

THAILAND INSTITUTE OF SCIENTIFIC AND
TECHNOLOGICAL RESEARCH ACT,
B.E. 2522 (1979)

BHUMIBOL ADULYADEJ, REX.,

Given on the 25th day of February B.E. 2522;

Being the 34th Year of the Present Reign.

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

Whereas it is expedient to revise the law on Applied Scientific Research Corporation of Thailand

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 the “Thailand Institute of Scientific and Technological Research Act, B.E. 2522”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.*

Section 3. The Applied Scientific Research Corporation of Thailand Act, B.E. 2506 shall be repealed.

Section 4. In this Act:

“Institute” means Thailand Institute of Scientific and Technological Research;

“Board” means the Board of Thailand Institute of Scientific and Technological Research;

“Governor” means the Governor of Thailand Institute of Scientific and Technological Research;

“scientific and technological research” means the scientific and technological study or discovery as well as the development of the results of the study or discovery in order to effect appropriate practical benefit to the economic, social and environmental development of the country;

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

*Published in the Government Gazette Vol. 96, Part 40, Special Issue, dated 23rd March B.E. 2522 (1979)

Section 5. The Minister of Science, Technology and Energy shall have charge and control of the execution of this Act.

CHAPTER I

Establishment, Objectives, Powers and Duties

Section 6. There shall be established an institute called "Thailand Institute of Scientific and Technological Research" which shall be a juristic person having the following objectives:

(1) to initiate and conduct research and to provide scientific and technological services for economic and social development of the country to state agencies and private enterprises;

(2) to conduct scientific and technological research in order to promote the utilization of natural resources appropriate for the economic condition, environment, health and welfare of the people;

(3) to encourage the increase of product in accordance with the Government policies by propagating the results of scientific and technological research for use in creating benefit for the country in agriculture, industry and commerce;

(4) to train scientific and technological researchers;

(5) to provide for the testing and measuring services and other scientific and technological services.

Section 7. The Institute shall have the power and duty to carry out matter within the scope of its objectives as specified in section 6, which shall include the power and duty;

(1) to sell, construct, procure, transfer, accept transfer, hire, let, buy or sell on hire-purchase, exchange, have ownership, possessory right or real right, and dispose of movable or immovable properties within and outside the Kingdom as well as accept property granted or donated to it.

In the case of disposing immovable property, it shall require prior approval of the Council of Ministers;

(2) to accept the remuneration for research and fees for services rendered within the power and duty of the Institute as well as to conclude an agreement and prescribe conditions relating to such remuneration and fees;

(3) to establish, operate and improve the agencies for scientific and technological research;

(4) to co-operate with other agencies, whether they are state or private agencies, with respect to the activities relating to scientific and technological research and utilization of the research results;

(5) to provide for and maintain the national physical standards for the purpose of measuring various quantities and qualities;

(6) to collect and propagate the scientific and technological information;

(7) to publish scientific and technological documents as well as processes in or relating to the science and technology and other documents relating to the work of the Institute;

(8) to borrow, lend with sureties or securities, or invest; provided that it is for the scientific and technological research only.

Each borrowing, lending or investing, if being in excess of five million Baht, shall require prior approval of the Council of Ministers.

(9) to co-operate with other countries, organizations or other foreign agencies in scientific and technological activities;

(10) to provide for and grant scholarships and scientific and technological research fellowships.

Section 8. The incomes of the Institute are

(1) subsidies allocated by the Government;

(2) financial aids from other sources and money donated to it;

(3) remuneration and fees received under section 7 (2);

(4) interests and other benefits derived from lending money, investment and property of the Institute;

In the case where the income is insufficient to meet operating cost of the Institute and other appropriate charges, and the Institute is unable to obtain money from other sources, the State shall allocate money to the Institute in such amount as may be necessary.

Section 9. The Institute shall open an account with a bank in accordance with the rules of the Board as approved by the Ministry of Finance.

Section 10. Property of the Institute shall not be subject to the execution of judgments.

CHAPTER II

Supervision, Control and Management

Section 11. The Minister shall have the power and duty to exercise general supervision of the activities of the Institute. For this purpose, he may order the Institute to furnish statement of facts, opinion, to submit reports or to refrain from carrying out any act which is contrary to the policy of the Government or the resolutions of the Council of Ministers, and has the power to order that an act be carried out in compliance with the policy of the Government or resolutions of the Council of Ministers and to order an inquiry into facts concerning the conduct of works.

Section 12. Any matter to be submitted to the Council of Ministers under this Act shall be submitted through the Minister.

Section 13. There shall be a Board of Thailand Institute of Scientific and Technological Research, to be called "B.S.T." in brief, consisting of a Chairman, Secretary-General of the National Economic and Social Development Board, Secretary-General of the National Research Council, Secretary-General of the Board of Investment, Governor and not more than six qualified persons, as members.

The Governor shall be secretary of the Board.

The Minister shall appoint the Chairman, Governor, and qualified persons upon advice of the Secretary-General of the National Economic and Social Development Board, Secretary-General of the National Research Council and Secretary-General of the Board of Investment.

The Minister may appoint not more than five other qualified persons as advisers of the Board.

Section 14. The Board shall have the power and duty to lay down policies for general management, control and supervision and shall be responsible for the activities of the Institute, which shall include the power and duty to:

(1) to prescribe the number of positions, salary scales, wages and other remuneration of the officers and employees;

(2) to issue regulations on recruitment, appointment, increase of salaries or wages, removal from office, disciplinary measures, punishment and appeal against punishment for officers and employees;

(3) to issue regulations on petitions of officers and employees;

(4) to issue regulations on the aid fund or other aids for the welfare of officers and employees and their families;

(5) to issue regulations on the finance of the Institute;

(6) to issue other regulations on the conduct of works of the Institute.

In carrying out the aforementioned powers and duties, the Board may entrust the Governor to carry out the works in accordance with the regulations prescribed by the Board.

Section 15. Qualified members shall be appointed from among persons with knowledge and experience in science, technology or other branch relating to scientific and technological research.

Section 16. The Chairman and qualified members must:

(1) be of Thai nationality;

(2) not be over sixty-five years of age;

(3) not be a bankrupt;

(4) not be an incompetent or quasi-incompetent person;

(5) not have been imprisoned by a final judgment or lawful order to a term of imprisonment, except for an offence committed through negligence or petty offence;

(6) not be a political official nor hold a political position;

(7) not be an officer or employee of the Institute except for the person holding the office of Governor;

(8) not have direct or indirect interest in any contract made or business done with the Institute except for being the shareholder for the purpose of *bona fide* investment in the company making the contract or doing the business with the Institute.

Section 17. The Chairman, qualified member or adviser shall hold office for a term of two years.

In the case where the Chairman, qualified member or adviser vacates office before the expiration of his term, the person appointed to replace him shall hold office for the remaining term of the person he replaces.

In the case where the Minister appoints an additional qualified member or adviser during the term of appointment of the qualified members or advisers, the appointee shall hold office for the remaining term of the qualified members or advisers already appointed.

The outgoing Chairman, qualified member or adviser may be re-appointed.

Section 18. Apart from vacating office at the expiration of the term under section 17, the Chairman, qualified member or adviser vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Minister on the ground of misconduct;

(4) lacking any qualification or being under any prohibition under section 16.

Section 19. At a meeting of the Board, if the Chairman does not attend or is not present at the meeting, the meeting shall elect one among the present members to preside over the meeting.

Section 20. At every meeting of the Board, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The decision of the meeting shall be by majority of votes. Each member shall have one vote; in case of an equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 21. The Board may appoint a sub-committee to carry out any matter as entrusted by the Board.

In the meeting of a sub-committee, section 19 and section 20 shall apply *mutatis mutandis*.

Section 22. The Governor shall be appointed from among the persons qualified in science or technology.

Section 23. The Governor must

- (1) not be over sixty years of age;
- (2) devote full time to the Institute;
- (3) not be a Government official, local official or political official nor hold a political position including member of the local assembly and local administrator;
- (4) possess qualifications and not be under any prohibition under section 16 (1) (3) (4) (5) or (8).

Section 24. The Governor shall hold office for a term of five years.

The outgoing Governor may be re-appointed.

Section 25. Apart from vacating office at the expiration of the term under section 24, the Governor vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister on the ground of negligence of duty, misconduct or inability;
- (4) lacking any qualification or being under any prohibition under section 23.

Section 26. The Governor has the power and duty:

- (1) to administer the activities of the Institute in accordance with the law, regulations and policies prescribed by the Board, and to be the superior official of all officers and employees;
- (2) to be responsible for the management and operation of the Institute as entrusted by the Board;
- (3) to communicate, exchange knowledge and co-operate in respect of scientific and technological research with state agencies, organizations, institutions or persons within and outside the country;
- (4) to seek popularity and recognition for the Institute as well as to procure scholarships from various sources for the interest of the operation of the Institute;
- (5) to recruit, appoint, remove, promote or reduce or cut the salary of, as well as impose disciplinary punishment on the officers and employees in accordance with the regulations prescribed by the Board; provided that in the case where such officer or employee is of the rank of Deputy Governor, chief of a division, adviser, specialist or the equivalent thereto, a prior approval must be obtained from the Board;

(6) to prescribe rules on the conduct of works of the Institute, in so far as they are not contrary to or inconsistent with the regulations prescribed by the Board;

(7) to entrust the officers to act on his behalf with the approval of the Board.

Section 27. In respect of its external relations, the Governor shall act as representative of the Institute, and for this purpose, the Governor may delegate the power to any person to execute a specific work on his behalf in accordance with the regulations prescribed by the Board.

Section 28. The Chairman, Governor, qualified members, advisers and members of sub-committee shall receive remuneration as prescribed by the Council of Ministers.

Section 29. A discovery, invention and improvement in the process, equipment and machinery made by the person employed by the Institute and also the rights in all these things, shall become the property of the Institute; provided that they shall not affect the right of the third party under a juristic act made with the Institute.

CHAPTER III

Appeal and Aids

Section 30. The officer and employee shall have the right to petition and appeal against punishment in accordance with the regulations prescribed by the Board.

Section 31. The Institute shall establish an aid fund or other aids for the welfare of the officers and employees and their families in the event of retirement, accident, sickness, death or other cases deserving aids.

The establishment of an aid fund or other aids under paragraph one, contribution to the aid fund, classification of eligible persons to receive aids, payment of the aid fund and the administration thereof shall be in accordance with the regulations prescribed by the Board with the approval of the Council of Ministers.

CHAPTER IV

Accounting and Auditing

Section 32. The Institute shall set up and maintain an appropriate accounting system, classifying the main categories of works, and keep books of accounts with entries of receipts and expenditure, assets and liabilities, which shall represent the actual and appropriate conditions in accordance with their categories together with the particulars which are the sources of such entries. There shall be internal audit of accounts at regular intervals.

Section 33. The Institute shall prepare and submit a balance-sheet, working account and profit and loss account to the auditor within one hundred and twenty days after the end of accounting year.

Section 34. The Office of the Auditor-General shall be auditor of the Institute, and shall audit, examine and certify all categories of accounts and finance of the Institute for each fiscal year.

Section 35. The auditor has the power to examine all books of accounts and documents of the Institute. For this purpose, he shall have the power to interrogate the Chairman, members of the Board Governor, officers and employees of the Institute.

Section 36. The auditor must submit a report on the result of the audit with respect to the accounts and financial standing to the Board within one hundred and fifty days after the end of the accounting year in order that it may be submitted by the Board to the Minister.

The Institute shall publish the annual report of the preceeding year, showing the balance-sheet, working account, and profit and loss account duly certified by the auditor together with the achievement of the Institute in the preceeding year and the future working plan for the coming year within one hundred and eighty days after the end of accounting year.

Transitory Provisions

Section 37. All the powers and duties of Applied Scientific Research Corporation of Thailand under the Applied Scientific Research Corporation of Thailand Act, B.E. 2506 shall be transferred to Thailand Institute of Scientific and Technological Research under this Act.

Section 38. All activities, properties, liabilities, officers and employees of Applied Scientific Research Corporation of Thailand Act, B.E. 2506 shall be transferred to Thailand Institute of Scientific and Technological Research under this Act. The said officers and employees shall hold the same offices and receive the same salaries or wages in accordance with the offices and the salary or wage rates as those held or received on the date of the publication of this Act in the Government Gazette, and the status and period of employment of the officers or employees so transferred shall be regarded as continuing without interruption.

Section 39. The Board of Applied Scientific Research Corporation of Thailand which is in office on the date of the publication of this Act in the Government Gazette shall continue to be in office until new Board members are appointed under section 13.

Section 40. The Governor of Applied Scientific Research Corporation of Thailand holding office on the date of the publication of this Act in the Government Gazette shall continue to be in office until a new Governor is appointed, and the Governor shall proceed with the appointment to Board members by the Minister under section 13 not later than ninety days as from the date this Act comes into force.

Section 41. All regulations issued under the Applied Scientific Research Corporation of Thailand Act, B.E. 2506 which are in force on the date of the publication of this Act in the Government

Gazette shall continue to be in force, in so far as they are not contrary to or inconsistent with the provisions of this Act until the regulations issued hereunder shall come into force.

Countersigned by:

S. Hotrakitya

Deputy Prime Minister

Certified correct translation

Taksapol Chiemwichitra

(Taksapol Chiemwichitra)

Office of the Juridical Council