

Unofficial Translation

INDUSTRIAL ESTATE AUTHORITY OF THAILAND ACT,
B.E. 2522 (1979)¹

BHUMIBOL ADULYADEJ, REX.

Given on this 19th day of March B.E. 2522 (1979)

Being the 34th year of the present reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to amend the law governing the Industrial Estate Authority of Thailand.

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly in its capacity of the Parliament, as follows:

Section 1. This Act shall be called the "Industrial Estate Authority of Thailand Act B.E. 2522 (1979)".

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

¹ Translated by CHANDLER and THONG-EK Law Offices Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette, Volume 96, Special Issue, Part 41, of 24th March B.E. 2522 (1979))

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Section 3. Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council shall be repealed.

All other laws, rules and regulations in so far as they deal with the part already provided in this Act, or which are inconsistent with or contrary to this Act, shall be superseded by this Act.

Section 4.³ In this Act,

"industrial estate"⁴ means a general industrial zone or a free operation zone.

"general industrial zone"⁵ means an area designated for the operation of industrial activities, service activities or other businesses which are beneficial to or in connection with operation of industrial or service activities.

"free operation zone"⁶ means an area designated for the operation of industrial activities, commercial activities or other businesses relating thereto, for the purposes of economics, national security, public well-being, environmental management, or other needs as prescribed by the Board, whereby the goods taken into the said area shall be entitled to additional rights and privileges on taxes, duties and fees as provided by law.

"industrial operator"⁷ means a person who is permitted to engage in industrial or service operation in an industrial estate.

"commerce"⁸ means a trading or service in a free operation zone.

"commercial operator"⁹ means a person who is permitted to engage in trade or service in a free operation zone.

³ Amended by Section 3 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

⁴ Amended by Section 3 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

⁵ Amended by Section 3 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

⁶ Amended by Section 3 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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"manufacture" includes to make, build, mix, assemble or pack.

"excise tax" means excise tax as prescribed in the Revenue Code.

"Board" means the Board of the Industrial Estate Authority of Thailand.

"Governor" means the Governor of the Industrial Estate Authority of Thailand.

"officer" means an officer of the Industrial Estate Authority of Thailand, including the Governor.

"employee" means an employee of the Industrial Estate Authority of Thailand.

"competent officer" means a person who is appointed by the Minister to carry out the duties under this Act.

"Minister" means the Minister who has charge and control of the execution of this Act.

Section 5. The Minister of Industry shall have charge and control of the execution of this Act, and shall have the power to appoint competent officers and issue Ministerial Regulations for the implementation of this Act.

Such Ministerial Regulations shall become effective upon publication in the Government Gazette.

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CHAPTER 1
Industrial Estate Authority of Thailand

Part 1
Establishment

Section 6. An industrial estate authority called the "Industrial Estate Authority of Thailand", abbreviated as "IEAT", shall be established as a juristic person with the following objects:

(1) To acquire lands which are suitable for establishment or expansion of industrial estates, or for operation of other businesses beneficial to or in connection with the IEAT;

(2)¹⁰ To improve the lands mentioned in (1) in order to provide services as well as facilities for the operations of industrial operators and commercial operators and operators of other businesses which are beneficial to or in connection with operations of industry or commerce such as provision of roads, drainage pipes, waste water treatment plants, electricity, water supply and telecommunications, etc.

(3) To let, sell on hire-purchase, and sell immovable or movable properties in an industrial estate or for the direct benefits of the business of an industrial estate;

(4) To engage in other businesses which are beneficial to or in connection with the businesses under the objects of the IEAT;

(5) To co-operate with other persons under the objects stated in (1), (2) or (3), including to become a partner of limited liability of a limited partnership, or to hold

¹⁰ Amended by Section 4 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

shares in any other juristic person whose objects are beneficial to or in connection with the businesses under the objects of the IEAT;

(6) To promote and control private or state organization's industrial estates.

Section 7. The businesses, assets, rights, debts and liabilities of the Industrial Estate Authority of Thailand under Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council shall be transferred to the IEAT.

The assets under paragraph one, after deduction of debts, shall be regarded as the capital of the IEAT.

Section 8. The capital of the IEAT consists of:

- (1) assets transferred under Section 7;
- (2) appropriation from the national budget;
- (3) other funds or properties received from the Government or other persons;
- (4) funds or properties received as aids from a local or foreign source or from an international organization.

Section 9. The IEAT shall have its head office established in the Bangkok Metropolis or in a nearby province, and branch offices or agents may be set up or appointed in any province with industrial estate.

Section 10. The IEAT shall have the authority to operate businesses within the scope of the objects stated in Section 6, which authority includes:

- (1)¹¹ To survey, plan, design, construct and maintain facilities and to render services to industrial operators, commercial operators and operators of other businesses

¹¹ Amended by Section 5 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

which are beneficial to or in connection with industrial or commercial operation, as the case may be;

(2)¹² To prescribe the types and sizes of industrial or commercial businesses or other businesses which are beneficial thereto or in connection therewith that should be allowed to operate in the industrial estate, in accordance with the rules and conditions prescribed by the Board;

(3) To inspect the living condition of workers in the industrial estates;

(4)¹³ To oversee the operations of the industrial operators, commercial operators, operators of other businesses which are beneficial to or in connection with the industrial or commercial operation and of the users of lands in the industrial estates so as to ensure observance of rules, regulations and laws, including the work relating to public health or affecting the environmental quality;

(5) To make investment;

(6) To raise loans for financing the business of the IEAT;

(7) To issue bonds or any other instruments for investment purposes.

Section 11. The IEAT shall be authorized to inspect and certify the types and quantities of raw materials or products, or the types and quantities of machinery, where a certificate is required or in case they are brought into or taken out of the industrial estate, for which service charge shall be collected at the rates fixed by the Board.

Section 12. Rentals for immovable or movable properties and charges for maintaining facilities and for services provided in the industrial estate shall be fixed by the IEAT at reasonable rates so as to ensure sufficient revenue for:

¹² Amended by Section 5 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

¹³ Amended by Section 6 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

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(1) the IEAT's necessary operational expenses, including interest, depreciation, bonuses, and welfare fund or other aids for welfare of workers and their families;

(2) repayment of debts in the amount equal to the amount which exceeds that appropriated, for depreciation and for additional expenses incurred in acquisition of new properties to replace the existing ones;

(3) provision of reserve funds and expenses necessary for expansion of its business and investment.

Section 13. The IEAT shall fix the hire-purchase and selling prices of immovable or movable properties as deemed appropriate.

Section 14. After having designated any land area as an industrial estate under Section 39, the IEAT shall have the authority to fix the selling prices, rentals, and hire-purchase prices of immovable or movable properties, and maintenance charges of facilities, as well as service charges in such industrial estate as is suitable for the business.

Section 15. The revenue earned by the IEAT from its business operations each year shall belong to the IEAT. After deduction of operational expenditures and other proper expenses such as those for maintenance, depreciation, and reserves under Section 16, remunerations and bonuses under Section 32 and Section 35, or contributions to welfare fund or other aids under Section 34, and investment fund under Section 66, any balance therefrom shall be remitted as state revenue.

If the amount of revenue is insufficient to cover the expenses under paragraph one other than reserves under Section 16 and bonuses under Section 32 and Section 35, and the IEAT is unable to procure fund from any other sources, the State shall pay the IEAT in the amount equal to the amount of deficit.

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Section 16. The reserve fund of the IEAT shall consist of contingency reserve, business expansion reserve, debt redemption reserve, and other reserves for each specific purpose as deemed appropriate by the Board.

The reserve fund may be spent only when approved by the Board.

Section 17. The properties of the IEAT are not liable to execution.

Part 2

Board of Directors and Governor

Section 18. A board called the "Board of Directors of the Industrial Estate Authority of Thailand" shall be appointed comprising a Chairman and not exceeding ten other directors, including the Governor, who is ex officio director.

The Chairman and other directors who are not ex officio directors shall be appointed by the Council of Ministers.

Section 19. Persons to hold the offices of the Chairman, directors or the Governor must have knowledge and proficiency in business administration, industry, science, engineering, architecture, town planning, economics, commerce, finance or law.

Section 20. The Chairman or the directors appointed by the Council of Ministers must possess the qualifications stated in (1) and (2), and must not have the prohibited characteristics as mentioned in (3), (4), (5), (6) and (7), as follows:

- (1) being a Thai national;
- (2) being not over sixty-five full years of age;
- (3) being or having been a bankrupt;

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(4) having been sentenced to imprisonment by a final court judgment or by a lawful order, except for offence committed through negligence or petty offence;

(5) being a political official or holding a political position;

(6) being a director or an official of a political party;

(7) being a person having an interest in a contract made with the IEAT or in a business transacted for the IEAT or in a business of a similar nature as that of, and in competition with, the IEAT, either directly or indirectly, except in the case of being a mere shareholder for investment in good faith in a juristic person undertaking a business with such interest.

Section 21. The Chairman and directors appointed by the Council of Ministers shall hold office for a term of three years each time.

Upon completion of the term of office stated in paragraph one, if new directors have not been appointed, the retiring Chairman and directors shall remain in office until the new directors have assumed office.

The retiring Chairman or directors are eligible for reappointment.

Section 22. Other than retirement by rotation under Section 21, the Chairman or directors appointed by the Council of Ministers vacate office upon:

(1) death;

(2) resignation;

(3) dismissal by the Council of Ministers;

(4) becoming incompetent or quasi-incompetent;

(5) loss of qualifications or having a prohibited characteristic under Section 20.

When an appointment of director is made during the period the previously appointed directors are still holding office, whether it be an additional or a replacement appointment, the appointee shall hold office only for the remainder of the term of office of the previously appointed directors.

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Section 23. The Board has the power to establish policy and generally supervise activities of the IEAT. Such power includes:

- (1) issuance of regulations or rules for carrying out Section 6 and Section 10;
- (2) issuance of regulations or rules of the meetings and on the businesses of the Board and of the sub-committees;
- (3) issuance of regulations or rules on division of work units, procedures for performance, and finance of the IEAT;
- (4) issuance of regulations or rules fixing the positions, salary scale or wages of officers and employees;
- (5) issuance of regulations or rules on placement, appointment, increment of salaries or wages, dismissal, disciplines, punishment, and appeal against punishment of officers and employees;
- (6) issuance of regulations or rules regarding transportation and traveling allowances, lodging expenses, overtime pay, and other payments;
- (7) issuance of regulations or rules regarding the uniforms of officers and employees;
- (8) issuance of regulations or rules regarding filing a complaint by officers and employees;
- (9) issuance of regulations or rules regarding the identity card or uniform of persons working in a free operation zone;
- (10) issuance of regulations or rules regarding persons entering or staying in a free operation zone;
- (11) issuance of regulations or rules regarding the welfare fund or other aids for the welfare of the persons working in the IEAT and their families, with the approval of the Council of Ministers;
- (12) issuance of regulations or rules relating to safety in the use and maintenance of the IEAT's properties;

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(13) fixing the selling prices, rental rates, hire-purchase prices, and the term of lease and hire-purchase of immovable or movable properties, maintenance charges for facilities, and the rates of service charges in an industrial estate;

(14)¹⁴ carrying out any other acts as provided by this Act or other laws to be within the powers and duties of the Board.

If the regulations or rules stated in (3) include any provision that limits the power of the Governor in entering into a juristic act, the Minister shall publish the same in the Government Gazette.

Section 24. For the benefit of the business of the IEAT, the Board shall have the power to appoint sub-committees to carry out any specific affairs of the IEAT, and fix their remunerations.

Section 25. The Board shall appoint the Governor and fix his salary with the approval of the Council of Ministers.

Section 26. The Governor must possess the qualifications stated in (1), (2) and (3), and must not have the prohibited characteristics stated in (4), (5), (6), (7), (8) and (9), as follows:

- (1) being a Thai national;
- (2) being not over sixty full years of age;
- (3) being able to devote himself to work full time for the IEAT;
- (4) being or having been a bankrupt;
- (5) having been sentenced to imprisonment by a final court judgment or by a lawful order, except for offence committed through negligence or petty offence;

¹⁴ Added by Section 4 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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(6) being a public servant holding a permanent position or receiving a regular salary, or being a political official, employee of a ministry, bureau, department, or a political bureau of equal status, or being a local administrative officer;

(7) holding a political office, or being a member of a local council or being a local administrator;

(8) being a director or an official of a political party;

(9) being a person having an interest in a contract made with the IEAT or in a business transacted for the IEAT or in a business of the similar nature as that of, and in competition with, the IEAT, directly or indirectly, except in the case of being a mere shareholder for investment in good faith in a juristic person undertaking a business with such interest.

Section 27. The Governor vacates office upon:

(1) death;

(2) resignation;

(3) becoming incompetent or quasi-incompetent;

(4) loss of qualifications or having a prohibited characteristic under Section 26;

(5) removal by the Board with a majority vote of not less than three-fourths of the total number of the directors, excluding the Governor himself, and with the approval of the Council of Ministers.

Section 28. The Governor has the duty to manage the affairs of the IEAT to be in line with the law, regulations, rules and policy established by the Board, and he is empowered to command officers and employees.

In managing the affairs, the Governor must report to the Board.

Section 29. The Governor is authorized to:

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(1) prescribe regulations and procedures for performance of work of officers or employees;

(2) issue regulations concerning management of business of the IEAT, without conflicting with the regulations or rules of the Board;

(3) place, appoint and remove, promote, decrease and cut down the salaries or wages of, as well as to take disciplinary actions against, officers and employees, in accordance with the rules or regulations laid down by the Board.

Section 30. In a business involving a third person, the Governor shall be the representative of the IEAT and for such purpose he may authorize any person to carry out any specific act on his behalf, in accordance with the regulations or rules laid down by the Board.

Any juristic act made by the Governor in violation of the regulations or rules under Section 23, paragraph two, shall not be binding upon the IEAT unless ratified by the Board.

Section 31. Whenever the Governor is unable to perform his duties, or the Governorship becomes vacant, the Board shall appoint an officer to act on behalf of the Governor or as Acting Governor, as the case may be, and Section 26 shall apply mutatis mutandis.

The person acting on behalf of the Governor or the Acting Governor shall have the same powers and duties as the Governor except the powers and duties of the Governor in his capacity as a director.

Section 32. The Chairman and directors shall be entitled to remunerations and may be given a bonus, in accordance with the regulations laid down by the Council of Ministers.

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Part 3
Officers and Employees

Section 33. The officers and employees shall have the right to appeal against punishment or to file a complaint in accordance with the regulations or rules laid down by the Board.

Section 34. The IEAT shall provide a welfare fund or other aids for the welfare of the persons working in the IEAT and their families upon retirement, accident, sickness, death or other events deserving such aids.

Section 35. The officers and employees may be given bonuses in accordance with the regulations laid down by the Council of Ministers.

CHAPTER 2
Industrial Estate

Part 1
Establishment

Section 36.¹⁵ There are two categories of industrial estates, namely:

- (1) general industrial zone;
- (2) free operation zone.

¹⁵ Amended by Section 5 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

Establishment, boundary changes and dissolution of an industrial estate shall be published in the Government Gazette by the Board, and there shall be a boundary map attached to such notification.

Section 36/1.¹⁶ In case there has been issued a notification under Section 36, paragraph two, to establish or change an industrial estate, and there is a public domain within the said area, a Royal Decree may be enacted to change the status of the public domain, by specifying, in such Royal Decree, the plots and the estimated amount of land whose ownership the IEAT wishes to acquire. And upon the said Royal Decree having been enacted, the public domain located within the said area shall be vested in the IEAT, upon the following conditions having been fulfilled:

(1) For the land which is a public domain for common use by the citizens, in case the citizens have abandoned the use of such land, or its status as the land for common use by the citizens has been transformed, when the Ministry of Interior has given consent thereto and the IEAT has paid the price of the land to the Ministry of Finance according to the price fixed by the Ministry of Interior, or in case the citizens are still using the said land, or the status of the land as one for common use by the citizens has not yet been transformed, when the Ministry of Interior has given consent according to the rules and procedures prescribed by the Ministry of Interior, by hearing the opinion of the public, and the IEAT has arranged other plots of lands for common use by the citizens in replacement thereof as prescribed in a Royal Decree, the said Royal Decree shall produce an effect of revoking the status of the said land as a public domain, whereby there is no need to go through the process of status revocation or transfer under the Land Code.

(2) For the land which is a public domain used specifically for the benefit of the state, or the land reserved or restricted according to the requirement of the authorities, when the Ministry of Finance has given consent and the IEAT has paid the price of the land

¹⁶ Amended by Section 5 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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to the Ministry of Finance as fixed by the Ministry of Finance, the said Royal Decree shall produce an effect of revoking the status of the said land as a public domain, whereby there is no need to go through the process of status revocation or transfer under the law governing state land.

(3) The land which is a public domain and which is vacant land, or which is the land that has been expropriated or abandoned, or which has become a state property by other means under the Land Code, when the Ministry of Interior has given consent and the IEAT has paid the price of the land to the Ministry of Finance according to the price fixed by the Ministry of Interior.

Section 37. An industrial estate established under this Act must be in accordance with the rules, procedures and conditions stipulated in the Ministerial Regulations.

Section 38. When it is necessary to acquire an immovable property for the purpose of establishing or expanding an industrial estate, the IEAT shall be authorized to proceed with expropriation under the law on expropriation of immovable properties.

For such purpose, a Royal Decree may be promulgated in advance designating the land areas to be expropriated, and the provisions of the law on expropriation of immovable properties shall apply mutatis mutandis.

¹⁷The immovable property acquired through expropriation under paragraph one shall become the property of the IEAT, and the IEAT shall have the power to transfer it to the industrial operators, commercial operators or operators of other businesses which are beneficial to or in connection with the industrial or commercial operation, as the case may be.

¹⁷ Amended by Section 9 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

Section 39. The Board may, with the consent of the land owner, proceed to include any land areas allocated by any person to be an industrial estate, as an industrial estate under this Act if he has proceeded correctly according to the rules, procedures and conditions stipulated in the Ministerial Regulations issued under Section 37.

Section 39/1.¹⁸ Whoever wishes to allocate land within an area designated as industrial estate under Section 39 must obtain a permission in writing from the Governor or the person assigned by him.

Application for permission and granting of permission, including allocation of permitted land under paragraph one, shall be in accordance with the rules, procedures and conditions prescribed by the Board.

Section 40. No person shall use a name with Thai or foreign characters that can be translated or read as "Industrial Estate", "General Industrial Estate", or "Free Operation Zone" in his seal, signboard, letter, notice, or other business documents if not being an industrial estate under this Act.

Part 2

Business Operation, Benefits and Prohibitions

Section 41. Any person who is to operate a business in an industrial estate must have been granted a permit from the Governor or the person authorized by him.

Application for and issuance of a permit shall be in accordance with the rules, procedures and conditions stipulated by the Board.

¹⁸ Amended by Section 6 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

Section 42. Construction of buildings, establishment of factories, and operation of factories in the industrial estate shall be in accordance with the law on factories, the law governing building construction control, and the law relating to town planning, but the power to grant permission of an officer under such laws shall be the powers and duties of the Governor or the person authorized by him.

Section 43. Where construction of a building has been carried out without permission under Section 42, or where a building has been constructed differently from the blueprint or the specifications approved, or where the conditions stipulated in the permit have not been observed, the IEAT shall be empowered to order a suspension of construction, alteration, modification or demolition of the building or any of its part within a reasonable period, by informing the builder, owner or possessor of the time period.

After the lapse of the time period stipulated under paragraph one, and the builder, owner or possessor of the building did not carry out the order of the IEAT, the IEAT shall have the power to take measures as it may deem fit for alteration, modification or demolition of the building or any of its part and the expenses incurred shall be borne by the builder, owner or possessor of the said building.

Section 44.¹⁹ An industrial or commercial operator may be permitted to hold ownership of land in an industrial estate or in a free operation zone, as the case may be, for operation of business in an amount of area deemed appreciate by the Board, even though it may exceed the limit fixed under other laws.

In the event of an industrial or commercial operator who is an alien having dissolved his business or having transferred his business to other person, the industrial or commercial operator shall sell the land whose ownership is permitted to hold and the land's component parts to the IEAT or the transferee, as the case may be, within three years

¹⁹ Amended by Section 11 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

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from the date of dissolution or transfer of business, otherwise the Director-General of the Department of Lands shall sell the land and its component parts to the IEAT or any other person under the Land Code.

Section 45.²⁰ Subject to the law on immigration, insofar as it is not provided otherwise in this Act, an industrial or commercial operator shall be permitted to bring aliens who are:

(1) skilled workers;

(2) specialists;

(3) spouses and dependents of the persons mentioned in (1) or (2) into the Kingdom in the number and for the length of stay in the Kingdom as the Board deems fit, even though it may exceed the number or the length of stay in the Kingdom permitted under the law on immigration.

Section 46. Subject to the law on working of aliens, insofar as it is not provided otherwise in this Act, the aliens who are skilled workers or specialists who are permitted to stay in the Kingdom under Section 45 shall be permitted to work specifically in the positions approved by the Board throughout the permitted period of stay in the Kingdom.

Section 47.²¹ An industrial or commercial operator who has domicile outside the Kingdom shall be permitted to take out or remit a foreign currency abroad if it is:

(1) the capital brought into the Kingdom and dividends or other benefits arising out of the said capital;

²⁰ Amended by Section 11 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

²¹ Paragraph 1 of Section 47 amended by Section 12 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

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(2) a loan from abroad brought in for investment in the industrial or commercial operation under a contract approved by the IEAT, including interest thereon;

(3) the money under commitment with a foreign country under a contract concerning exercise of rights and services in the industrial or commercial operation, and such contract has been approved by the IEAT.

In case the balance of payment in any period is encountering difficulty whereby it is necessary to set aside a reasonable amount of foreign exchange as a reserve, the Bank of Thailand may temporarily limit the taking out or remittance abroad of such money as a result thereof. However, the remittance abroad of the capital brought into the Kingdom will not be limited to lower than twenty per cent per year of the total amount of the said capital as at the 31st December of the year if such remittance is made two years after the money has been brought in, and the remittance of dividends will be not be limited to lower than fifteen per cent per year of the capital brought into the Kingdom and remaining at the time of request for remitting the dividends abroad.

Section 48.²² The goods taken into a free operation zone shall enjoy rights and privileges on duty in the same manner as those taken into a duty free zone under the law governing customs, and it shall also include rights and privileges in the following cases:

(1) Goods imported into the Kingdom and taken into a free operation zone shall be exempted from special fees under the law governing investment promotion, import duty, value added tax and excise tax, for the goods which are machinery, equipment, tools and appliances, including components thereof which are necessary for the manufacture of goods or for commercial purposes, as the case may be, and goods used in the building, assembly or installation as a factory or building in the free operation zone, for the quantity imported into the Kingdom and taken into the free operation zone as approved by the

²² Amended by Section 7 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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Board, and it shall be in compliance with the rules, procedures and conditions prescribed by the Board.

(2) Goods imported into the Kingdom and taken into a free operation zone for use in the manufacture of goods or for commercial purposes shall be exempted from special fees under the law governing investment promotion, import duty, value added tax, and excise tax, in accordance with the rules, procedures and conditions prescribed by the Governor.

(3) Goods imported into the Kingdom and taken into a free operation zone under (2), including products, by-products, and other things obtained from the manufacture within the free operation zone, if exported, shall be exempted from export duty, value added tax and excise tax.

The goods taken into the free operation zone under paragraph one shall include those taken out of one free operation zone to another as well.

Section 49.²³ In the case of importation of goods into the Kingdom, or in the case of taking raw materials within the Kingdom into a free operation zone for manufacture, mixing, assembly, packing, or doing anything with such goods, with an aim to export the same out of the Kingdom, such goods shall be exempted from enforcement of the law in the part relating to control of importation, exportation, possession or utilization thereof, or in the part relating to control of standards or qualities, affixing of any marks or signs thereon, but excluding the law governing customs, in accordance with the rules, procedures and conditions prescribed by the Board.

In case the goods under paragraph one are those which affect or may affect the national security or safety, public order, public health, or the environment, or they are goods which Thailand is obligated under commitments according to an international contract or agreement in respect of importation, exportation, possession, or utilization

²³ Amended by Section 7 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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thereof, the Minister shall be empowered to issue Ministerial Regulations prescribing the kinds or categories of such goods which shall not be exempted under paragraph one, and he may also prescribe any rules, procedures and conditions therefor.

Section 50.²⁴ (Repealed)

Section 51.²⁵ Any goods which, under the provisions of certain laws, when they are exported, are exempted from tax and duty, or the tax and duty thereof can be refunded, though they are not exported but are taken into a free operation zone for use under Section 48 (1) or (2), shall be exempted from tax and duty, or the tax and duty thereof shall be refunded, whereby it shall be regarded as if they had been exported on the date of their having been taken into the free operation zone.

Section 52.²⁶ The goods imported into the Kingdom and taken into a free operation zone under Section 48 or Section 49, and the goods under Section 51, including products, by-products, and other things obtained from the manufacture within the free operation zone, if taken out of the free operation zone for use or distribution within the Kingdom, shall be subject to special fees under the law governing investment promotion, import duty, value added tax and excise tax, according to the condition, prices and rates of tax and duty enforced on the date of taking them out of the free operation zone, and shall also be subject to compliance with the law in the part relating to control of importation, exportation, possession or utilization of such goods, or relating to control of standards or qualities thereof, affixing of any marks or signs thereon, from the date of taking them out of

²⁴ Repealed by Section 8 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

²⁵ Amended by Section 9 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

²⁶ Amended by Section 10 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

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the free operation zone, as the case may be, whereby it shall be regarded as if they had been imported on the date of their having been taken out of the free operation zone.

Section 52/1.²⁷ In case the goods, including products, by-products, and other things obtained from the manufacture within a free operation zone, which are taken out of such free operation zone, are goods that are subject to tax and duty, in calculating tax and duty thereof, if there occurs a case of taking of raw materials within the Kingdom into the free operation zone for manufacture, mixing, assembly, packing, or doing anything with such goods, whereby the raw materials so taken are not entitled to duty refund or exemption, the price of the said raw materials need not be included for calculation of tax and duty, in accordance with the rules, procedures and conditions prescribed by the Director-General of the Customs Department.

Section 53. The provisions of the customs law relating to the import, export and storage of goods in the warehouse shall apply mutatis mutandis to the taking of goods into or out of a free operation zone, storage, and control of transportation. It shall also be carried out in compliance with the regulations and procedures prescribed by the Director-General of the Customs Department, and the penal provisions of the said law shall also apply.

Section 54.²⁸ For the goods that are not used or are unusable which are in a free operation zone, in case an industrial or commercial operator applies in writing to the IEAT for permission for destroying the same, or in case the IEAT deems it appropriate to order destruction of the said goods, the IEAT shall notify the same in writing to the industrial or commercial operator, as the case may be, or the agent of the said person, and the Director-General of the Customs Department or the person assigned by him, and the

²⁷ Added by Section 11 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

²⁸ Amended by Section 15 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

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Director-General of the Customs Department or the person assigned by him shall order destruction of such goods according to the rules and procedures prescribed by the Director-General of the Customs Department.

In case the IEAT is unable to notify the person under paragraph one, when the IEAT has posted a notice at the office of the said person within the free operation zone for seven days, it shall be regarded that the said person has duly been notified.

The goods destroyed in accordance with the rules and procedures under paragraph one shall be exempted from special fees under the law governing investment promotion, import duty, value added tax and excise tax.

Section 55. No person shall take any things in a free operation zone out of the free operation zone, unless with a written permission from the Governor or the person authorized by him.

The granting of permission under paragraph one shall be in accordance with the rules, procedures and form prescribed by the Board.

Section 56. No person shall enter or stay in a free operation zone unless permitted in writing by the Governor or the person authorized by the Governor, and he shall observe the regulations or rules laid down by the IEAT.

The granting of permission under paragraph one shall be in accordance with the rules, procedures and form prescribed by the Board.

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CHAPTER 3
Competent Officer

Section 57.²⁹ A competent officer shall have the power to enter the premises of an industrial operator, commercial operator or operator of other businesses that are beneficial to or in connection with industrial or commercial operation, as the case may be, in an industrial estate during office hours for investigation of facts or for examination of documents or any things which are related to the operation of business, from the persons on such premises as necessary. In such event, the said operator shall reasonably afford convenience.

In case the competent officer will enter the premises under paragraph one, the Governor or the person assigned by him shall notify in writing to the industrial operator, the commercial operator or the operator of other businesses which are beneficial to or in connection with industrial or commercial operation, as the case may be, at least twenty-four hours in advance, unless the Governor or the person assigned by him deems it as urgent.

Section 58. The competent officer or the customs officer is empowered to inspect factories, buildings, vehicles, persons and any things in the free operation zone.

Section 59. If any person is found committing an offence or attempting to commit an offence or assigning or assisting or inciting other person to commit an offence under this Act or the customs law in the industrial estate, the competent officer is empowered to arrest such person without a warrant of arrest, and send him to the inquiry official under the Penal Procedure Code, together with the exhibit, for further proceedings.

²⁹ Amended by Section 16 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

Section 60. In performing his duties under Section 57, Section 58 or Section 59, the competent officer shall show his identity card in the form prescribed in the Ministerial Regulations, to the persons concerned.

Section 61. The competent officer shall be an officer under the Penal Code.

CHAPTER 4

Supervision

Section 62. The Minister shall have the powers and duties to exercise general supervision over the affairs of the IEAT, and for such purpose he may order the IEAT to explain facts, provide opinion, prepare reports or refrain from doing any act which is in conflict with the Government's policy or the Council of Ministers' resolution, as well as to order the IEAT to comply with the Government's policy or the Council of Ministers' resolution, and to order investigation of facts regarding the conduct of the affairs of the IEAT.

Section 63. In case an issue has to be submitted by the IEAT to the Council of Ministers, it shall be submitted to the Minister for further submission to the Council of Ministers.

Section 64. In conducting the affairs of the IEAT, the interest of the state and the public shall be taken into consideration.

Section 65. The IEAT shall open deposit accounts with banks according to the regulations of the Ministry of Finance.

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Section 66. The IEAT must have first obtained an approval from the Council of Ministers before proceeding with the following:

- (1) to invest in the establishment or expansion of an industrial estate;
- (2) to increase capital by reappraisal of its assets;
- (3) to decrease capital;
- (4) to raise loans in excess of Baht ten million;
- (5) to issue bonds or any other instruments for investment;
- (6) to dispose of immovable property valued by more than Baht one million, except disposal of immovable property in an industrial estate;
- (7)³⁰ **(Repealed).**

Section 67. The IEAT shall prepare an annual budget broken down into investment capital and working capital. The investment capital shall be submitted to the Council of Ministers for consideration and approval, and the working capital shall be submitted to the Council of Ministers for their information.

Section 68. The IEAT shall establish and maintain a proper accounting system classified into categories of its main functions, with regular internal audit, and books of accounts for entries of:

- (1) revenues and expenditures;
 - (2) assets and liabilities;
- to reflect its performance as actually existing and as appropriate based on the categories of works, supported by information on the sources of such entries.

Section 69. Each year, the Office of the Auditor General of Thailand shall be the auditor, and shall audit the accounts including the finance, of the IEAT.

³⁰ Repealed by Section 17 of Industrial Estate Authority of Thailand Act (No. 3) B.E. 2539 (1996)

Section 70. The auditor shall be empowered to examine the books of accounts and documents and evidence of the IEAT, and for such purpose he shall have the power to interrogate the Chairman, directors, sub-committee members, competent officers, officers and employees.

Section 71. The auditor shall prepare a report on the results of account audit and submit the same to the Council of Ministers within one hundred and twenty days from the end date of the accounting year, and the IEAT shall make publication of the annual report of the year just ended showing the balance sheet, working account, and profit and loss account certified by the auditor, within one hundred and fifty days from the end date of the accounting year.

CHAPTER 5 Penal Provisions

Section 71/1.³¹ Whoever fails to comply with Section 39/1, paragraph one, shall be liable to imprisonment for a term not exceeding two years and a fine from Baht forty thousand to Baht one hundred thousand.

Section 72. Whoever violates Section 40 shall be liable to a fine not exceeding Baht two thousand and a further daily fine of Baht two hundred from the date the case is filed until the date he stops using such name.

Section 73. Whoever fails to comply with Section 41, paragraph one, shall be liable to a fine not exceeding Baht five thousand, and the court shall order him to cease operation until he is granted the permit under this Act.

³¹ Added by Section 12 of Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007)

Section 74. Whoever violates Section 55, paragraph one, shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding Baht sixty thousand, or both.

The things taken out in violation of Section 55, paragraph one, shall be confiscated.

Section 75. Whoever violates Section 56, paragraph one, shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding Baht one thousand, or both.

Section 76. Any person who fails to afford convenience to the competent officer under Section 57, paragraph one, or obstructs, or fails to afford convenience to, the competent officer or the customs officer under Section 58 shall be liable to a fine not exceeding Baht five thousand.

Transitory Provisions

Section 77. The Director-General, officers and employees of the Industrial Estate Authority of Thailand under the Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council who are in office on the date of enforcement of this Act shall become the Governor, officers and employees of the Industrial Estate Authority of Thailand under this Act.

Section 78. The Board of Directors of the Industrial Estate Authority of Thailand under the Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council shall become the Board of Directors of the Industrial Estate Authority of Thailand under this Act, and the Chairman and directors shall remain in office

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until the new Board of Directors of the Industrial Estate Authority of Thailand has been appointed.

After the new Board of Directors of the Industrial Estate Authority of Thailand has been appointed under this Act, the Board of Directors of the Industrial Estate Authority of Thailand under paragraph one shall vacate office.

Section 79. All the general industrial estates established under the Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council shall be regarded as general industrial estates under this Act.

Section 80. All the Ministerial Regulations, notifications, regulations, rules, and orders issued or given by virtue of the Announcement No. 339 dated 13th December B.E. 2515 (1972) of the National Executive Council and which are still in force on the date of publication of this Act in the Government Gazette shall remain enforceable insofar as they are not inconsistent with or contrary to the provisions of this Act.

Countersigned:

S. HOTRAKITYA

Deputy Prime Minister

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