export fertiliser shall be valid for a period stipulated in the licence but not exceeding one year from the date of issuance of such licence;
- (5) a licence to transit fertiliser shall be valid for a period stipulated in the licence but not exceeding six months from the date of issuance.¹²

¹¹ Section 16 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

If the licensee wishes to renew his or her licence, he or she shall submit an application to renew it prior to its expiration date. Upon the submission of such application, the licensee may continue to operate his or her business until the competent official declines to renew such licence.

Applications for, and the granting of, renewal shall conform to the rules, procedures and conditions prescribed by the Director-General.

Section 19. If the competent official does not issue, or does not renew, a licence, the applicant or the licensee applying for a renewal of the licence has the right to appeal, in writing, to the Minister; within thirty days from the date of receipt of the letter from the competent official giving notice of the decision not to issue or renew the licence.

The Minister's ruling shall be final.

If the competent official does not renew a licence, the Minister, before rendering his or her ruling on an appeal made under paragraph two, may permit the licensee to continue to operate his or her business temporarily, if the appellant so requests.

CHAPTER III

DUTIES OF PERSONS RECEIVING FERTILISER-RELATED LICENCES¹³

Section 20.¹⁴ No licensees are permitted to:

- (1) manufacture or sell fertiliser outside of the place stipulated in the licence, except for direct wholesales made to persons licensed to sell fertiliser;
- (2) manufacture or import fertiliser that does not meet the specifications stated in the certificate of registration.

Section 21.¹⁵ A person licensed to manufacture a chemical fertiliser for commercial purposes shall comply with the following requirements:

¹² Section 18 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550.

¹³ The name of Chapter 3 duties of the licensee relating to fertiliser has been amended by the Fertiliser Act (No. 2) B.E. 2550.

¹⁴ Section 20 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550.

¹⁵ Section 21 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(1) to provide a signboard in a conspicuous location that can be easily seen from outside the building showing that it is a place used to manufacture chemical fertiliser for commercial purposes; the style and size of the signboard, as well as the statements displayed on the signboard, shall be as prescribed by the Director-General;

(2) to display the certificate of registration of the chemical fertiliser in a conspicuous location that can be easily seen at the office specified in the licence;

(3) to provide an analysis of the chemical fertiliser every time it is manufactured; the analysis shall take place before the fertiliser is moved out of its place of manufacture, and the evidence containing the details of the result of each analysis shall be kept for a period of not less than ten years;

(4) to provide a label in the Thai language attached to the container or package of the manufactured chemical fertiliser; the person licensed to manufacture the chemical fertiliser for commercial purposes shall certify the correctness of the statements on the label, and the following information shall appear on the label:

(a) the trade name and the words “chemical fertiliser”, “standard chemical fertiliser”, or “organic chemical fertiliser”, as the case may be;

(b) the trademark or any other mark displayed on the container or package of the chemical fertiliser;

(c) the guaranteed quantity of the nutrient or nutrients contained in the fertiliser;

(d) the net weight or volume of the chemical fertiliser contained in the package, in the metric measurement system;

(e) the name of the manufacturer and location of the office and place used to manufacture the chemical fertiliser for commercial purposes;

(f) the chemical name and quantity of any toxic substance in the chemical fertiliser;

(g) any other statements prescribed by the Minister to be included on the label;

(5) to provide a chemical fertiliser brochure in accordance with the registered chemical fertiliser and the rules, procedures and conditions prescribed by the Director-General;

(6) to provide explanations, instructions, and warnings, as well as information on the appropriate method of storage; these items shall be contained in the brochure if the chemical fertiliser contains a toxic substance;

(7) other matters as prescribed by the Minister and published in the Government Gazette.

The provisions of (4) and (5) shall not apply to persons licensed to manufacture a chemical fertiliser for commercial purposes who sell the fertiliser they manufacture to other persons licensed to manufacture a chemical fertiliser for commercial purposes, provided that the fertiliser sold is not in containers or packages.

Section 21/1.¹⁶ A person licensed to manufacture a bio fertiliser for commercial purposes shall comply with the following requirements:

(1) to provide a signboard in a conspicuous location that can be easily seen from outside the building showing that it is a place used to manufacture bio fertiliser for commercial purposes; the style and size of the signboard, as well as the statements displayed on the signboard, shall be as prescribed by the Director-General;

(2) to display the certificate of registration of the bio fertiliser in a conspicuous location that can be easily seen at the office specified in the licence;

(3) to provide an analysis of the bio fertiliser for quality control purposes every time it is manufactured; the analysis shall take place before the fertiliser is moved out of its place of manufacture, and the evidence containing the details of the result of each microorganism testing shall be kept for a period of not less than ten years;

(4) to provide a label in the Thai language attached to the container or package of the manufactured bio fertiliser; the person licensed to manufacture the bio fertiliser for commercial purposes shall certify the correctness of the statements on the label, and the following information shall appear on the label:

- (a) the trade name and the word “bio fertiliser”;
- (b) the trademark or any other mark displayed on the container or package of the bio fertiliser;
- (c) the guaranteed quantity of the microorganism contained in the fertiliser;
- (d) the appropriate method of storage;
- (e) the net weight or volume of the bio fertiliser contained in the package, in the metric measurement system;
- (h) the bio fertiliser carrier;
- (i) the name of the manufacturer and location of the office and place used to manufacture the bio fertiliser for commercial purposes;

¹⁶ Section 21/1 has been added by the Fertiliser Act (No. 2) B.E. 2550.

(j) the manufacturing date and expiration date of the bio fertiliser;
 (k) any other statements prescribed by the Minister to be included on the label-;

(5) to provide a bio fertiliser brochure in accordance with the registered bio fertiliser and the rules, procedures and conditions prescribed by the Director-General;

(6) to provide explanations, instructions, and warnings, as well as information on the appropriate method of storage; these items shall be contained in the brochure if the bio fertiliser contains a toxic substance;

(7) other matters as prescribed by the Minister and published in the Government Gazette.

The provisions of (4) and (5) shall not apply to persons licensed to manufacture a bio fertiliser for commercial purposes who sell the fertiliser they manufacture to other persons licensed to manufacture a bio fertiliser for commercial purposes, provided that the fertiliser sold is not in containers or packages.

Section 21/2.¹⁷ A person licensed to manufacture an organic fertiliser for commercial purposes shall comply with the following requirements:

(1) to provide a signboard in a conspicuous location that can be easily seen from outside the building showing that it is a place used to manufacture organic fertiliser for commercial purposes;; the style and size of the signboard, as well as the statements displayed on the signboard, shall be as prescribed by the Director-General;

(2) to display the certificate of registration of the organic fertiliser in a conspicuous location that can be easily seen at the office specified in the licence;

(3) to provide an analysis of the organic fertiliser every time it is manufactured; the analysis shall take place before the fertiliser is moved out of its place of manufacture, and the evidence containing the details of the result of each analysis shall be kept for a period of not less than ten years;

(4) to provide a label in the Thai language attached to the container or package of the manufactured organic fertiliser; the person licensed to manufacture the organic fertiliser for commercial purposes shall certify the correctness of the statements on the label, and the following information shall appear on the label:

(a) the trade name and the word “organic fertiliser”;

¹⁷ Section 21/2 has been added by the Fertiliser Act (No. 2) B.E. 2550.

- (b) the trademark or any other mark displayed on the container or package of the organic fertiliser;
- (c) the guaranteed quantity of the organic substance contained in the fertiliser;
- (d) the net weight or volume of the organic fertiliser contained in the package, in the metric measurement system;
- (e) the name of the manufacturer and location of the office and place used to manufacture the organic fertiliser for commercial purposes;
- (f) any other statements prescribed by the Minister to be included on the label;
- (5) to provide an organic fertiliser brochure in accordance with the registered organic fertiliser and the rules, procedures and conditions prescribed by the Director-General;
- (6) to provide explanations, instructions, and warnings, as well as information on the appropriate method of storage; these items shall be contained in the brochure if the organic fertiliser contains a toxic substance;
- (7) other matters as prescribed by the Minister and published in the Government Gazette.

The provisions of (4) and (5) shall not apply to persons licensed to manufacture an organic fertiliser for commercial purposes who sell the organic fertiliser they manufacture to other persons licensed to manufacture an organic fertiliser for commercial purposes, provided that the fertiliser sold is not in containers or packages.

Section 22.¹⁸ A person licensed to sell fertiliser shall comply with the following requirements:

- (1) to provide a signboard in a conspicuous location that can be easily seen from outside of the building or office showing that it is a place used to sell fertiliser; the style and size of the signboard, as well as the statements displayed on the signboard, shall be as prescribed by the Director-General;
- (2) to ensure that fertiliser and foodstuffs are segregated from each other appropriately;
- (3) to maintain the labels on the containers or packages of fertiliser and the brochures accompanying the fertiliser in complete and legible conditions, as prescribed in section 21 (4), (5) and (6); section 21/2 (4), (5) and (6); or section 23 (5) and (6), as the case may be;

¹⁸ Section 21/2 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(4) if a seller removes or divides the chemical fertiliser from its original container or package for retail sale, the seller shall specify the guaranteed quantity of the nutrient or nutrients contained in the chemical fertiliser divided for sale;

(5) to keep the containers or packages of fertiliser in an orderly condition, but if the original container or package is damaged, the container or package may be changed; however, the seller must ensure that the statement displayed on the replacement container or package corresponds to the statement appearing on the original container or package that was damaged;

(6) other matters as prescribed by the Minister and published in the Government Gazette.

Section 23.¹⁹ A person licensed to import fertiliser shall comply with the followings requirements:

(1) every time fertiliser is imported, the importer shall notify the competent official of the importation of each type of fertiliser imported; this shall be in accordance with the rules, procedures and conditions prescribed by the Director-General;

(2) to provide a signboard in a conspicuous location that can be easily seen from outside of the building or office showing that it is a place used to import fertiliser; the style and size of the signboard, as well as the statements displayed on the signboard, shall be as prescribed by the Director-General;

(3) to display the certificate of registration of the fertiliser in a conspicuous location that can be easily seen at the office specified in the licence;

(4) every time fertiliser is imported, the importer shall arrange for a certificate from the manufacturer of the fertiliser showing the details of the result of the analysis of the fertiliser;

(5) to arrange for a label in the Thai language on the container or package as prescribed in section 21 (4), section 21/1 (4), or section 21/2 (4), as the case may be;

(6) to provide a brochure in accordance with the registered fertiliser and the rules, procedures and conditions prescribed by the Director-General;

(7) other matters as prescribed by the Minister and published in the Government Gazette.

The provisions in (5) and (6) shall not apply to an importer of fertiliser that is not in a container or package.

Section 23/1.²⁰ A person licensed to export fertiliser shall comply with the following requirements:

¹⁹ Section 23 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²⁰ Section 23/1 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

- (1) every time fertiliser is exported, the exporter shall notify the competent official of the exportation of each type of fertiliser exported;
- (2) to provide a label as prescribed by the Director-General;
- (3) other matters as prescribed by the Minister and published in the Government Gazette.

Section 24. If a licence is lost or the essential part thereof is damaged, the licensee shall notify the competent official thereof and submit an application for a substitute licence within fifteen days from the date of discovery of such loss or damage.

Applications for, and the granting, of, a substitute licence shall be in accordance with the rules, procedures and conditions prescribed by the Director-General.

Section 25.²¹ The licensee shall display the licence or the substitute licence in a conspicuous location that can easily be seen at a place used to manufacture for commercial purposes, sell, import or export fertiliser, as the case may be.

Section 26.²² A licensee who wishes to move the place used to manufacture for commercial purposes, sell, import or export fertiliser, as the case may be, shall notify the competent official, in writing, of the change of location within fifteen days from the date of the move.

Section 27. A licensee who wishes to close down a business that has been licensed in accordance with this Act shall notify the competent official, in writing, of such closure within fifteen days from the date of closing down the business. In addition, the licence shall be deemed terminated from the date of the notice of closing down the business.

Section 28.²³ A licensee who has provided notice of the closing down of his or her business must sell his or her remaining fertiliser within sixty days from the date of closing down the business, unless the period is extended by the competent official.

Upon the expiration of the time specified in paragraph one, if it appears that a licensee who has provided notice of the closing down of his or her business is still unable to sell all of the remaining fertiliser, the competent official shall auction the remaining fertiliser or sell it by any other means, as the Director-General deems appropriate. Money received from the sale of such fertiliser, after deducting the expenses, shall be returned to the owner of the fertiliser or the person who has the right over such money.

²¹ Section 25 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²² Section 26 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²³ Section 28 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Section 29. Upon the death of a licensee, if a person who is qualified to be a licensee under this Act informs the competent official, within thirty days from the date of the death, of that person's intent to continue the deceased's licensed business, such person shall be permitted to continue to operate the business until the expiration date of the licence. In such a case, the successor is deemed to be the licensee under this Act from the date of the death of the late licensee.

CHAPTER 4 CONTROL OF FERTILISERS²⁴

Section 30.²⁵ No person shall manufacture for commercial purposes, sell or import the following fertilisers:

- (1) counterfeit fertiliser;
- (2) non-standard chemical fertiliser;
- (3) deteriorated chemical fertiliser except in the case of section 31;
- (4) non-standard bio fertiliser or non-standard organic fertiliser;
- (5) fertiliser that is required to be registered, but is not registered;
- (6) fertiliser, for which the registration has been revoked by the Minister;
- (7) fertiliser containing a toxic substance in an amount higher than that prescribed by the Minister.

Section 31.²⁶ Any licensee in possession of deteriorated chemical fertiliser shall notify the competent official thereof. If the licensee wishes to sell such fertiliser, he or she must request permission from the competent official and must comply with the rules, procedures and conditions prescribed by the Director-General.

Section 32. A chemical fertiliser or other substance with any of the following characteristics shall be deemed a counterfeit chemical fertiliser:

- (1) a chemical fertiliser or other substance fabricated partly or wholly to deceive another person into believing or understanding that it is a genuine chemical fertiliser;
- (2) a chemical fertiliser falsely displaying the name of another chemical fertiliser;

²⁴ Name of chapter 4 control of the fertiliser has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²⁵ Section 30 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²⁶ Section 31 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(3) a chemical fertiliser falsely displaying the name or trademark of a person who manufactures chemical fertiliser for commercial purposes, or the location of a place used to manufacture chemical fertiliser for commercial purposes;

(4) a chemical fertiliser falsely represented to be a standard chemical fertiliser or registered chemical fertiliser;

(5)²⁷ a chemical fertiliser manufactured with the guaranteed quantity of a nutrient of less than ten percent as registered or specified on the label.

Section 32/1.²⁸ A bio fertiliser with any of the following characteristics shall be deemed a counterfeit bio fertiliser:

(1) a bio fertiliser falsely displaying the name or trade mark of a person who manufactures a bio fertiliser for commercial purposes or the location of a place used to manufacture bio fertiliser for commercial purposes;

(2) a bio fertiliser represented to be a registered bio fertiliser;

(3) a bio fertiliser manufactured with a type of microorganism that is not in accordance with the registration or the label.

Section 32/2.²⁹ An organic fertiliser or other substance with any of the following characteristics shall be deemed a counterfeit organic fertiliser:

(1) a substance fabricated partly or wholly to deceive another person into believing or understanding that it is an organic fertiliser;

(2) an organic fertiliser falsely displaying the name of another organic fertiliser;

(3) an organic fertiliser falsely displaying the name or trademark of a person who manufactures organic fertiliser for commercial purposes or the location of a place used to manufacture organic fertiliser for commercial purposes;

(4) an organic fertiliser falsely represented to be a registered organic fertiliser;

(5) an organic fertiliser manufactured with the guaranteed quantity of an organic substance of less than ten percent as registered or specified on the label.

Section 33.³⁰ A chemical fertiliser with any of the following characteristics shall be deemed a non-standard chemical fertiliser:

(1) a chemical fertiliser manufactured with the guaranteed quantity of a nutrient lower than the registered level or the level of a standard fertiliser, but not to the extent considered to be a counterfeit chemical fertiliser under section 32 (5);

²⁷ Section 32 (5) has been amended by the Fertiliser Act (No. 2) B.E. 2550.

²⁸ Section 32/1 has been added by the Fertiliser Act (No. 2) B.E. 2550.

²⁹ Section 32/2 has been added by the Fertiliser Act (No. 2) B.E. 2550.

³⁰ Section 33 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(2) a chemical fertilize that is manufactured with a purity, or with other important features crucial to the quality of the chemical fertiliser, differing from the registered benchmark or the benchmark of a standard chemical fertiliser;

(3) an organic chemical fertiliser containing less of an organic substance than is registered or specified on the label.

Section 33/1.³¹ A bio fertiliser with any of the following characteristics shall be deemed a non-standard bio fertiliser:

(1) a bio fertiliser manufactured with the guaranteed quantity of any microorganism less than the quantity registered or specified on the label;

(2) an expired bio fertiliser.

Section 33/2.³² For the purpose of controlling the quality of an organic fertiliser, the Director-General, with the approval of the Fertiliser Committee, shall have the power to prescribe rules relating to the quantity of an organic substance, the ratio of carbon to nitrogen, or other essential characteristics of each type of organic fertiliser and to publish such rules in the Government Gazette.

An organic fertiliser with any of the following characteristics shall be deemed a non-standard organic fertiliser:

(1) an organic fertiliser that does not conform to the rules prescribed by the Director-General in paragraph one;

(2) an organic fertiliser manufactured with the guaranteed quantity of an organic substance less than the amount registered or specified on the label, but not to the extent considered to be a counterfeit organic fertiliser under section 32/2(5).

CHAPTER V

NOTIFICATION, REGISTRATION AND ADVERTISEMENT RELATING TO FERTILISERS³³

Section 34.³⁴ The Minister, with the recommendation of the Fertiliser Committee, shall have the power to publish the following items in the Government Gazette:

³¹ Section 33/1 has been added by the Fertiliser Act (No. 2) B.E. 2550.

³² Section 33/2 has been added by the Fertiliser Act (No. 2) B.E. 2550.

³³ Name of Chapter V the Notification, registration and advertisement relating to fertiliser has been amended by the Fertiliser Act (No. 2) B.E. 2550.

³⁴ Section 33/2 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(1) standards for chemical fertilisers, stipulating, changing or cancelling the formula thereof, the minimum or maximum guaranteed quantity of a nutrient or toxic substance in the chemical fertiliser, or other essential characteristics of each type of standard chemical fertiliser; such stipulation, change or cancellation shall come into force after the expiration of thirty days from the date of its publication in the Government Gazette;

(2) a list of materials to be used as containers or packages for fertiliser, including the methods of sealing or stitching of such containers or packages;

(3) determination of the net weight or volume of fertiliser in a package or container for commercial purposes;

(4) determination of the methods of analysis, and standard deviations for the analysis and inspection, of fertiliser samples;

(5) determination of fertilisers that are exempt from registration pursuant to the rules, procedures and conditions prescribed by the Director-General with the approval of the Fertiliser Committee;

(6) determination of the maximum amount of a toxic substance allowed in a fertiliser, except for a standard chemical fertiliser;

(7) determination of bio fertilisers or organic fertilisers that are exempt from the requirement to obtain permission to manufacturing for commercial purposes or selling pursuant to the rules, procedures and conditions prescribed by the Director-General with the approval of the Fertiliser Committee;

(8) prohibition of the export of any fertiliser if it is necessary to prevent and rectify a fertiliser shortage.

Section 35.³⁵ Any person licensed to manufacture for commercial purposes or import fertiliser who wishes to manufacture or import other types of fertilisers, excluding a standard chemical fertiliser and the fertilisers referred to in section 34 (4), shall apply to the competent official for registration thereof first; and upon receipt of a certificate of such registration, that person is entitled to manufacture or import the fertiliser.

Section 36.³⁶ A person who applies for registration of a chemical fertiliser under section 35 must submit a sample of the chemical fertiliser and the following details:

(1) the name of the chemical fertiliser;

(2) the substances used as components of the chemical fertiliser;

(3) the guaranteed quantity of a nutrient;

³⁵ Section 35 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

³⁶ Section 36 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

(4) for a chemical fertiliser containing secondary nutrients and micronutrients, the types and quantities thereof must be declared;

(5) the net weight or volume of the packaging and a sample container or package;

(6) the name of the manufacturer and the place used to manufacture the chemical fertiliser;

(7) the method of analysis of the chemical fertiliser;

(8) the method of manufacturing the chemical fertiliser, in brief;

(9) a sample label;

(10) a sample of the brochure to accompany the chemical fertiliser;

(11) a report of the result of an analysis of the chemical fertiliser issued by the government laboratory performing fertiliser analysis or other laboratories performing fertiliser analysis prescribed by the Director-General with the approval of the Fertiliser Committee;

(12) details of the properties and qualities of the chemical fertiliser.

Section 36/1.³⁷ A person who applies for registration of a bio fertiliser under section 35 must submit a sample of the bio fertiliser and the following details:

(1) the type or kind of the bio fertiliser;

(2) the bio fertiliser carrier;

(3) the kind of microorganisms and guaranteed quantity thereof;

(4) the net weight or volume of the packaging and a sample container or package;

(5) the name of the manufacturer and the place used to manufacture the bio fertiliser;

(6) the method of analysis of the bio fertiliser;

(7) the method of manufacturing the bio fertiliser, in brief;

(7) a sample label;

(8) a sample of the brochure to accompany the bio fertiliser;

(9) a report of the result of an analysis of microorganisms contained in the bio fertiliser issued by the government laboratory performing fertiliser analysis or other laboratories performing fertiliser analysis prescribed by the Director-General with the approval of the Fertiliser Committee;

(10) details of the properties and qualities of the bio fertiliser.

³⁷ Section 36/1 has been added by the Fertiliser Act (No. 2) B.E. 2550.

Section 36/2.³⁸ A person who applies for registration of an organic fertiliser under section 35 must submit a sample of the organic fertiliser and the following details:

- (1) the type or kind of the organic fertiliser;
- (2) the substances used as main components of the organic fertiliser;
- (3) the guaranteed quantity of organic substances;
- (4) the net weight or volume of the packaging and a sample container or package;
- (5) the name of the manufacturer and the place used to manufacture the organic fertiliser;
- (6) the method of analysis of the organic fertiliser;
- (7) the method of manufacturing the organic fertiliser, in brief;
- (8) a sample label;
- (9) a sample of the brochure to accompany the organic fertiliser;
- (10) a report of the result of an analysis of the organic fertiliser issued by the government laboratory performing fertiliser analysis or other laboratories performing fertiliser analysis prescribed by the Director-General with the approval of the Fertiliser Committee;
- (11) details of the properties and qualities of the organic fertiliser.

Section 37.³⁹ An amendment to the items on a certificate of registration for fertiliser may be made only upon receipt of permission from the competent official.

Section 38.⁴⁰ Applications for registration, the issuance of certificates of registration, applications for amendments to the registered items, or amendments to the items on a certificate of registration for fertiliser shall conform to the rules, procedures and conditions prescribed by the Director-General with the approval of the Fertiliser Committee.

Section 38/1.⁴¹ The costs of fertiliser analysis shall be paid in accordance with the fee rates, procedures and conditions prescribed by the Director-General.

Section 39. No competent official shall approve an application for fertiliser registration if the Fertiliser Committee determines that:

- (1) the details of the application for fertiliser registration do not conform to section 36, section 36/1, or section 36/2, as the case may be, or the application to amend items on the fertiliser registration is not in compliance with the rules, procedures and conditions prescribed by the Director-General pursuant to section 38;
- (2) the fertiliser is counterfeit;

³⁸ Section 36/2 has been added by the Fertiliser Act (No. 2) B.E. 2550.

³⁹ Section 37 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴⁰ Section 38 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴¹ Section 38 has been added by the Fertiliser Act (No. 2) B.E. 2550.

(3) the fertiliser contains a toxic substance, a microorganism that produces a toxin, or a pathogenic microorganism exceeding the maximum limits prescribed by the Minister;

(4) the fertiliser has been given a name that is boastful, impolite or misleading;

(5) the qualities of the fertiliser that is the subject of the application for registration are not reliable;

(6) the registration of the fertiliser has been revoked by the Minister, unless a period of three years from the date of revocation has lapsed.⁴²

The competent official's order declining to approve the application for registration is final.

Section 40.⁴³ A fertiliser registration certificate shall be valid for a period of five years from the date of its issuance and is renewable every five years.

If a person receiving a fertiliser registration certificate wishes to renew it, he or she must apply for renewal before it expires. Upon submission of the application, the applicant may continue his or her operation until the competent official declines to renew the registration.

Applications for, and the granting of, renewal of a fertiliser registration certificate shall conform to the rules, procedures and conditions prescribed by the Director-General.

Section 41. The Minister, with the recommendation of the Fertiliser Committee, shall have the power to revoke a fertiliser registration if, after the registration has been granted, it becomes apparent that the registered fertiliser is unsafe for use or counterfeit, a non-standard chemical fertiliser, or a bio fertiliser or organic fertiliser that does not conform to the rules. Notice of the order revoking the fertiliser registration shall be provided in writing to the person whose fertiliser registration has been revoked, and shall be published in the Government Gazette. That person must submit the registration certificate to the competent official within fifteen days from the date of receipt of revocation order.⁴⁴

The Minister's shall be final.

Section 42.⁴⁵ If a fertiliser registration certificate is lost or the essential part thereof is damaged, the licensee shall notify the competent official thereof and submit an application for a substitute fertiliser registration certificate within fifteen days from the date of discovery of the loss or damage.

Applications for, and the granting of, a substitute fertiliser registration certificate shall be in accordance with the rules, procedures and conditions prescribed by the Director-General.

⁴² Section 39 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴³ Section 40 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴⁴ Section 41 paragraph one has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴⁵ Section 42 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Section 43.⁴⁶ A person who advertises fertiliser for sale must

- (1) not make false or exaggerated statements about the fertiliser's qualities;
- (2) not mislead another person into believing that a fertiliser contains a nutrient or component that it does not contain, or that the fertiliser contains a greater amount of such substance than actually contains;
- (3) not have another person to guarantee or praise the qualities of the fertiliser.

CHAPTER VI COMPETENT OFFICIALS

Section 44.⁴⁷ In performing his or her duties under this Act, the competent official has the following powers:

- (1) to enter a place used to manufacture for commercial purposes, sell, import, export or store fertiliser between sunrise and sunset or during the business hours of that place for the purpose of ensuring compliance with this Act;
- (2) to search any location or vehicle between sunrise and sunset or during business hours, if there is a reasonable ground to suspect that an offence under this Act has been committed, and to inspect (*truat-kohn*) and seize or attach fertiliser, containers or packages, equipment, appliances or documents related to such offence;
- (3) to take a reasonable quantity of fertiliser or a substance suspected to be fertiliser as samples for the purpose of testing or analysis; this shall follow the rules, procedures and conditions prescribed by the Director-General, with the approval of the Fertiliser Committee.

Licensees and other interested parties shall facilitate the competent official's performance of his or her duties under paragraph one.

Section 45. In performing his or her duties under this Act, the competent official must show his or her identification card when requested by an interested party.

The identification card of the competent official shall be as prescribed by the Minister.

⁴⁶ Section 43 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴⁷ Section 44 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Section 46.⁴⁸ If it appears that there is no owner or possessor of fertiliser, containers, packages, tools, equipment or documents that have been seized or attached under section 44, if the public prosecutor issues a non-prosecution order, or if the court delivers a final judgment not to confiscate such objects and their owner or possessor does not request their return within ninety days from the date on which the objects were seized or confiscated, or the date on which the owner or possessor received notice of the non-prosecution order, or the date on which the court delivered the final judgment, as the case may be, such objects shall belong to the Department of Agriculture, which shall manage and dispose of them appropriately.

If objects seized or attached under section 44 are perishable, or if their detainer poses a risk of damage, or if the costs of storage exceed the market value of the fertiliser, the competent official, with the approval of the Director-General, may auction such fertiliser (including any containers or packages, tools, equipment or documents) before the time specified in paragraph one. The net proceeds of the auction shall be seized instead.

Section 47. In performing his or her duties under this Act, the competent official shall be considered an official under the Penal Code.

Section 48.⁴⁹ If a licensee fails to comply with the provision concerning the labels, containers or packages of fertiliser or other matters with which the licensee must comply with under this Act, the competent official shall send a warning letter to the licensee to comply with the warning within the time specified in such letter. If the licensee fails to comply with the warning letter, the competent official shall take actions related to the licensee's offence under this Act.

CHAPTER VII

SUSPENSION AND REVOCATION OF LICENCES

Section 49. When it appears to the competent official that a licensee has failed to comply with this Act or any Notification issued under this Act, the competent official has the power to suspend the licensee's licence for a period not exceeding one hundred and twenty days on each occasion. If a licensee is prosecuted for the commission of an offence under this Act, his or her licence may be suspended by the competent official while awaiting the final judgment in the case.

⁴⁸ Section 46 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁴⁹ Section 48 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

A licensee whose licence is suspended shall discontinue the operation specified in the licence and is not permitted to apply for any other licence under this Act during the period of the suspension.

Section 50. The Director-General has the power to revoke a licence if it appears to him or her the person receiving that licence has failed to comply with section 48 or has violated this Act repeatedly, or has committed a serious offence under this Act.

A licensee whose licence is revoked shall discontinue the operation specified in the licence; and shall not apply for any licences under this Act for a period of two years from the date of revocation of the licence. The competent official has discretion to grant, or refuse to grant, a new licence, as he or she deems appropriate.

Section 51.⁵⁰ Written notice of an order suspending or revoking a licence shall be provided to the person who received the licence.

Section 52. The competent official has the power to revoke an order suspending a licence before the specified time when he or she is satisfied that the person who received the licence has complied with the provisions under this Act or the Notification issued under this Act.

Section 53. A licensee whose licence is suspended or revoked has the right to appeal, in writing, to the Minister within thirty days from the date of receipt of the order. The Minister has the power to dismiss the appeal or to correct the order of the competent official in a manner favouring the appellant.

The decision of the Minister is final.

An appeal under paragraph one shall not operate as a stay of execution of the order to suspend or revoke the licence.

Section 54.⁵¹ A licensee whose licence is revoked shall sell all his or her remaining fertiliser within sixty days from the date of receipt of the revocation order or the date of receipt of a decision of the Minister, unless the period is extended by the competent official.

Upon the expiration of the period specified in paragraph one, if it appears that the licensee is not able to sell all of his or her remaining fertiliser, the competent official shall auction the remaining fertiliser or sell it by any other means, as deemed appropriate by the Director-General. The net proceeds, after deducting the expenses incurred, shall be returned to the owner of the fertiliser or the person who has the right to receive such proceeds.

⁵⁰ Section 51 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵¹ Section 54 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

CHAPTER VIII ORGANIC FERTILISERS⁵²

Section 55.⁵³ (Repealed)

CHAPTER IX PENALTIES⁵⁴

Section 56.⁵⁵ Any person who fails to comply with an order of the Fertiliser Committee under section 11, or obstructs or fails to facilitate a competent official's performance of his or her duties under section 44, shall be liable to imprisonment for a term not exceeding six months and a fine not exceeding twenty thousand baht.

Section 57.⁵⁶ Any person who violates section 12, paragraph one shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand baht, or both.

Section 58.⁵⁷ Any person who violates or fails to comply with the rules, procedures and conditions prescribed by the Director-General under section 14 or section 34 (5) or (7) shall be liable to a fine not exceeding fifty thousand baht.

Section 59.⁵⁸ Any licensee who violates or fails to comply with sections 20 (1), 26, or 27, or fails to comply with a warning issued by a competent official under section 48, shall be liable to a fine of four thousand to twenty thousand baht.

Section 60.⁵⁹ Any licensee who manufactures or imports chemical fertiliser in violation of section 20 (2), or fails to comply with section 21, shall be liable to imprisonment for a term not exceeding two years or a fine of eight thousand to forty thousand baht, or both.

⁵² Chapter VIII, section 55 has been repealed by the Fertiliser Act (No. 2) B.E. 2550.

⁵³ Section 55 has been repealed by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁴ Chapter IX penalties section 56 to section 72 have been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁵ Section 56 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁶ Section 57 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁷ Section 58 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁸ Section 59 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁵⁹ Section 60 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Any person licensed to sell, import or export chemical fertiliser who fails to comply with sections 22, 23 or 23/1 shall be liable to imprisonment for a term not exceeding two years or a fine of four thousand to twenty thousand baht, or both.

Section 61.⁶⁰ Any licensee who fails to comply with section 21/1 shall be liable to imprisonment for a term not exceeding one year or a fine of four thousand to twenty thousand baht, or both.

Any licensee who fails to comply with section 21/2 shall be liable to one half of the penalties prescribed in paragraph one.

Section 62.⁶¹ Any licensee who fails to comply with section 24, paragraph one; section 25 or section 42, paragraph one shall be liable to a fine not exceeding four thousand baht.

Section 63.⁶² Any person who manufactures chemical fertiliser for commercial purposes in violation of section 30 (1) shall be liable to imprisonment for a term of five to fifteen years and a fine of two hundred thousand to two million baht.

If a person who commits an act under paragraph one did not know that such fertiliser was counterfeit fertiliser, he or she shall be liable to a fine of one hundred and fifty thousand to one million five hundred thousand baht.

Section 64.⁶³ Any person who sells or imports chemical fertiliser in violation of section 30 (1) shall be liable to imprisonment for a term of three to ten years and a fine of one hundred and twenty thousand to four million baht.

If a person who commits an act under paragraph one did not know that such fertiliser was counterfeit fertiliser, he or she shall be liable to a fine of eight thousand to eighty thousand baht.

Section 65.⁶⁴ Any person who manufactures for commercial purposes, sells or imports bio fertiliser in violation of section 30 (1), (5), (6) or (7) shall be liable to half of the penalties prescribed in section 63, paragraph two; section 64, paragraph two; section 66, paragraph two; section 67, paragraph two; section 71, paragraph two, or section 72, paragraph two, as the case may be, if he or she was not aware that such bio fertiliser was counterfeit or was not registered as required by law, or had its registration revoked by the Minister, or contained a toxic substance exceeding the maximum limits prescribed by the Minister.

⁶⁰ Section 61 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶¹ Section 62 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶² Section 63 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶³ Section 64 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶⁴ Section 65 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Any person who manufactures for commercial purposes, sells or imports organic fertiliser in violation of section 30 (1), (5), (6) or (7) shall be liable to one-fourth of the penalties prescribed in section 63, paragraph two; section 64, paragraph two; section 66, paragraph two; section 67, paragraph two; section 71, paragraph two, or section 72, paragraph two, as the case may be, if he or she was not aware that such organic fertiliser was counterfeit, or was not registered as required by law, or has its registration revoked by the Minister, or contained a toxic substance exceeding the maximum limits prescribed by the Minister.

Section 66.⁶⁵ Any person who manufactures chemical fertiliser for commercial purposes in violation of section 30 (2), (6) or (7) shall be liable to imprisonment for a term of two to five years and a fine of eighty thousand to two hundred thousand baht.

A person who commits an act under paragraph one shall be liable to a fine of sixty thousand to one hundred and fifty thousand baht if he or she was not aware that such chemical fertiliser did not conform to the required standard, or had its registration revoked by the Minister, or contained a toxic substance exceeding the maximum limits prescribed by the Minister.

Section 67.⁶⁶ Any person who sells or imports chemical fertiliser for commercial purposes in violation of section 30(2), (6) or (7) shall be liable to imprisonment for a term of six months to three years and a fine of forty thousand to two hundred thousand baht.

A person who commits an act under paragraph one shall be liable to a fine of four thousand to forty thousand baht if he or she was not aware that such chemical fertiliser did not conform to the required standard, or had its registration revoked by the Minister, or contained a toxic substance exceeding the maximum limits prescribed by the Minister.

Section 68.⁶⁷ Any person who sells or imports chemical fertiliser in violation of section 30 (3), or does not comply with the rules, procedures and conditions prescribed by the Director-General pursuant to section 31, shall be liable to imprisonment for a term of six months to two years, or a fine of twenty thousand to eighty thousand baht, or both.

Section 69.⁶⁸ Any person who manufactures bio fertiliser for commercial purposes in violation of section 30 (4) shall be liable to imprisonment for a term of one to two and a half years and a fine of forty thousand to one hundred thousand baht.

If the infringing fertiliser under paragraph one is organic fertiliser, such offender shall be liable to half of the penalties prescribed in paragraph one.

⁶⁵ Section 66 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶⁶ Section 67 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶⁷ Section 68 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁶⁸ Section 69 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

A person who commits an act under paragraph one shall be liable to a fine of thirty thousand to seventy-five thousand baht if he or she was not aware that such bio fertiliser did not conform to the required standard.

A person who commits an act under paragraph two shall be liable to half of the penalty prescribed in paragraph three if he or she was not aware that such organic fertiliser did not conform to the required standard.

Section 70.⁶⁹ Any person who sells or imports bio fertiliser in violation of section 30 (4) shall be liable to imprisonment for a term of three months to one and a half years and a fine of twenty thousand to one hundred thousand baht.

If the infringing fertiliser under paragraph one is organic fertiliser, such offender shall be liable to half of the penalties prescribed in paragraph one.

A person who commits an act under paragraph one shall be liable to a fine of two thousand to one hundred thousand baht if he or she was not aware that such bio fertiliser did not conform to the required standard.

A person who commits an act under paragraph two shall be liable to half of the penalty prescribed in paragraph three if he or she was not aware that such organic fertiliser did not conform to the required standard.

Section 71.⁷⁰ Any person who manufactures for commercial purposes or imports chemical fertiliser in violation of section 30 (5) shall be liable to imprisonment for a term of one to five years and a fine of forty thousand to two hundred thousand baht.

A person who commits an act under paragraph one shall be liable to a fine of thirty thousand to one hundred and fifty thousand baht if he or she was not aware that such chemical fertiliser was not registered as required.

Section 72.⁷¹ Any person who sells chemical fertiliser in violation of section 30 (5) shall be liable to imprisonment for a term of six months to three years and a fine of twenty thousand to one hundred and twenty thousand baht.

A person who commits an act under paragraph one shall be liable to a fine of four thousand to forty thousand baht if he or she was not aware that such chemical fertiliser was not registered as required.

⁶⁹ Section 70 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁷⁰ Section 71 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

⁷¹ Section 72 has been amended by the Fertiliser Act (No. 2) B.E. 2550.

Section 72/1.⁷² Any person who advertises fertiliser in violation of section 43 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding forty thousand baht, or both.

Section 72/2.⁷³ Any licensee who manufactures, sells; or imports fertiliser after his or her licence has expired without submitting an application for renewal of the licence shall be liable to a fine not exceeding four hundred baht per day from the expiration date.

Section 72/3.⁷⁴ If a person who has received a licence relating to bio fertiliser fails to comply with sections 22, 23 or 23/1, he or she shall be liable to half of the penalties prescribed in section 60, paragraph two.

If the offender under paragraph one is a person who has received a licence relating to organic fertiliser, he or she shall be liable to one-fourth of the penalties prescribed in section 60, paragraph two.

Section 72/4.⁷⁵ If a violation of section 20 (2) or section 30 (1), (5), (6) or (7) involves bio fertiliser, the offender shall be liable to half of the penalty prescribed in section 60; section 63, paragraph one; section 64, paragraph one; section 66, paragraph one; section 67, paragraph one; section 71, paragraph one, or section 72, paragraph one, as the case may be.

If the infringing fertiliser under paragraph one is organic fertiliser, the offender shall be liable to one-fourth of the penalty prescribed in section 60; section 63, paragraph one; section 64, paragraph one; section 66, paragraph one; section 67, paragraph one; section 71, paragraph one, or section 72, paragraph one, as the case may be.

Section 72/5.⁷⁶ Except in cases arising under section 72/2, if the offender liable under this Act is a juristic person, the managing director, managing partner, a representative of such juristic person or any person responsible for the operation of such juristic person shall also be liable to the punishment prescribed for relevant offence, unless such person can prove that he or she was not involved in, or did not give consent to, the offending act committed by the juristic person.

Section 72/6.⁷⁷ Upon rendering a judgment punishing a person for an offence under any of sections 63 through 72, inclusive, or sections 72/1 or 72/4, the Court shall confiscate any fertiliser, containers or packages, tools, equipment used in producing the fertiliser, or

⁷² Section 72/1 has been added by the Fertiliser Act (No. 2) B.E. 2550.

⁷³ Section 72/2 has been added by the Fertiliser Act (No. 2) B.E. 2550.

⁷⁴ Section 72/3 has been added by the Fertiliser Act (No. 2) B.E. 2550.

⁷⁵ Section 72/4 has been added by the Fertiliser Act (No. 2) B.E. 2550.

⁷⁶ Section 72/5 has been added by the Fertiliser Act (No. 2) B.E. 2550.

⁷⁷ Section 72/6 has been added by the Fertiliser Act (No. 2) B.E. 2550.

documents related to the offence and deliver them to the Department of Agriculture to be destroyed or disposed of as the Department deems appropriate.

Section 72/7.⁷⁸ The Director-General or a person assigned by the Director-General has the power to settle all cases involving offences under this Act subject only to fines. Upon payment by the offender of a fine in the amount stipulated in the settlement, the case shall be considered closed in accordance with the Criminal Procedure Code.

Transitory Provisions

Section 73. Any person who manufactures, sells, possesses for sale, imports, or orders for import chemical fertiliser as of the date on which this Act enters into force shall submit an application for a licence under section 12 within ninety days from the date on which this Act enters into force; and such person may continue to operate his or her business until the competent official denies the application for a licence.

Section 74. Chemical fertiliser that is manufactured, sold, possessed for sale, imported, or ordered for import into the Kingdom during the period in which the competent official has neither issued a licence nor denied the application for a licence under section 73 shall be exempt from the provisions of sections 21, 22 or 23, as the case may be.

Section 75. When any person who manufactures or imports chemical fertiliser or orders chemical fertiliser for import into the Kingdom under section 73 has received a licence to manufacture fertiliser for commercial purposes, import fertiliser, or order fertiliser for import into the Kingdom, and that person submits an application for a certificate of registration of the chemical fertiliser, he or she is permitted to operate the licensed business as per the licence until he or she receives the certificate of registration of the chemical fertiliser or is notified by the competent official of the refusal to grant the registration under section 39. This period of operation shall not exceed one hundred and twenty days from the date of receipt of the licence.

If the licensee under paragraph one wishes to terminate the business he or she is licensed to operate, or if his or her application for registration of the chemical fertiliser under this Act is rejected by the competent official, the licensee shall sell or distribute the remaining chemical fertiliser, or the chemical fertiliser that the competent official refused to register, within

⁷⁸ Section 72/7 has been added by the Fertiliser Act (No. 2) B.E. 2550.

sixty days from the date of providing notice of termination of the business or the date of receipt of the rejection of the registration, as the case may be, unless the period is extended by the competent official.

Upon the completion of the period specified in paragraph two, if it appears that the licensee is not able to sell or distribute all of his or her remaining chemical fertiliser, the competent official shall auction, or sell by any other means, the remaining chemical fertiliser or the chemical fertiliser that the competent official refused to register, as the Director-General deems appropriate. Money received from the sale of such fertiliser, after deducting the expenses incurred, shall be returned to the owner of the fertiliser or the person who has the right to receive such proceeds.

Countersigned by
Sanya Dhamasakti
Prime Minister

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