

Unofficial Translation*

ACT ON THE MAINTENANCE OF THE CLEANLINESS AND ORDERLINESS OF THE COUNTRY,

B.E. 2535 (1992)

BHUMIBOL ADULYADEJ, REX.

Given on the 19th day of February B.E. 2535;

Being the 47th Year of the Present Reign.

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

Whereas it is expedient to revise the law on the maintenance of the cleanliness and orderliness of the country;

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 “Act on the Maintenance of the Cleanliness and Orderliness of the Country, B.E. 2535 (1992)”.

Section 2. This Act shall be applied in the area of the municipality, sanitation district, Bangkok Metropolitan Administration and the City of Pattaya after the expiration of thirty days from the date of its publication in the Government Gazette.

For Provincial Administration Organisation, this Act shall be applied in the area of any Provincial Administration Organisation, any locality, any size of area, and whether all or certain

* Translated by Tohpong Smiti under contract for the Office of the Council of State of Thailand's Law for ASEAN project. .-Initial Version – pending review and approval by the Office of the Council of State.

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sections of this Act shall be applied, the Ministry of Interior shall make an announcement in the Government Gazette.

For local administration organisations other than those mentioned in paragraph one and two, the execution of this Act shall be in accordance with an announcement made by the Minister of Interior.

Section 3. The Act on the Maintenance of the Cleanliness and Orderliness of the Country, B.E. 2503 (1960) shall be repealed.

Section 4. In this Act:

“public place” means the public property of the State other than the deserted area and shall include road and waterway;

“public establishment” means an establishment arranged for the public for the people to use for entertainment, relaxation or public gathering;

“road” means roadway, pavement, wayside, hard shoulder, crossing under the law on land transport, alley, lane, bridge or private road that an owner allows the people to use as a transport path;

“waterway” means sea, lake, sand breach, reservoir, river, brook, swamp, canal, ridge, marsh, ditch, moat, and shall include a drain;

“building” means edifice, home, house, structure, shop, ship, raft, market, warehouse, office or other constructions that a person can live in or use and include grandstand, dam, floodgate, tunnel or sign under the law on building control;

“refuse” means faeces or urine including other substances which are dirty or smelly;

“waste” means wastepaper, remnant of cloth, food scrap, goods scrap, plastic bag, food container, ash, dung or carcass including other things left after the cleaning of the road, market, or animal raising place or other places;

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“car wreckage” means car, motorbike, machine, ship, wheeled vehicle, other vehicles that is so old that it can no longer be used and shall include parts of a car, machine or vehicle;

“local official” means:

- (1) a mayor for the area of municipality;
- (2) a chairperson of the sanitation district for the area of sanitation district;
- (3) the Governor for the area of the Provincial Administration Organisation;
- (4) the Governor of Bangkok for the area of Bangkok Metropolitan Administration;
- (5) the Chief Administrator of the City of Pattaya for the area of the City of Pattaya;
- (6) the chief executive of the executive of other local administration organisations as specified by law to be the local administration for the area of such local administration;

“competent official” means:

- (1) a municipal clerk and deputy municipal clerk for the area of municipality;
- (2) a sanitation district clerk for the area of sanitation district;
- (3) the Chief Administrator of the Provincial Administration Organisation and the District Chief Officer for the area of Provincial Administration Organisation;
- (4) the Permanent Secretary for Bangkok Metropolitan Administration, the Director of District Office and the Assistant Director of District Office for the area of Bangkok Metropolitan Administration;
- (5) the Deputy Chief Administrator of the City of Pattaya for the area of the City of Pattaya;
- (6) a person appointed by a local official to be a competent official under this Act.

“local administration” means municipality, sanitation district, Provincial Administration Organisation, Bangkok Metropolitan Administration, the City of Pattaya and other local administration organisations specified by law as the local administration;

“local ordinance” means Ordinance, Municipal Ordinance or Regulation drafted by the local administration.

Section 5. The Minister of Interior and the Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to issue the Ministerial Regulation to specify the fee at the rate not exceeding the rate attached to this Act and specify other matters for the execution of this Act in the part relating to the power and duty of each Ministry.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I

THE MAINTENANCE OF THE CLEANLINESS IN PUBLIC PLACE AND PUBLIC ESTABLISHMENT

Section 6. The owner or the occupier of the building or the area of the building adjacent to the pavement has a duty to keep and maintain the cleanliness of the pavement adjacent to building or the area of the building.

In the case of market selling either food or goods, on a daily basis or at times, the owner of the market shall have a duty to keep and maintain the cleanliness of the pavement adjacent

to the market, and the occupier of a certain area of the market shall have a duty to maintain the cleanliness of the area of the market occupied by the occupier.

In maintaining the cleanliness under this section, the owner or the occupier of the building or the area of the building, the owner of the market or the occupier of a certain area of the market may assign a person or persons to have a duty to keep and maintain the cleanliness on his or her behalf, and the assigned person or persons shall have a duty and responsibility on the assignor's behalf. In the case that there is a violation or noncompliance with this section and the competent official is unable to find the assigned person or persons, it shall be deemed that there is no assignment, and the owner or the occupier of the building or the area of building, the owner of the market or the occupier of a certain area of the market shall be the person responsible for the violation or noncompliance with this section.

Section 7. In the execution of duty under section 6, the person under section 6 shall have the power to notify a person in violation of this Act not to take any action or to rectify the wrongdoing under this Act. If the notified or the prohibited person fails to comply, the competent official under section 51 shall be notified without undue delay so that the notification shall be used as a piece of evidence to show that the person under section 6 does not violate this section.

Section 8. Any owner or occupier of the building or land:

(1) places the flower pot on the pavement or grows trees in the area outside the building that he or she is an owner or occupier and has left such trees to wither away or be untidy or has left the flower pot or the area outside the building to be full of refuse or waste;

(2) leaves trees or cereals grown by the owner or occupier himself or herself or that have naturally grown in his or her land to wither away or be in untidy condition or leaves the area of his or her land to be filled with refuse or waste;

If the negligence in (2) is in the condition that the people can be seen from the public place, the owner or occupier shall has an offence under this Act.

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Section 9. No one shall take a bath or clean anything on the road or in public place not arranged for such purpose or in the area of waterway that the local official has made the announcement of the prohibition.

Section 10. The advertisement by posting, dropping or scattering flyers or leaflets in the public place can be done when a letter of permission is acquired from the local official or the competent official, and rules or conditions specified in the letter of permission shall also be complied.

The application for permission, the granting of permission, the specification of rates of fee and the exemption of fee in the application for permission shall be in accordance with the rules as specified in the Ministerial Regulation, and such Ministerial Regulation shall clearly specify cases that permission may or may not be granted and shall specify the period of time for the consideration of the permission.

Paragraph one shall not be applied to an action of the local administration, other administrations or State enterprise or agency with power to do so or an advertisement by posting a poster at the place where the local administration organisation has provided for such purpose or an advertisement of the election under the law on election of the member of the National Legislative Assembly, the member of the local assembly or the Governor of Bangkok and an advertisement posted by the owner or occupier of buildings or trees only to notify the name of the owner or occupier of the building, the name of the building, the number of the building or other messages relating to the entry and exit of such building.

Section 11. The advertisement under section 10 which does not acquire permission from the local official or the competent official, or the permission is acquired but rules specified in the permission are not complied with, the local official or the competent official shall have the power to give an order in writing to the advertiser to remove, dismantle, withdraw, scrape, erase or clean message or picture within a specified period of time.

If such advertisement under paragraph one contains message or picture affecting public order or good moral of the people or obscene, the competent official shall have the power to remove, dismantle, withdraw, scrape, erase or clean such message or picture by himself or herself by collecting expenses from the advertiser as actually incurred.

Section 12. No one shall scrape, chip, scratch, write, spray paint or make it appear by any means of any message, image or photo on the wall adjacent to the road, on the road, on the tree or any part of the building adjacent to the road or in the public place except such action is the action of the local administration, other administrations or State enterprise or agency with the power to do so.

Section 13. An owner of a car carrying animals, pebbles, rocks, dirt, mud, sand, refuse, waste or other things shall arrange such car to be in the condition able to prevent the dung of animals or such things from falling, leaking, being blown away, spreading, dispersing on the road during the time that such car is in use, including shall prevent the oil of such car from leaking onto the road.

If the case in paragraph one occurs, the competent official, the traffic officer, or a police officer on duty to control the traffic shall have the power to order a driver to take the car to the police station, the transport office, or the office of the local administration organisation and confiscate such car until an owner or occupier pays a fine.

Section 14. No one shall:

- (1) release, take an animal or lead an animal by the hand along the road or enter the area that the local official has announced the prohibition;
- (2) allow the animal to excrete on the road and fail to eliminate such excrement.

The paragraph one shall not be applied to a person who has acquired a letter of permission from the local official to lead the procession of animals or the herd of animal or

lead an animal by the hand along the road, and the fee for the maintenance of cleanliness under the local regulation has been paid.

Section 15. No one shall clean his or her car, motorbike or wheeled vehicle on the road or public establishment and make the road or public establishment dirty.

Section 16. No one shall use any part of the road as a place for repairing, changing, adding or installing the equipment of a car, motorbike or wheeled vehicle.

The provisions in paragraph one shall not be applied to the fixing of a car, motorbike or wheeled vehicle that the engine has broken or the equipment that has impaired while on the road to enable such car or wheeled vehicle to be continued to be used.

Section 17. No one shall:

- (1) take any action to impair the pavement;
- (2) park or drive or ride a car, motorbike or wheeled vehicle on the pavement except for parking or driving to enter the building or there is an announcement of the traffic officer to allow such parking or driving.

Section 18. No one shall throw away, place or pile the wreckage of vehicles on the road or in public establishment.

Section 19. No one shall place, put or pile any object on the road except in the area specified by the local official or the competent official by making an announcement with the approval of the traffic official.

Section 20. No one shall:

- (1) cook food, sell or distribute goods on the road or in public establishment;
- (2) use a sedan car or wheeled vehicle as a cooking place for selling or distributing to persons on the road or in the public establishment;
- (3) sell or distribute goods contained in a car, motorbike or wheeled vehicle on the road or in public establishment.

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The paragraph one shall not be applied to the cooking or the sale of goods under (1) or (2) in a private road or in the area where the local official or the competent official has made an announcement allowing such activity during a specified day and time with the approval of the traffic officer.

Section 21. No one in a sedan car or a rider or passenger of a motorbike shall buy goods sold or distributed in public establishment or on the road except such road is a private road.

Section 22. No one shall lead by the hand, chase or drive animals into the waterway which the local official or the competent official has made the announcement of the prohibition in such area.

Section 23. No one shall pour or drop pebble, rock, dirt, mud, sand or scrap of building material into the waterway or pile up or take any action to cause such material to slide or fall into the waterway.

The local official or the competent official shall have the power to order a person under paragraph one to move such objects away from the waterway within a period of time specified by the local official or the competent official and, if such violation is an obstacle to the flow of water or render the drain, ditch, canal shallower, the local official or the competent official shall have the power to order a person under paragraph one to rectify such waterway into its previous condition. If such person neglects or ignores such order, such person shall be liable to an offence of disobedience of order of the official under the Criminal Code, and the local official or the competent official shall also initiate legal proceedings against such person for the commission of offence under this Act.

Section 24. An owner of a shop selling food and drink that can accommodate more than twenty customers at the same time shall provide hygienic toilet as specified in the Ministerial Regulation for the use of customers during the opening hours.

Paragraph one shall not be applied to an owner of a shop selling food and drink in the festival or other temporal events.

Section 25. An owner of a petrol station or gas station for vehicles shall make arrangements for the provision of hygienic toilet as specified in the Ministerial Regulation.

CHAPTER II

THE KEEPING AND MAINTENANCE OF LAWN AND TREES IN THE ROAD AND PUBLIC ESTABLISHMENT

Section 26. No one shall drop refuse, waste or pour or pile up pebbles, rocks, dirt, mud sand or other things in the area that grass or tree is grown that belongs to the local administration, other administrations or State enterprise.

Section 27. No one shall cut down trees, cut, pick or take other actions to cause damage or likely to cause damage to trees or leaves, flowers, fruits or any part of trees that have been grown or naturally grown up in the public place or public establishment.

Paragraph one shall not be applied to an action of a person assigned by the competent official or person permitted in writing to cut down or cut trees from the local official.

Section 28. No one shall release or lead an animal by the hand into the area that the local administration or other administrations or State enterprise has grown or allowed other persons to grow grass or trees and such organisation has posted a notice or sign informing the prohibition.

CHAPTER III

THE PROHIBITION OF THE DROPPING OF REFUSE AND WASTE IN THE PUBLIC PLACE
AND THE PUBLIC ESTABLISHMENT

Section 29. No one shall excrete or urine onto the public place or public establishment which is not a place where the local administration has made arrangements for such purpose.

Section 30. No one shall pour, release or drain faeces or urine from the building or vehicle into the waterway.

Section 31. No one shall:

- (1) spit out or spit saliva or phlegm, spit the saliva from the chewing of betel nut, blow his or her nose, pour or drop anything onto the road or onto the floor of the passenger car or boat;
- (2) drop refuse or waste in the public establishment outside the container or the place arranged for such purpose by the local administration.

Section 32. No one shall:

- (1) drop refuse or waste onto a public place;
- (2) neglect to clean refuse or waste in his or her land in the condition that such refuse or waste may be seen from the public place.

Section 33. No one shall pour or drop refuse, waste, waste liquid or other things onto the road or waterway.

Paragraph one shall not be applied to the owner or the occupier of the boat or building (the type of a raft) which parks or is in the locality where the local official has not yet made arrangements for the provision of public toilet or container for the dropping of refuse or waste.

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Section 34. No one shall pour or drain faeces or urine from the building or vehicle onto the public place or the public establishment.

CHAPTER IV

THE MAINTENANCE OF THE ORDERLINESS

Section 35. No one shall take any action to cause the lamp, sign, pavilion, chair, toilet or other things that the local administration, other administrations or State enterprise has constructed for the general public to be in damage or unable to be used.

Section 36. No one shall climb, sit, or climb over a fence, wall, tree or the supports of a tree in the public place.

Section 37. No one shall stand, sit or sleep on the rail of the public bridge or sleep in the public place.

Section 38. No one shall fly a kite, play football, rattan ball, or any type of sport on the road or in the public establishment or in any part of the public establishment which the local official has made the announcement of the prohibition.

Section 39. No one shall install, dry, place or hang anything in the public place except a letter of permission is acquired from the local official or the competent official or such action is an action of the local administration, other administrations or State enterprise or agency with the power to do so or such placing is temporary.

The installation, drying, placing or hanging of anything in the public place without a letter of permission from the local official or the competent official or the permission is acquired but there is failure to comply with the rules specified in such permission, the local
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official or the competent official shall have the power to order a person taking action under paragraph one to remove or dismantle within a specified period of time. If such person neglects, ignores, besides having liability for the offence of disobedience of an order of the official under the Criminal Code, the local official or the competent official shall initiate legal proceedings under this Act.

Section 40. No one shall install, dry, place or hang anything on the building in a manner that is dirty, untidy or in disorder and in the condition that may be seen by the general public from the public place.

If such case has occurred, the local official or the competent official shall give a warning in writing to remove or tidy such things. If the installer, owner or occupier of the building neglects, ignores such warning, besides having liability for the offence of disobedience of an order of the official under the Criminal Code, the local official or the competent official shall institute legal proceedings under this Act.

Section 41. An owner of the building, situated in a distance not more than twenty metres from the wayside with a traffic area not less than eight metres that the commuter may see the building or an area of the building from the road, shall keep and maintain such building not to be dirty and untidy.

CHAPTER V

THE POWERS AND DUTIES OF THE LOCAL OFFICIAL AND THE COMPETENT OFFICIAL

Section 42. In the area of Bangkok Metropolitan Administration, the Ministry of Interior shall have the power to give advice to the Governor of Bangkok to consider amending any error in the keeping and maintenance of the cleanliness and orderliness as provided in this Act.

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In the area of municipality, sanitation district, the City of Pattaya and other local administration organisations, the Governor shall have such power. In the area of Provincial Administration Organisation, the Permanent Secretary of Interior shall have such power.

Section 43. The Governor of Bangkok, the Governor in the area of Provincial Administration Organisation, the mayor, the chairperson of the sanitation district committee, the Chief Administrator of the City of Pattaya shall have a duty to be responsible for the execution of this Act of the competent official under his or her supervision.

In the case where there is an assignment to the Deputy Governor of Bangkok or the Permanent Secretary for Bangkok Metropolitan Administration, the Deputy Governor, the District Chief Officer, the alderman or the municipal clerk, the member of sanitation district, the sanitation district clerk or the executive of other local administration organisations to assist in the execution of duties, the assignee shall have a responsible duty as the assignor.

Section 44. Besides powers and duties as provided in this Act, the local official and the competent official shall have powers and duties as follows:

- (1) to advertise for the people to learn of duties that shall be complied with under this Act;
- (2) to inspect and to strictly enforce to prevent the violation of this Act;
- (3) to warn a violator or to order a violator to rectify or to eliminate the dirtiness or untidiness or disorderliness;
- (4) to arrest a violator who fails to comply with the warning and to institute legal proceedings under this Act.

Section 45. When there is a violation of this Act in any locality and the competent official is unable to know a violator, all competent officials of such locality shall together eliminate and rectify to prevent the violation from appearing in the public place or the public establishment.

The local official shall provide equipment and convenience to the competent official in the course of performance of duty and shall specify rules of practice of the competent official under paragraph one.

Section 46. In the case that a violator under this Act has been arrested, the competent official shall inform a violator to erase, clean, sweep, keep, decorate, improve the violation not to appear within a specified period of time. If a violator concedes to comply, the case is settled. If a violator fails to comply, the competent official shall have the power to clean or assign other person to take action to cause the cleanliness and orderliness and the violator shall compensate any expenses in causing the cleanliness and orderliness as actually incurred to the local official. Nevertheless, the compensation of such expenses does not eliminate the violation or stop the initiation of legal proceedings against a violator.

Section 47. The local official shall have the power to announce the time that the entry or the stay in the public establishment is prohibited. Such announcement shall be installed or hung in the area of the public establishment which can be easily seen.

Section 48. Offences under this Act, the local official or the person appointed by the local official and the inquiry official shall have the power to settle the case. When the accused pays a fine as settled within fifteen days, it shall be deemed that the case is settled under the Criminal Procedure Code.

If the accused fails to settle the case or when the accused agrees to settle the case but fails to pay a fine within such specified period of time, the legal proceedings for litigation shall be initiated.

Half of a fine from the case settlement under paragraph one shall be given to the informer under section 51 and another half of a fine shall be given to the competent official, the traffic officer or the police officer controlling the traffic, the police making an arrest.

Section 49. Under the application of section 43, paragraph three, the fee and a fine settled under this Act shall be the revenue of the local administration.

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Section 50. In the case where a violation of this Act has occurred or there are reasonable grounds to suspect that an offence under this Act has been committed, the local official or the competent official shall have the power to arrest the violator or the person suspected to have committed such offence together with vehicle, equipment or things used in the commission of such offence to initiate the legal proceedings.

In the execution of duties, the local official and the competent official shall show an identity card upon request by the person concerned.

An identity card of the competent official shall be in accordance with the form prescribed and announced by the Minister of Interior.

Section 51. In the case that there is a violation under this Act, a person witnessing such violation may inform the inquiry officer, the local official or the competent official for the inquiry officer, the local official or the competent official to take action in accordance with his or her powers and duties without undue delay and it shall be deemed that a person witnessing such violation is an injured person under the Criminal Procedure Code.

CHAPTER VI

PENALTIES

Section 52. Any person violating section 9, section 14, section 36, section 37 or section 38 or violating or failing to comply with the announcement of the local official made under section 47 shall be liable to a fine not exceeding five hundred baht.

Section 53. Any person violating or failing to comply with section 6, section 21 or section 28 shall be liable to a fine not exceeding ten thousand baht.

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Section 54. Any person violating or failing to comply with section 8, paragraph one, section 15, section 20, section 22, section 26, section 27, section 29, section 31, section 32, section 35, section 39, section 40 or section 41 shall be liable to a fine not exceeding two thousand baht.

Section 55. Any person driving a car carrying animals' dung, pebbles, rocks, dirt, mud, sand, waste or petrol and such material has fallen, been blown away by wind, dispersed or leaked onto the road shall be liable to a fine not exceeding three thousand baht.

Section 56. Any person violating or failing to comply with section 10, paragraph one, section 12, section 16, paragraph one, section 17 or section 18 shall be liable to a fine not exceeding five thousand baht.

Section 57. Any person violating or failing to comply with section 13, paragraph one, section 19, section 23, section 30, section 33, paragraph one, or section 34 shall be liable to a fine not exceeding ten thousand baht.

Section 58. Any person violating or failing to comply with section 24 or section 25 shall be liable to a fine not exceeding two thousand baht.

In addition to the liability under paragraph one, a person violating or failing to comply with section 24 or section 25 shall also be liable to a fine of one hundred baht per day until the compliance with the Ministerial Regulation has been correctly made.

Section 59. Any inquiry official, local official or competent official failing to comply with section 51 shall be liable in the same manner with a violator whose commission of offence has been reported.

TRANSITORY PROVISIONS

Section 60. The application for permission lodged before this Act comes into force and still in the consideration process of the local official or the competent official, the granting of permission and licence prior the coming into force of this Act or the practice of an applicant for a licence as specified in a licence, as the case may be, shall be deemed as an application for permission, the granting of permission and the licence under this Act.

Section 61. An appeal under the Act on the Maintenance of the Cleanliness and Orderliness of the Country, B.E. 2503 (1960) which had been lodged prior to the date that this Act came into force shall still be into force until the Minister of Interior decides on such appeal.

Section 62. Ministerial Regulations, rules, notifications or orders issued under the Act on the Maintenance of the Cleanliness and Orderliness of the Country, B.E. 2503 (1960) shall still be applied on the condition that such Ministerial Regulations, rules, notifications or orders are not contrary to or inconsistent with this Act.

Countersigned by:

Anand Panyarachun

Prime Minister

Rates of Licence Fee and Service Fee

No.	Type	Amount of Fee	
		Baht	Satang
1.	Fee for the licence for the putting up of poster or writing of message or image, installing, writing a sign or document or dropping or distributing flyers for advertising to the people.	200	--

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