

NAVIGATION IN THE THAI WATERS ACT,
B.E. 2456 (1913)**

His Majesty King Vajiravudth is graciously pleased to proclaim that, in the view of His Majesty, the Navigation in the Thai Waters Act, enacted on the twenty fifth day of June R.E. 124, contains certain flaws that require revision to accommodate the present situation;

Be it, therefore, enacted by the King as follows:

INTRODUCTION AND DEFINITIONS UNDER THIS ACT

Section 1. This Act is called the “Navigation in the Thai Waters Act, B.E. 2456 (1913)”.

Section 2.¹ This Act shall come into force as from the first day of September B.E. 2456.

Section 3.² In this Act:

“vessel” means a water vehicle of any kind, whether used for carrying, transporting, towing, tugging, pushing, lifting, digging or dredging, and shall include a vehicle of any other kind that can be used on water in a similar manner;

“ship” means a vessel that is propelled by machinery or sail, and does not require oars, paddles or rows;

* Translated by Ms. Sudkhanueng Somboonwong, and reviewed by Professor Phijaisakdi Horayangkura 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.

** As amended up to the Navigation in the Thai Waters Act (No.16), B.E. 2550 (2007).

¹ Published in the Government Gazette, Vol. 30, page 74, dated 4th August B.E. 2456 (1913).

² Section 3 is amended by the Navigation in Thai Waters Act (No. 13), B.E. 2525 (1982).

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“steamship” or “steam-launch” means a vessel that is propelled by machinery, whether or not it requires its sail, and shall include a motor ship;

“motor ship” or “motor boat” means a vessel that is propelled by motor, whether or not it requires any other power;

“sail ship” or “sail boat” means a vessel that is propelled by sail and does not require machinery;

“power-driven vessel” means a vessel that is propelled by machinery, whether or not it also requires any other power;

“small steam-launch” means a vessel of less than thirty gross tonnage that is propelled by machinery;

“seagoing vessel” or “sea vessel” means a vessel with a feature for being used at sea under the ship survey regulation;

“boat” means a vessel that is propelled by oars, paddles or rows;

“lorcha” or “*Pohjai*” means a sea vessel of European shape and of Chinese rig or rig of any other Asian country;

“*Pet Talay* and others” or “*Pet Talay* and other vessels” means a vessel that sails by its sail when navigates at sea and by its sail or oars or rows when navigates in the river, and shall include *Chalom Talay*, *Teng Chalom Tayyuan* or *Samkao*;

“junk” means a seagoing vessel constructed with reference to the Chinese model or a model of any other Asian country;

“cargo-carrying vessel” means an open or only partly decked vessel that is propelled by oars, paddles or rows, or sometimes by sail, and used for carrying cargo;

“lighter” means a vessel that is not a power-driven vessel and is used for transporting or transferring cargo from a ship or for carrying cargo to a ship;

“military lighter” means a vessel that is used for transporting soldiers, whether or not it is an official military vessel;

“passenger vessel” means a vessel that carries more than twelve passengers;

“cargo vessel” means a vessel that is not a passenger vessel;

“fishing vessel” means a vessel that is used for fishing aquatic animals or any other living resources in the sea;

“cruise and sport vessel” means a vessel that is used for pleasure or a vessel that is used specifically for sports and not for the purpose of commerce, military or scientific research;

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“ancient style wooden vessel” means a one-mast sail, junk or wooden vessel constructed with reference to the model of vessels used in ancient times;

“raft” shall include a pontoon, floating dock and any other floating object of similar features;

“floating house” means a house that is built on a raft, capable of floating in a river or canal;

“gross tonnage” means the size of a vessel calculable according to the ship survey regulation under section 163;

“Thai waters”³ means all waters within the sovereignty of the Kingdom of Thailand, and, in the cases under section 17, section 119, section 119 *bis*, section 120, section 121, section 133, section 204 and section 220 of the Navigation in Thai Waters Act, B.E. 2456 (1913), shall include the waters within the contiguous zone of the Kingdom of Thailand;

“port” means a location or area for anchoring vessels for the purpose of transfer of passengers or goods;

“master” means a person who controls a ship or any other vessel but does not include a pilot;

“seafarer” means a person who performs regular functions on a vessel;

“seaman” means a seafarer other than a master;

“passenger” means a person on a vessel except:

- (1) a seafarer or any other person employed to serve on the vessel;
- (2) a child of less than one year of age;

“Harbour Master” means the Director-General of the Marine Transport and Maritime Department or a person entrusted by the Director-General of the Marine Transport and Maritime Department;

“Licensing Official” means the Director-General of the Marine Transport and Maritime Department or a person entrusted by the Director-General of the Marine Transport and Maritime Department to issue licenses;

“Surveyor Official” means a person appointed by the Minister of Transport to perform the duty of surveying vessels under this Act.

³ Section 3, the definition of “Thai waters”, is amended by the Navigation in Thai Waters Act (No. 15), B.E. 2540 (1997).

Section 4.⁴ (Repealed).

Section 5.⁵ (Repealed).

Section 6.⁶ (Repealed).

Section 7.⁷ (Repealed).

Section 8.⁸ In this Act, where there is a provision concerning an issuance of any licence that the Harbour Master deems necessary to be made in writing, the Harbour Master shall have the power to collect fees for such licence at the rate prescribed in the Ministerial Regulation but shall not exceed one hundred baht.

Section 9.⁹ The Navigation in the Thai Waters Act, R.E. 124, the Notification dated 17th July R.E. 125 on the Establishment of the Marine Court, the Notification dated 19th March R.E. 125 on the Issuance of a Licence of Cargo-carrying Vessels and Boats, and the Notification dated 22nd April R.E. 129 on Steam-launches for Hire, shall be repealed. However, such repeal shall not affect any act done by a person or an offence committed before the promulgation of this Act.

Section 10. The Rule for Prevention of Collision of Vessels, B.E. 2456 (1913) shall apply not only to Thai ships but also to any ship that navigates in all areas of harbour and anchorage of the Kingdom of Thailand, but shall not conflict with this Act. In the event of such conflict, the provision of this Act shall prevail, as provided in clause 30 of the Rule. The owner or master of all vessels shall fully respect and comply with the Rule.

⁴ Section 4 is repealed by Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁵ Section 5 is repealed by Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁶ Section 6 is repealed by Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁷ Section 7 is repealed by Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁸ Section 8 is amended by Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

⁹ Section 9 is amended by Notification Amending Navigation in Thai Waters Act, B.E. 2456 (1913).

Section 11. In executing the punishment of imprisonment or a fine, if the defendant is a person within the jurisdiction of a foreign State having a consul with judicial power for such State in the Kingdom of Thailand, it shall be the duties of that consulate court to execute the punishment.

BOOK ONE
GENERAL REGULATIONS

CHAPTER I
NAVIGATION LANES, PORT AREAS, ANCHORING AREAS AND REGULATED NAVIGATION AREAS¹⁰

Section 12.¹¹ The Minister of Transport has the power to issue the Ministerial Regulations as follows:

- (1) to prescribe the line of any river, canal or territorial sea as a port area and an anchoring area;
- (2) to prescribe the general navigation lane and the navigation lane within the port areas other than that in the Bangkok Port Area;
- (3) to prescribe the line of any sea within the Thai waters as a regulated navigation area.¹²

Section 13.¹³ (Repealed).

Section 14.¹⁴ (Repealed).

¹⁰ The title of Chapter I “Navigation Lanes, Port Areas, Anchoring Areas and Regulated Navigation Areas” is amended by the Navigation in the Thai Waters Act (No. 16), B.E. 2550 (2007).

¹¹ Section 12 is amended by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹² Section 12(3) is added by the Navigation in the Thai Waters Act (No. 16), B.E. 2550 (2007).

¹³ Section 13 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁴ Section 14 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

Section 15.¹⁵ (Repealed).

Section 16.¹⁶ (Repealed).

CHAPTER II

DUTIES OF MASTER WHEN A VESSEL ENTERS OR LEAVES THE THAI WATERS¹⁷

Section 17.¹⁸ When any ship of such type as prescribed by the notification of the Harbour Master has entered the Thai waters, the master shall proceed as follows:

- (1) notify the Harbour Master;
- (2) fly the flag for such ship in a visible way;
- (3) install and use a lantern between sunset and sunrise.

The compliance with (1), (2) and (3) shall be in accordance with the rules and procedures prescribed in the notification of the Harbour Master.

Section 18.¹⁹ When a power-driven vessel which is a Thai seagoing and of sixty gross tonnage or more and any foreign ship have entered any port area in the Thai waters, the master shall report the entry to the Harbour Master in accordance with the form prescribed by the Marine Transport and Maritime Department within twenty four hours as from the time of proper anchoring.

Section 19.²⁰ When a power-driven vessel which is a Thai seagoing of sixty gross tonnage or more and any foreign ship prepare to leave any port area in the Thai waters, the master shall fly the leaving flag (called Blue Peter). If the vessel is scheduled to leave in the

¹⁵ Section 15 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁶ Section 16 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁷ Section 17 to section 24 of Chapter II Duties of Master of Vessel when entering or leaving the Thai Waters are amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

¹⁸ Section 17 is amended by the Navigation in the Thai Waters Act (No. 15), B.E. 2540 (1997).

¹⁹ Section 18 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²⁰ Section 19 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

afternoon, the flag shall be flown in the morning. If the vessel is scheduled to leave in the morning, the flag shall be flown in the afternoon of the previous day.

Section 20.²¹ When any foreign ship has entered any port of Thailand that is not prescribed as the port area, the master shall report the entry or leaving the Harbour Master within twenty four hours as from the time of entry or before the time of leaving, and shall comply with the order of the Harbour Master.

Section 21.²² When a power-driven vessel which is a Thai vessel of sixty gross tonnage or more is to leave any port area in the Thai waters, the master shall notify the Harbour Master of the sailing schedule no less than six hours before the sailing time in order to allow the Harbour Master to inspect whether the law has been duly complied with. Upon the determination that the law has been duly complied with, the sailing is then permitted.

Section 22.²³ When any seagoing vessel engaged in international voyage that requires a certificate as prescribed in the ship survey regulation under section 163 is about to leave any port area in the Thai waters, the master shall notify the Harbour Master of the sailing schedule no less than six hours before the sailing time in order to allow the Harbour Master to inspect the license for vessel use and the certificate and whether its accessories and equipment are proper and operational.

Section 23.²⁴ When a power-driven vessel which is a Thai seagoing vessel and a foreign ship that are required to have a certificate as prescribed in the ship survey regulation under section 163 are about to leave any port area in the Thai waters to any foreign port, the master shall obtain the port clearance permission from the Harbour Master.

²¹ Section 20 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²² Section 21 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²³ Section 22 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²⁴ Section 23 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

Section 24.²⁵ Whoever violates section 17, section 18, section 19, section 20, section 21, section 22 or section 23, shall be liable to a fine of five hundred to five thousand baht.

Section 25.²⁶ For the purpose of security on water, no master or controller of a vessel shall enter the regulated navigation area, except where there is necessity and he or she has obtained a permission from the Harbour Master.

Any master or controller of a vessel who violates or fails to comply with paragraph one shall be liable to a fine of two thousand to ten thousand baht. And the Harbour Master shall have the power to order seizure of the certificate for vessel control, and the seizure shall not exceed a term of six months.

Any master or controller of a vessel who performs a function during the seizure of his or her certificate for vessel control under paragraph two shall be liable to a fine of ten thousand baht.

Section 26.²⁷ (Repealed).

Section 27.²⁸ (Repealed).

Section 28.²⁹ (Repealed).

CHAPTER III ANCHORAGE

Section 29. Within the Bangkok Port Area, any ship that is not moored alongside a wharf or cargo wharf shall anchor midstream with two anchors having the chain cable long enough to prevent the vessel from dragging the anchors from such place.

²⁵ Section 24 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

²⁶ Section 25 is added by the Navigation in the Thai Waters Act (No. 16), B.E. 2550 (2007).

²⁷ Section 26 is repealed by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²⁸ Section 27 is repealed by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

²⁹ Section 28 is repealed by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

Section 30. Any cargo vessel, flatboat or any other vessel that has anchored without moving shall be firmly moored with the anchoring buoy in proportion to the strength of the chain cable of the berthing anchor.

Section 31. No ship, cargo-storage vessel or flatboat shall anchor or be moored in the navigation lane in a river.

Section 32. No ship that is moored alongside a wharf, cargo wharf or bank shall anchor in a river further than thirty metres from the prow.

Section 33. Any vessel for which the Harbour Master does not issue a license or has recalled or seized the license because of its unseaworthiness shall be moored at the place prescribed by the Harbour Master.

Section 34. Any lorcha or *Pohjai*, lighter, junk, cargo-carrying vessel, *Pet Talay* and other vessels shall anchor midstream in a river. If it does not cause obstruction, such vessel shall anchor in parallel towards the western bank and leave the space for the navigation lane between the vessel and the western bank or all vessels anchoring alongside the western bank or floating house moored with the western bank for no less than one hundred metres.

Section 35. All lorchas or *Pohjai*, lighters, junks, cargo vessels, *Pet Talay* or other vessels that are not in use shall be moved to the anchorage in the harbour that the Harbour Master deems appropriate and prescribes from time to time, and publish such prescription in the Government Gazette and in two or more local newspapers.

Section 36. No seagoing vessel shall anchor along the river between the Sapanhan canal and the Bang Lampu Bon canal, except in case of necessity; the reason being that the area between the two places is the anchorage for Thai warships. All seagoing vessels or foreign warships that sail or are towed by any other vessel upstream passing the Sapanhan canal shall be deemed unlawful, except where a special permission from the Harbour Master has been granted upon such conditions for permission as the Harbour Master deems appropriate.

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Section 37.³⁰ Absent any emergency rendering it necessary to do so, no ship shall anchor on the river between Bookalo Temple and the area of two hundred metres downwards from the mouth of the Bang Pakaew canal, and between the mouth of the Padung canal and the Sampeng canal; the reason being that such areas are the locations reserved for navigation of vessels.

Section 38.³¹ All ships carrying passengers or goods from any foreign port or place into the Chao Phraya River, or any vessel that has entered the Chao Phraya River and has transferred passengers or goods from a ship from a foreign country, when she has passed the Samuth Prakarn customs house and wishes to disembark the carried passengers or goods onto the land, shall berth at the berthing station or alongside the harbour of the Port Authority of Thailand, except that the berthing station or harbour is not available or there is any other ground of necessity, provided that if it is consistent with the rules prescribed by the Committee and the Director-General of the Marine Transport and Maritime Department has endorsed a permission, such vessel may enter or berth alongside the place permitted.

The Committee under paragraph one shall comprise five members, consisting of the Director-General of the Marine Transport and Maritime Department as chairperson, the Director-General of the Customs Department and the Governor of the Port Authority of Thailand as *ex officio* members and two other persons appointed by the Minister of Transport.

Section 38 bis.³² At the meeting of the Committee for the execution of the provisions in section 38, the presence of not less than one-half of members is required to constitute a quorum.

In case that the chairperson cannot attend the meeting, the members present shall elect one among themselves to preside over the meeting.

A decision of the Committee shall be made by a majority of votes. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

³⁰ Section 37 is amended by the Notification Amending Navigation in Thai Waters Act, B.E. 2456 (1913).

³¹ Section 38 is amended by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

³² Section 38 *bis* is added by the Navigation in the Thai Waters Act (No. 9), B.E. 2493 (1950).

Section 38 *ter*.³³ Subject to section 38, the Harbour Master shall have the power to prescribe the anchorage for all ships and boats. The master shall anchor at the place designated by the Harbour Master and shall not remove the vessel from such place or move the vessel to berth at any other place without permission from the Harbour Master, except in case of necessity that the Harbour Master deems appropriate.

Upon an entering of any ship, the master shall allow the Harbour Master to board the vessel and shall stop the vessel and wait if it is necessary.

Section 38 *quater*.³⁴ Any master or controller of a vessel who fails to comply with paragraph one of section 38 or section 38 *ter* shall be liable to a fine of three thousand to thirty thousand baht and to an additional fine at the daily rate of one thousand baht until due compliance with legal requirements.

Section 39. Any ship that has entered the harbour but has not transferred or loaded the cargo for ten days or more, provided that the place where the ship berths is wanted to be allotted to other vessels for commercial use for berthing, shall be moved to another place within the harbour as prescribed by the Harbour Master.

Section 40. Any ship that requires a change of anchorage, or any ship that has berthed alongside a wharf or cargo wharf requiring an anchorage on the river shall fly the signal flag with the letters "B.A.Z." in accordance with the international regulations of flag signalling. The Harbour Master shall get on board of such vessel and indicate the place for anchoring.

(The term "B.A.Z." is amended by section 9 of the Navigation in Thai Waters Act Amendment, B.E. 2477 (1934).)

Section 41. Any ship requiring assistance from the patrol unit shall fly the signal flag with the letters "S.T." under the international regulations of flag signalling. If there arises a significant incident of disobedience on board, the signal flag with the letters "R.X." shall be flown.

³³ Section 38 *ter* is added by the Navigation in the Thai Waters Act (No. 9), B.E. 2493 (1950).

³⁴ Section 38 *quater* is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

(The term “S.T.” and the term “R.X” are amended by section 10 of the Navigation in Thai Waters Act Amendment, B.E. 2477 (1934).)

Section 42. Before any steamship or seagoing sail ship is properly anchored or moored, no other vessel shall approach alongside. Only a small steam-launch and a small boat of the Marine Transport and Maritime Department, medical officer, the Customs Department or a pilot, or ships of the Royal Thai Navy, which has special duties may do so.

While any ship is sailing upstream or downstream in the river, any other ferry boat, cargo-carrying vessel, boat, or any other vessel shall be strictly prohibited from hooking with her side, unless a special permission from the master of such ship has been obtained.

Section 43. In anchoring any ship, the master or pilot shall anchor her in such a way that uses as little space as possible. The Harbour Master shall regularly inspect whether this provision is complied with.

Section 44. In small rivers or canals, vessels may berth at both banks, provided that it does not obstruct the navigation lane in the middle of the watercourse. Double berthing and berthing that obstructs any other vessel or in the middle of the watercourse of a river or canal shall be strictly prohibited.

Section 45. No ships, boats and rafts that berth at the bank of the river or alongside the cargo wharf or wharf shall obstruct the watercourse. The vessel shall be berthed in such a way that her prow and stern lie along the line of the watercourse.

Section 45/1.³⁵ The Harbour Master shall have the power, with the advice of the Provincial Governor or the local administrative organisation, to prescribe the line in any river, canal, lake or territorial sea as the zone prohibiting the berthing of vessels or rafts.

Any master or controller of a vessel who violates or fails to comply with the provisions in paragraph one shall be liable to a fine of five hundred baht to ten thousand baht and to an additional fine at the daily rate of five hundred baht until due compliance with legal

³⁵ Section 45/1 is added by the Navigation in the Thai Waters Act (No. 16), B.E. 2550 (2007).

requirements. The Harbour Master shall also have the power to order seizure of the certificate for vessel control and the seizure shall not exceed a term of six months.

Any master or controller of a vessel who performs functions while the certificate for vessel control is seized under paragraph two shall be liable to a fine of ten thousand baht.

The provisions in paragraph two shall also apply to the offender who is the owner or controller of a raft or floating house.

Section 46. At any cargo wharf and wharf along both banks of the Chao Phraya River or along both sides of any ship, no more than two cargo-carrying vessel, small steamer, *Pet Talay* and other vessels shall be berthed or moored together, and no more than one shall be berthed in front of a floating house.

Section 46 bis. The Harbour Master shall have the power to order a prohibition of use or repair of a passenger wharf, cargo wharf, wharf and raft in a river, canal, marsh, reservoir or lake that is a public travelling route or for common use, or any sea within the Thai waters that is in harmful condition or may cause danger to the public or the navigation, by notifying in writing the owner or possessor. In case that such owner or possessor is unknown, the order shall be posted at that passenger wharf, cargo wharf, wharf or raft, and it shall be deemed that the owner or possessor has received that order.

The owner or possessor who has received the order from the Harbour Master under the provision in paragraph one has the right to appeal to the Minister of Transport within fifteen days from the date of receiving the order. The decision of the Minister shall be final. But as long as the Minister has not given the decision, the order prohibiting the use shall be effective. In case that there is no appeal of the order or there is an appeal but the Minister dismisses it, and the owner or possessor fails to comply with the order within the period prescribed by the Harbour Master or within fifteen days from the date of receiving the decision as to the appeal, the Harbour Master shall have the power to manage the repair in accordance with the order the expenses for which are payable by the owner and possessor.

When the owner or possessor has completed the repair in accordance with the order, the Harbour Master shall revoke the order prohibiting the use. In case that the Harbour

Master repairs it by himself or herself, he or she may suspend such revocation until the owner or possessor reimburses the expenses to him or her.³⁶

Any owner of possessor who uses or allows other person to use his or her passenger wharf, cargo wharf, wharf or raft subject to a prohibition order issued by the Harbour Master and the order has not been revoked shall be liable to a fine of three thousand to thirty thousand baht and to an additional fine at the daily rate of one thousand baht until due compliance with legal requirements.³⁷

Section 47. Berthing of a log-wood raft larger than twenty pieces of log in width alongside a ship or with a cargo wharf or wharf shall be prohibited. The berthing of a *Pohjai*, lighter or junk beside any ship for more than one on each side of a ship shall be prohibited. The berthing of more than two of such vessels with a cargo wharf or wharf shall also be prohibited.

Section 48. The berthing of multiple *Pohjais*, lighters, junks, cargo-carrying vessels, small steamships and other vessels or rafts at the bank of the river or berthing in such a way that encroaches the navigation lane or obstructs the navigation shall be prohibited.

Section 49. Where more than two ships or boats berth in the river beyond the line of other vessels or floating houses that also berth in the same area, it shall be deemed that such ships or boats have berthed in such a way that encroaches the navigation lane.

Section 50. Any prohibition under section 46 and section 47 may apply flexibly through a granting of a special permission by the Harbour Master.

Section 51.³⁸ Any master or controller of a vessel or raft who violates or fails to comply with section 29, section 30, section 31, section 32, section 33, section 34, section 35, section 36, section 37, section 39, section 42, section 44, section 45, section 46, section 47, section 48 or section 49, in the case of a ship, shall be liable to a fine of one thousand to ten

³⁶ Section 46 *bis* is added by the Announcement of the Revolutionary Council No. 50, dated 18 January B.E. 2515 (1972).

³⁷ Paragraph four of section 46 *bis* is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

³⁸ Section 51 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

thousand baht and to an additional fine at the daily rate of five hundred baht until due compliance with legal requirements, or in the case of a boat or raft, to a fine of one hundred to one thousand baht and to an addition fine at the daily rate of fifty baht until due compliance with legal requirements.

CHAPTER IV NAVIGATION LANE IN THE RIVER

Section 52. In the Bangkok Port Area, there shall be two navigation lanes as follows:

(1) the eastern lane, called the “main lane”, the width of which ranges from the ship that anchors in the middle of the river to the eastern bank or to the gunwale of the ship or floating house that berths alongside the eastern bank;

(2) the western lane, the width of which ranges from the ship that anchors in the middle of the river to the western bank or to the gunwale of the ship or floating house that berths alongside the western bank.

Section 52 bis.³⁹ In case of necessity for the safety of navigation, the Harbour Master shall have the power to prescribe the *ad hoc* navigation lane and regulation of the navigation in the Bangkok Port Area and in rivers or canals.

Any master or controller of a vessel who violates or fails to comply with the notification prescribing the navigation lane or the notification prescribing the regulation of the navigation under paragraph one shall be liable to a fine of five hundred to five thousand baht, and the Harbour Master shall have the power to order seizure of the certificate for vessel control, and the seizure shall not exceed a term of six months.⁴⁰

The master or controller whose certificate for vessel control has been seized under paragraph two has the right to appeal to the Minister of Transport within one month from

³⁹ Section 52 *bis* is added by the Navigation in the Thai Waters Act (No. 11), B.E. 2520 (1977).

⁴⁰ Paragraph two of section 52 *bis* is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

the date of receiving the order. The decision of the Minister shall be final. But, as long as the Minister has not given the decision, the order shall be effective.⁴¹

Section 52 *ter*.⁴² The master or controller of a vessel who performs functions while the certificate for vessel control has been seized under paragraph two of section 52 *bis* shall be liable to a fine of two thousand to twenty thousand baht.

Section 53. The watercourse of the river within thirty metres from both banks of the river or from the gunwale of a ship moored with the bank or from a floating house moored with the bank shall be reserved for the navigation lane for boats.

A ship shall be strictly prohibited from navigating in such navigation lane, except when it is necessary to prevent the collision or to turn or move the ship from the berth.

Section 54.⁴³ Any master or controller of a vessel who violates section 53 shall be liable to a fine of five hundred to five thousand baht.

(a) The eastern navigation lane or the main lane

Section 55. A steamship of all sizes (other than those specified in section 58) and all kinds of a sail ship of more than fifty tons shall, when sailing on the river, navigate in the eastern navigation lane, except in the case of necessity, the vessel to berth or leave a wharf or bank where it may navigate outside that lane.

All vessels referred to shall navigate as slowly as possible and in such a way that is appropriate for careful navigation in order to prevent danger to the vessel and danger that may be caused by waves from that vessel.

⁴¹ Paragraph three of section 52 *bis* is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁴² Section 52 *ter* is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁴³ Section 54 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 56.⁴⁴ Any master or controller of a vessel who fails to comply with section 55 shall be liable to a fine of five hundred to five thousand baht.

(b) The western navigation lane

Section 57. All sail ships of less than fifty tons and all kinds of vessels other than those in section 55 shall navigate in the western navigation lane.

Section 58.⁴⁵ All steamships that tow more than one vessel of less than thirty five tons shall navigate in the western navigation lane.

No steamship shall tow too many ships or any other vessel in the Bangkok Port Area in such a way that exceeds the capacity of the towing steamship measured by the speed of at least two miles per hour. No towing steamship shall navigate with the speed of more than six miles per hour upstream, or more than four miles per hour downstream.

Towing more than thirty two boats at a time shall be strictly prohibited. No more than four towed vessel shall be tied together in a row.

Section 59. At the time of fastening or tying a carrier with the fastening cable, the towing steamer or tugging small steamer shall not linger in the navigation lane. If the navigation lane is to be used for towing, such towing vessel shall constantly sail with the speed of no less than two miles per hour.

Section 60.⁴⁶ Any master or controller of a vessel who violates or fails to comply with section 57, section 58 or section 59 shall be liable to a fine of five hundred to five thousand baht.

(c) The portion of the two lanes reserved for navigation of boats

⁴⁴ Section 56 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁴⁵ Section 58 is amended by the Notification Amending Navigation in the Thai Waters Act, B.E. 2456 (1913).

⁴⁶ Section 60 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 61. All boats may navigate in both lanes.

Section 62. Except in the case of necessity or crossing the navigation lane for the purpose of berthing at the wharf or bank, all boats shall navigate in the watercourse within thirty metres from the bank or the ship that berths alongside the bank or the floating house moored with the bank of the river.

Section 63. The vessel carrying rice shall navigate only in the watercourse prescribed as a lane for boats in the western navigation lane, and shall not navigate in any part of the eastern navigation lane.

Section 64. In the case of necessity or crossing the navigation lane for the purpose of berthing at the wharf or bank and it is necessary for the vessel carrying rice or boat to deviate from section 62 and section 63, she shall do so with all possible caution not to obstruct the navigation.

Section 65. The vessel carrying rice or boat shall not sail across the steamship that sails upstream or downstream on that river within the distance of one hundred metres. If she wishes to cross to a wharf or mill, she shall not sail across the river at the place unreasonably far from such spot.

Section 66. All motor boats the length of which is no more than six metres may navigate in both watercourses prescribed for boats to navigate. But if such vessel is to navigate within thirty metres from the bank, she shall do so as slowly as possible and in such a way that is appropriate for careful navigation and caution of danger to any boat with oaring, paddles or row.

Section 67.⁴⁷ Any master or controller of a vessel who violates or fails to comply with section 62, section 63, section 64, section 65 or section 66 shall be liable to a fine from five hundred to five thousand baht.

⁴⁷ Section 67 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

(d) Watercourse in canals

Section 68.⁴⁸ On any river or canal outside the harbour, all vessels sailing downstream shall navigate in the middle of the river or canal, and those sailing upstream shall navigate close to the bank. If she cannot do any of those, she shall navigate in the middle of the watercourse and shall also comply with the local rules on navigation prescribed for the purpose of regulating the navigation in such river or canal.

The Harbour Master or, in the case where there is no Harbour Master, the Provincial Governor shall have the power to issue the rules to regulate the navigation on any river or canal within his or her municipality. Such rules shall become effective upon the approval of the Minister and publication in the Government Gazette.

Section 69.⁴⁹ Any master or controller of a vessel who violates or fails to comply with section 68 or the regulations prescribed under section 68 shall be liable to a fine of five hundred to five thousand baht.

CHAPTER V

WOODEN RAFTS, FLOATING HOUSES AND OTHERS

(a) Wooden rafts

Section 70. Wooden rafts shall be sufficiently manned for keeping them under proper control. The persons manned therein shall take all possible precaution to prevent the rafts from obstructing the navigation or colliding with floating houses or vessels berthing on the river. All wooden rafts shall fly the symbol flag of their owner, and the flag for this purpose shall be registered with the Marine Transport and Maritime Department. The owner of the raft

⁴⁸ Section 68 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

⁴⁹ Section 69 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

shall notify, in writing, the Harbour Master in advance of the number of the logs in the raft and the scheduled time of arrival in the Bangkok Port Area.

Section 71. No wooden raft shall be moored with a ship or post or floating house without obtaining permission from the master of such vessel or the owner of such post or floating house.

Section 72. Within the Bangkok Port Area, the wooden rafts that will sail or be towed downstream shall navigate in the western lane. If they wish to navigate in the eastern lane, they may do so provided that the wooden raft that is towed by another vessel does not have more than two hundred logs or is no more than twenty metres in width.

Section 73. No wooden raft shall sail upstream or downstream the river between sunset and sunrise.

Section 74. On a canal no wooden raft that is tied with more than four logs and more than two logs in length shall sail. A bamboo raft shall not be longer than sixteen metres and wider than that which will enable her sailing on a canal without obstructing the navigation.

If the Provincial Governor is of the view that, on any canal or any part of a canal, a raft towed by a steam-launch or motor boat exceeding what is prescribed under paragraph one can navigate without causing danger to water navigation, he or she may relax the requirement and grant permission to a raft of no longer than 30 metres.⁵⁰

If, after such relaxation by the Provincial Governor under paragraph two, it appears that there is danger to water navigation, he or she may revoke the permission.⁵¹

Section 75.⁵² Whoever violates or fails to comply with section 70, section 71, section 72, section 73 or section 74 shall be liable to a fine of one hundred baht to one thousand baht.

⁵⁰ Paragraph two of section 74 is added by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934) (No. 3).

⁵¹ Paragraph three of section 74 is added by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934) (No. 3).

⁵² Section 75 is amended by Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

(b) Floating houses

Section 76. No floating house shall berth on the river at the distance from the bank further than that which is appropriate to prevent it from being stranded at low tide.

Section 77. No post for mooring a floating house shall be set further than one and a half metre from the front edge of the raft.

Section 78. No house that stakes in the mud shall be built alongside the bank of the river at the distance further than that which is appropriate to leave no water under such house at low tide.

Section 79. Within the Bangkok Port Area, no floating house shall be wider or longer than sixteen metres, its terrace and small raft connected with her being included.

Section 80. In a canal, no floating house shall be wider than twelve metres. No raft moored with the bank shall project into a canal in such a way that will obstruct the navigation.

Section 81. No floating house shall be towed in the area under the northern post of the Bangkok Port Area between sunset and sunrise.

Section 82. The floating house that is to be towed on the river shall navigate in the western lane. Only where there is necessity, she may navigate in the eastern lane.

Section 83. No floating house shall be moored with the bank of the Chao Phraya River within the Bangkok Port Area without obtaining permission from the Harbour Master.

Section 84. Within the Bangkok Port Area, if a floating house has projected into the river in such a way that it may cause danger to the navigation at night, the Harbour Master

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shall have the power to order her to light the white lantern in a conspicuous spot between sunset and sunrise to prevent a vessel, large or small, from colliding with it.

Section 85. As from the day when this Act comes into force, if a floating house is to be moored or a house staking in the mud is to be built alongside the bank of the river within the Bangkok Port Area or on any canal in Bangkok, the permission from the Harbour Master shall be obtained before such mooring or building.

Section 86. The application for such permission shall be made in writing and has the map of the side of the river and the location where the floating house or house staking in the mud is to be moored or the post used for mooring is to be set.

Section 87. Upon receiving the application for permission, the Harbour Master shall conduct the inspection within one month. If he or she is of the view that section 85 and section 86 have been fully complied with, he or she shall issue a permit.

Section 88. The commencement of building prior to permission is granted shall be strictly prohibited.

Section 89. Within the Bangkok Port Area, the Harbour Master, and outside of the Area, the competent local official shall have the power to execute the removal of any floating house, mooring post or the house staking in the mud alongside the bank that berths or has been built in violation of the provisions of section 76 to section 79, whether such floating house, post or house has been moored, placed or built before or after the date that this Act comes into force. He or she shall also have the power to execute the removal of all floating houses, mooring posts or houses staking in the mud that have been moored, placed or built without any due permission or not in accordance with the contents of the permission issued.

Section 90. Whoever fails to comply with the order of the Harbour Master or competent official under section 89 shall be liable to a fine at the daily rate of one hundred baht until due compliance with legal requirements. The Harbour Master or competent official

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who performs the duty under section 89 shall execute the removal of the floating house or house staking in the mud alongside the bank at the expense of the owner.⁵³

Where the owner has failed to remove such raft or house within the time-limit prescribe by the Harbour Master or competent official under section 89, the Harbour Master shall request the Court for the order that he or she is responsible for the removal.

Where the Harbour Master is responsible for the removal in accordance with the order of the court under paragraph two, he or she shall exercise due care as appropriate to the circumstance. The owner may not claim any damages from the Harbour Master and the expenses for the removal shall be payable by the owner.

Where the owner has failed to pay the expenses under paragraph three within the time-limit prescribed by the Harbour Master as appropriate to the case, the Harbour Master shall, with the approval of the Minister of Transport, bring the removed materials including articles from the removed part of the floating house or house staking in the mud alongside the bank to be on sale by auction or by any other method. The money obtained from that auction or sale by any other methods shall compensate the expenses for the demolition. The remaining money, if any, shall be kept by the Harbour Master. If the owner has not made any claim for the return of the money within one year as from the day the Harbour Master kept the money, it shall become the property of in the State.

Section 91.⁵⁴ Whoever violates or fails to comply with section 81, section 82, section 83 or section 84 shall be liable to a fine of five hundred to five thousand baht.

(c) Fishing Vessels and fish traps (*Phong phang*) obstructing the river

Section 92. Fishing of aquatic animals with a seine net by forming a line of vessels anchored in such a way that obstruct the river or by laying buoys or setting a line of posts of fish traps (*Phong phang*) from the bank to the middle of the watercourse shall be prohibited in the Bangkok Port Area. Outside the Bangkok Port Area, it may be done upon permission from the competent official.

⁵³ Section 90 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁵⁴ Section 91 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 93. Between sunset and sunrise, the owner of said fishing boats or buoys or fish traps shall light the fire on the bank in the same line as such boats or buoys or traps and light the lantern on the furthest boats or buoys or posts of fish traps from the bank and shall blow a buffalo bugle or horn so that other vessels navigating are aware that there is such obstruction on the river.

In a row of fences or posts alongside the sea shore at the mouth of the river or the area close to it, the white lantern shall be lighted between sunset and sunrise at both edges of fences or posts.

Section 94. The connecting of fishing buoys or posts by bamboo poles shall be prohibited. They shall only be tied by rope in accordance with practice. The tying of a rope from the bank or connecting with a long pole in such a way that will obstruct the navigation of other vessels shall be prohibited.

Section 95. Whoever violates or fails to comply with section 92, section 93 or section 94 shall be liable to a fine of one thousand to ten thousand baht.⁵⁵

CHAPTER VI
MISCELLANEOUS REGULATIONS

(a) Mooring Vessels with the Bank by cables and other ropes

Section 96. On any river or harbour, except the vessels moored with a cargo wharf or wharf or berthing alongside the bank, no ship shall be moored with the bank by cables or any other rope in such a way that leaves no space between such ship and the bank for navigation by other vessels.

⁵⁵ Section 95 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 97. No rope of any kind from the ship berthing alongside the wharf shall be tied with a towing buoy on the river or harbour, except at the time when the vessel is prepared to leave the wharf that she berths alongside.

Section 98.⁵⁶ Whoever violates section 96 or section 97 shall be liable to a fine of one thousand baht to ten thousand baht.

(b) Speed of vessels, dangerous incidents, and lanterns

Section 99. No master shall turn a ship on the river, water course, water channel or in the navigation lane, except at the time when such watercourse is empty, having no other vessels navigating. No master of any ship that berths alongside a cargo wharf or wharf shall move the vessel from the wharf, except at the time when such river, water course, water channel or navigation lane of the area is empty, having no other vessels navigating.

Section 100. The master of any ship that is entering or leaving the harbour or straits shall drop the speed in such a way that is appropriate for careful navigation and prevention such vessel from dangerous incidents.

Section 101.⁵⁷ The master or controller of the vessel that is about to enter or berth at the wharf shall use low speed with caution. The vessel navigating on the river or canal shall not exceed the speed prescribed by the Harbour Master and shall not sail across the power-driven vessel that is navigating within two hundred metres. Whoever violates or fails to comply shall be liable to a fine of five hundred to five thousand baht. The Harbour Master shall have the power to order the seizure of the license for vessel use or certificate for vessel control for a term of not exceeding six months.⁵⁸

⁵⁶ Section 98 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁵⁷ Section 101 is amended by the Announcement of the Revolutionary Council No. 50 dated 18 January B.E. 2535 (1992).

⁵⁸ Paragraph one of section 101 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

The master or holder of the certificate for vessel control whose license has been seized has the right to appeal to the Minister of Transport within one month as from the date of knowing the order. The decision of the Minister shall be final, provided that while the Minister has not given the decision, the order shall be effective.

Section 102.⁵⁹ Every master who has obtained the certificate of competency shall exercise caution in controlling the vessel with full ability to avoid any accident or dangerous incident. If there occurs any incident on duty while he or she is controlling the vessel, the master shall report such incident to the competent official as follows:

1. the vessel that does not immediately leave the harbour to the sea shall, after the occurrence of the incident, report the matter to the Harbour Master within twenty four hours. If that vessel is about to leave the harbour to the sea, she shall report the matter via registered post on the first possible occasion, or stop to report to the District Department or local police in the near area or deposit such report with the Customs officer in the near place so that he or she can pass it to the Harbour Master.

The report shall expressly state the following particulars;

- (1) the place at which the incident occurred with a concise map, if possible;
- (2) the date of the incident;
- (3) the name of the vessel owner or his or her agent and the registration number of the vessel;
- (4) the causes of the incident and circumstances;
- (5) the damage suffered;
- (6) where the vessel has a logbook, the copy of the daily statements in the logbook both at the deck and the bottom;

2. the vessels other than that in sub-section 1 shall report the incident occurred to the Harbour Master or the District Department or local police in the near area within forty eight hours;

3. the District Department or police shall, upon receiving the report, make an inquiry and carry out his or her duties and shall expeditiously send the copy of the enquiry to the local Harbour Master or the Marine Transport and Maritime Department.

⁵⁹ Section 102 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

Section 103.⁶⁰ Any master or controller of the vessel who violates or fails to comply with section 99, section 100 or section 102 shall be liable to a fine of two hundred to two thousand baht.

Section 104. Every small steam-launches and motor boats shall, when navigating, have one green lantern at the right gunwale, one red lantern at the left gunwale, and one bright white lantern at the conspicuous spot above the deck as prescribed in the ship survey regulation.

Section 105. Every vessel and raft that is anchored or moored with the post or is navigating or floating shall place one white lantern at the conspicuous spot which can be seen from every direction. If she is moored with the bank of the river, such lantern is not necessary.

Section 106. Every lighter or *Pohjai* shall, if propelled by machinery like a steamer, have the lantern as provided for the steam-launch, and shall, if propelled by sail, use the lantern as provided for the sail boat that is navigating.

Section 107. Every tugged vessel that is sailing or anchoring shall light the white lantern at the conspicuous spot between sunset and sunrise so that the length and width of the tugged vessels can be clearly noticed.

Section 108. In *Tambol Sampaojom* at the mouth of the Chao Phraya River, if two sailing ships are to pass each other and if it is seen that they are to pass each other at or near the light buoy of *Tambol Sampaojom*, the ship that is sailing upstream shall stop or sail slowly until the other ship has properly passed that light buoy.

Section 109. When any *Pohjai* or sail boat of any kind sails sawtoothly on the river or strait, if there is any steam-launch that is navigating in the correct lane or course or navigating reasonably close to the bank in such a way that it would not cause danger to such

⁶⁰ Section 103 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

vessel, no vessel sailing sawtoothly shall sail across the vessel or sail sawtoothly near the front of such steam-launch.

On a river or in a narrow water channel, no sailing small steam-launch or motor boat shall attempt to sail across a steam-launch in such a way that may cause collision.

Section 110.⁶¹ Any master or controller of the vessel who violates or fails to comply with section 104, section 105, section 106, section 107, section 108 or section 109 shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both.

(c) Undocking vessels

Section 111. In any part of the Chao Phraya River which a seagoing vessel can navigate on, if there is a vessel being taken from the dock or ramp at daytime, she shall have a round, black buoy on the pole or at any conspicuous spot in front of such dock or ramp where it can be clearly seen by vessels sailing on the river. Before she is taken from the dock or ramp, the buoy shall be put in the middle of the pole. At the time when she is being taken from the dock or ramp, the buoy shall be put at the top of the pole. At night time, the red lantern shall be used instead, and shall follow the same method as that of the black buoy.

Section 112.⁶² Whoever fails to comply with section 111 shall be liable to a fine of five hundred to five thousand baht.

(d) Buoys and moorings

Section 113. No person shall have or place buoys or moorings on any water, river or anchorage unless he or she has obtained permission from the Harbour Master or the competent official and has respected and complied with regulations of the permission and paid

⁶¹ Section 110 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁶² Section 112 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

the fee as prescribed by the Harbour Master or competent official. This provision shall not apply to the buoys and marks or moorings of the vessels of the Ministry of Royal Navy temporarily berthing on the river for the mapping survey.

Section 114. No person shall continually anchor any cargo-storage vessel or vessel of any kind that is similar to the cargo vessel and used as buoying vessels or for containing goods on any water, river or anchorage of any place unless he or she has obtained permission from the Harbour Master or competent official and has respected and complied with regulations of the permission and paid the fee as prescribed by the Harbour Master or competent official.

Section 115. The buoy or mooring to be permitted under the provision in section 113 shall be used only for the vessel of the person who has obtained the permission. If any other vessel wishes to use it for mooring, she shall obtain permission from such person.

Section 116.⁶³ Whoever violates or fails to comply with section 113, section 114 or section 115 shall be liable to a fine of one thousand to ten thousand baht, and to an additional fine at the daily rate of five hundred baht until due compliance with legal requirements. The Harbour Master or competent official may order the removal or move of such buoy or mooring.

(e) Encroachment of the river

Section 117.⁶⁴ No person shall construct any building or any other thing in such a way that causes encroachment over, into and under any river, canal, marsh, reservoir, lake that is used as a public travelling route or for common use, or any sea within the Thai waters or on the beach of such sea unless he or she has obtained permission from the Harbour Master.

⁶³ Section 116 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁶⁴ Section 117 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

The rules and procedures on the permission shall be prescribed in the Ministerial Regulation which shall expressly specify the features of the building and the encroachment that is permitted, as well as the period of time to complete the consideration of the matter.

If a person has filed an application in accordance with the rules and procedures and the characters of the buildings prescribed in the Ministerial Regulation under paragraph two, the Harbour Master shall grant the permission within the time-limit prescribed in the said Ministerial Regulation.

Section 117 bis.⁶⁵ The person who has obtained a permission to construct a building or any other thing under section 117 shall pay an annual remuneration under the rules and rates prescribed in the Ministerial Regulation which shall not be less than fifty baht per square metres. If the building or any other thing has the feature or purpose of being used in a business operation, the rate of the remuneration to be paid shall be twice higher than such rate. Where the building or any other thing have been constructed without permission or not in accordance with the permission, the rate of the remuneration to be paid shall be three times higher than such rate.

In prescribing the remuneration under paragraph one, regard shall be had to the nature of each area and the benefits that the person who has constructed or possess the building or any other thing may gain.

The remuneration collected under paragraph one shall belong to the Bangkok Metropolitan Administration, Pattaya City, municipality, provincial administrative organisation, sanitary administration or any other local government established by the law, as the case may be, in which such building or any other thing is located.

Where there is a reasonable ground, the Ministerial Regulation providing for the exemption or reduction of the remuneration to any organisation or person may be issued.

Section 118.⁶⁶ Whoever violates section 117 or has obtained permission under section 117 but has constructed the building or any other thing not in accordance with the permission shall be liable to a fine which shall be calculated by reference to the space of such

⁶⁵ Section 117 *bis* is added by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁶⁶ Section 118 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

building or any other thing at the rate of no less than five hundred baht per square metres but shall not exceed ten thousand baht per square metres.

Section 118 bis.⁶⁷ Where there is a violation of section 117 or the person who has obtained permission under section 117 has constructed the building or any other thing not in accordance with the permission, the Harbour Master shall issue, in writing, an order notifying the owner or possessor of such building or any other thing to remove or rectify the building or any other thing within the time-limit which shall not be less than thirty days. Where the owner or possessor is unknown, the Harbour Master shall post the order at that building or thing and may also prohibit the owner or possessor from using or permitting other persons to use such building or thing whether in whole or in part until complete removal or rectification.

If the order under paragraph one is not complied with or if the owner or possessor is unknown and the Harbour Master has posted the order at such building or any other thing for fifteen days, the Harbour Master shall file an application with the Court for the order to remove such building or thing. If the facts are established that there is a violation of section 117, where the owner or possessor of such building or thing is known, the Court shall issue an order requiring the owner or possessor to remove it, and where the owner or possessor fails to remove it within the time-limit prescribed by the Court or where the owner or possessor is unknown, the Court shall issue an order requiring the Harbour Master to remove it.

Where the Harbour Master is responsible for the removal under the order of the Court under paragraph three, he or she shall exercise due care as appropriate to the circumstance, provided that the owner or possessor of the building or thing may not claim any damages from the Harbour Master and shall pay the expenses for such action.

Where the owner has failed to pay the expenses under paragraph four within the time-limit prescribed by the Harbour Master as appropriate to the case or where the owner or possessor is unknown, the Harbour Master shall, with the approval of the Minister of Transport, bring the removed materials including articles from the removed part of the building or any other thing to be on sale by auction or by any other method. The money obtained from that auction or sale by any other methods shall be paid as the expenses and remuneration arising from the removal which the Harbour Master has paid under section 118. The remaining money, if any, shall be kept by the Harbour Master in order to be returned to the owner or possessor.

⁶⁷ Section 118 *bis* is added by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Where the owner or possessor is unknown or does not appear to have the money back within one year, it shall become the property of the State.

Where the Harbour Master is about to execute paragraph one, if the features of the building or any other thing may permit and the owner or possessor accepts to pay the fine as prescribed by the Harbour Master under section 118, the Harbour Master may issue a permission to the owner or possessor. Upon obtaining the permission, the owner or possessor shall pay the remuneration at the rate twice higher than that in section 117 *bis*.

Section 118 *ter*.⁶⁸ Where there is no payment of the remuneration as prescribed in the Ministerial Regulation issued under section 117 *bis*, the owner or possessor shall pay the stipulated penalty at the rate of that of the unpaid remuneration.

(f) Dumping of ballast into river, harbour or anchorage

Section 119.⁶⁹ No person shall pour, dump or act in any way that will drop rocks, pebbles, sand, soil, mud, ballast, object or any other waste substance, except oil and chemical substances, into any river, canal, marsh, reservoir or lake that is used as a public travelling route or for common use, or any sea within the Thai waters which will render them shallow, sedimentary or dirty, unless he or she has obtained permission from the Harbour Master. Whoever violates this provision shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht or to both, and shall also make compensation for the expenses paid for the disposal of such substances.

Section 119 *bis*.⁷⁰ No person shall pour, dump or act in any way that will drop any oil, chemical substances or any other thing into any river, canal, marsh, reservoir or lake that is used as a public travelling route or for common use, or any sea within the Thai waters which will be harmful to the living things or environment or cause danger to the navigation on such river, canal, marsh, reservoir or lake. Whoever violates this provision shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding sixty thousand

⁶⁸ Section 118 *ter* is added by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁶⁹ Section 119 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁷⁰ Section 119 *bis* is added by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

baht or to both, and shall also make compensation for the expenses paid for the recovery or for the compensation for damages.

Section 120.⁷¹ The Harbour Master shall have the duties to care, maintain and dredge the water course, navigation lane, river, canal, lake and seas within the Thai waters.

No person shall dredge, modify or act in any way that causes change to the water course, navigation lane, river, canal, lake or seas within the Thai waters, unless he or she has obtained permission from the Harbour Master. Whoever violates this provision shall be liable to a fine of five thousand to fifty thousand baht. The Harbour Master shall order the cessation of such act.

Section 120/1.⁷² The Marine Transport and Maritime Department shall have the power to set the post indicating the watercourse-regulation zone under the rules and procedures prescribed in the Ministerial Regulation.

Whoever moves, causes damage to or destroys the post indicating the watercourse-regulation zone shall be liable to imprisonment for a term of not exceeding five years or to a fine not exceeding ten thousand baht or to both.

(g) Vessels in danger

Section 121.⁷³ When a Thai or foreign vessel or any other thing has sunk or been in the condition that may cause danger to the navigation in the Thai waters, the owner or agent of the owner of such vessel or any other thing shall promptly make a warning mark as the Harbour Master or competent official deems appropriate so that it can be noticed both at daytime and night time until the owner or agent of the owner of the vessel or any other thing has salvaged, removed, moved, destroyed or acted in any way to properly take the vessel or any other thing that has sunk or been in the condition that may cause danger to the navigation from that place, which shall be completed within the time-limit prescribed by the Harbour Master.

⁷¹ Section 120 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁷² Section 120/1 is added by the Navigation in the Thai Waters Act (No. 16), B.E. 2550 (2007).

⁷³ Section 121 is amended by the Navigation in the Thai Waters Act (No. 12), B.E. 2522 (1979).

If the warning mark has not been made or the vessel or any other thing has not been salvaged, removed, moved, destroyed or acted upon in any way within the time-limit prescribed by the Harbour Master under paragraph one, the Harbour Master or competent official shall have the power to make the warning mark or salvage, remove, move, destroy or act in any way to the vessel or any other object and property on the vessel or any other object to render them out of the condition dangerous to the navigation at the expenses of the owner or the agent of the owner of such vessel or any other thing.

If a Thai or foreign vessel or any other thing under paragraph one has anything that causes or may cause pollution to the environment, the owner or agent of the owner of such vessel or any other thing shall dispose of or prevent the pollution within the time-limit prescribed by the Harbour Master. If it is not completed within such time-limit, the Harbour Master or competent official shall act in any way to dispose of or prevent such pollution at the expenses of the owner of such vessel or thing or his or her agent.

Where the owner or agent of the owner of such vessel or any other thing has failed to make compensation for the expenses under paragraph two or paragraph three within the time-limit prescribed by the Harbour Master which he or she deems appropriate to the case or the owner or agent of the owner of such vessel or any other thing is unknown, the Harbour Master shall, with the approval of the Minister of Transport, bring the vessel or any other thing and the property on board or any other thing to be on sale by auction or other method.

If the money obtained from the auction or other method is insufficient for the expenses, the owner or agent of the owner of such vessel or any other thing shall reimburse the insufficient amount. But if the money obtained from the auction or other method, after the deduction for the expense, remains, it shall be returned to the owner or agent of the owner of such vessel or any other thing, except that where the owner or agent of the owner of such vessel or any other thing is unknown, it shall become the property of the State.

(h) Steam whistle

Section 122. No steamship or small steam-launch that are anchoring or navigating shall blow the whistle except only for the convenience of the navigation or for the prevention of collision with other vessels, provided that the blowing is not unreasonably long. This provision shall also apply to the horn of a motor boat.

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Section 123. Within the Bangkok Port Area, no vessels shall use the whistle that has the hoarse or moaning sound except those coming from foreign countries where there is no other kind of whistle.

Gun shooting

Section 124. Within the Bangkok Port Area, unless he or she has obtained permission from the Harbour Master or competent official, no person shall shoot a gun from a ship or boat, except for the purpose of a signal indicating the occurrence of the dangerous incident to the vessel.

Gong beating and fireworks

Section 125. Within the Bangkok Port Area, unless he or she has obtained permission from the Harbour Master or competent official, no person shall beat a drum, gong or display or set off firework from 22:00hr to the dawn.

Section 126.⁷⁴ Whoever violates section 122, section 123, section 124 or section 125 shall be liable to a fine of one hundred to one thousand baht.

(i) Possessions left on board and possessions adrift on the rivers

Section 127. If there is any possession of a passenger or any other person left on any ship or boat and if the master of the vessel cannot return it to the owner, it shall be sent to the near patrol station with the relevant statements attached therewith.

⁷⁴ Section 126 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 128. Whoever has found and kept any possession on the river that belongs to other persons but has been lost such as logs, wood plank parted from a raft, a vessel or any other object shall send it to the near patrol station.

Section 129. Upon receiving such possessions, the patrol unit shall return them to the owner, if known. If the owner cannot be found, the matter shall be publicised. After the expiration of 3 months, such possession shall be brought to be on sale by auction. Ten percent of the money obtained from the sale shall be kept for the person who has found and kept such possession, and the remaining money shall be remitted to the Government, provided that in returning to the owner or putting on sale by auction, the patrol unit shall investigate whether such possession is under any customs duty or not.

Section 130. Whoever fails to comply with section 127, section 128 or section 129 shall be liable to a fine of one hundred to one thousand baht.⁷⁵

(j) Warnings for the master of a ship

Section 131. When giving permission to the crew to take off, the master shall explain to the seaman so that the latter does not bring with him or her onto the land any knife that has a scabbard or any other weapons that may cause danger such as a plum, etc.

Under section 335, clause 2, of the Criminal Code, whoever has brought any of such weapons to the street or to public may be arrested by the patrol unit. If it is established before the Court, he or she shall be liable for a fine not exceeding twelve baht and the weapon shall be confiscated.

Section 132. Every master of any ship shall comply with every due instruction and order of the Harbour Master in moving or relocating the vessel under his or her control to any place.

⁷⁵ Section 130 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 133. No person shall bring a corpse from a foreign port into the Thai waters, except the corpse that has a coffin or cover that has been completely sealed and leak proved and has a letter of the witness explaining the cause of the death, provided that such letter is made by a legally qualified physician and signed by the Thai Consul in the foreign port or, where there is no Thai Consul, by a judicial officer as a witness. When the corpse arrives in the Thai waters, the master shall promptly notify the pilot, the Harbour Master or a sanitary physician of the matter.

BOOK TWO
REGULATIONS ON ISSUANCE OF LICENSES FOR
THE USE AND CONTROL OF SHIPS AND BOATS

CHAPTER I
GENERAL REGULATIONS

Section 134.⁷⁶ (Repeated).

Section 135.⁷⁷ (Repeated).

Section 136.⁷⁸ (Repeated).

Section 137.⁷⁹ The application for the license or the revalidation of the license shall be filed with the Harbour Master or competent official who is appointed for registration and written in the official form. At the time of the filing, the applicant shall furnish a sum of money of no less than one half of the fee for the issuance of such license.

⁷⁶ Section 134 is repealed by the Navigation in the Thai Waters Act (No. 6), B.E. 2481 (1938).

⁷⁷ Section 135 is repealed by the Navigation in the Thai Waters Act (No. 6), B.E. 2481 (1938).

⁷⁸ Section 136 is repealed by the Navigation in the Thai Waters Act (No. 6), B.E. 2481 (1938).

⁷⁹ Section 137 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

In the case of the steam-launch or motor boat wishing to be hired for carriage of passengers or cargo or for towing, the applicant shall clearly state the matter. If she is to be hired for a regular route, the applicant shall also specify the places where the vessel is to sail from and to.

For the purpose of this section, any steam-launch or motor boat hired for the navigation in the regular route between any places for 3 months or more shall be deemed the vessel navigating in the regular route.

Any steam-launch or motor boat that has been permitted for carrying passengers or cargo or for towing under the previous paragraphs may, if she subsequently so wishes, ask for revision of the register and change of the permitted purposes.

Section 138. If the Licensing Official has decided with a reasonable ground that any ship or boat is not sufficiently taken care or clean for the use or intended use or the person granted with permission or seafarers of any vessel does not behave duly in any way, such officer shall, if the vessel has not obtained the license, have the power to refuse to issue the license, and, if the vessel has already obtained the license, have the power to cancel and confiscate such license.

Section 139.⁸⁰ Where the Harbour Master has found that any ship used at sea or any vessel used on the river is not in the safe or condition or inappropriate for use, he or she shall have the power to issue, in writing, the order to the master prohibiting the use of such vessel and requiring the modification or repair so that it becomes safe or appropriate for use.

If the master uses the vessel under paragraph one without complying with the order of the Harbour Maser under paragraph one, the Harbour Master shall have the power to arrest such vessel until due compliance with the order.

Section 140.⁸¹ (Repealed).

Section 141.⁸² (Repealed).

⁸⁰ Section 139 is amended by the Navigation in the Thai Waters Act (No. 13) B.E. 2525 (1982).

⁸¹ Section 140 is repealed by the Navigation in the Thai Waters Act (No. 13) B.E. 2525 (1982).

⁸² Section 141 is repealed by the Navigation in the Thai Waters Act (No. 13) B.E. 2525 (1982).

Section 142.⁸³ The Minister of Transport shall have the power to issue the Ministerial Regulation prescribing the form of the license for the vessel use, as well as the rules, procedures and conditions for the application for the license and issuance of the license for the vessel use.

Such Ministerial Regulation shall come into force after its publication in the Government Gazette.

Section 143.⁸⁴ In issuing the license or the new license to replace the former expired one for the vessels provided in Chapter III, Chapter IV, and Chapter V Part 2, the fee as prescribed in the Ministerial Regulation shall be collected, but shall not exceed two thousand baht each.

The Minister of Transport shall have the power to prescribe the vessels to be exempted from the fees under paragraph one in the Ministerial Regulation.

Section 144.⁸⁵ (Repealed).

Section 145.⁸⁶ The licenses shall not be swapped. If, while the license has not expired, there is a change of the owner of the vessel, the ownership may be transferred, provided that the Harbour Master is notified of the matter so that he or she can revise the license and change the name in the registration with the fee being collected at the rate of two baht, in the case of a boat, cargo-carrying vessels or *Pet Talay*, etc., and twenty baht, in the case of other vessels.

Section 146. While the transfer in the registration and the license is not made as required in section 145, the person who is to make the transfer shall be the responsible person under section 298 and section 299, and it shall be deemed that such transfer is not a lawful transfer opposable to the third person without the knowledge of such transfer.

⁸³ Section 142 is amended by the Navigation in the Thai Waters Act (No. 13) B.E. 2525 (1982).

⁸⁴ Section 143 is amended by the Navigation in the Thai Waters Act (No. 10) B.E. 2510 (1967).

⁸⁵ Section 144 is repealed by the Navigation in the Thai Waters Act (No. 6) B.E. 2481 (1938).

⁸⁶ Section 145 is amended by the Navigation in the Thai Waters Act (No. 8) B.E. 2490 (1947).

Section 147. If, while the license is still valid, the paper of such license fades in such a way that its text is not clear or is lost, the use of such vessel shall be prohibited until the Harbour Master has issued the new copy of the license. In the case of loss and the new application is sought, the matter shall be filed in writing.

Section 148. The new copy of the license referred to above shall contain the text "Copy of the License", and shall be legally valid only for the period of time that the old license has not expired.

Section 149.⁸⁷ In issuing the copy of the license, the fee shall be collected at the rate of one half of that for issuing the license, but shall not exceed one hundred baht.

Section 150. The controller of any ship or boat that has been registered shall keep the license on such vessel at all time.

Section 151. The controller of any ship or boat that must be registered shall, when the Licensing Official or patrolling officer or official of the Marine Transport and Maritime Department or hirer of the vessel wishes to inspect the license for such vessel, produce the license.

Section 152.⁸⁸ Any controller of any ship or boat, whether she has or has not the license, who knowingly produces the license for any other vessel and uses it as the license for the vessel that he or she controls or whoever provides the license for the purpose of committing such offence shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both.

Section 153. No ship shall use the name of any other registered vessel. If any ship, with the same name as that of any other vessel, has filed an application, the Harbour Master shall require the applicant to change the name of the vessel and shall withhold the issuance of the license until the name of such vessel has been changed.

⁸⁷ Section 149 is amended by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

⁸⁸ Section 152 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 154.⁸⁹ The owner of any ship who is to change the name of the vessel that has been registered shall immediately register the new name and pay the fee for registration at the rate of fifty baht each time.

Section 155.⁹⁰ No steam-launch or motor boat shall carry more passengers than the number stated in the license for such vessel.

Section 156. Any ship that is to use a special flag as the mark of the owner or to use any mark at the funnel shall register such flag or mark at the office of the Marine Transport and Maritime Department and shall explain the matter in the license of the vessel before it can be used.

Section 157. The figures or letters in the name and registration number that this Act requires to be written with colours or attached or carved at the ships or boats shall be in such sizes as the Harbour Master deems appropriate.

Section 158. Either Harbour Master, patrol officer, or official of the Marine Transport and Maritime Department shall have the power under this Act to board and inspect any ship or boat in order to ascertain whether such vessel has obtained the license for the vessel and whether there is any violation of the provisions of this Act or any other regulations that the Harbour Master has lawfully issued.

Section 159. Any object that may cause danger shall not, however small in number, be carried on any ship or boat together with the passengers except where such vessel has especially allocated the space under the deck for carrying petroleum and gasoline and if the Harbour Master has deemed it appropriate, she may carry those two things. The regulation in this section shall not be deemed to prohibit any passengers from carrying his or her gun and the appropriate number of bullets to be used by himself or herself on board.

⁸⁹ Section 154 is amended by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

⁹⁰ Section 155 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 160.⁹¹ If it appears that a Thai vessel that has obtained the license has any equipment or appliances not in accordance with or not in the operational condition under the certificate issued under the regulation for ship survey under section 163, the Harbour Master shall have the power to issue in writing the order requiring the master to rectify them within the time-limit.

If the master uses the vessel under paragraph one without complying with the order of the Harbour Master under paragraph one, the Harbour Master shall have the power to order the suspension of the license for vessel use until due compliance with the order.

If the order under paragraph one has been complied with, the Harbour Master shall promptly issue the order revoking the suspension of the license.

If the Harbour Master has found that the foreign vessel that has entered the harbour of the Thailand has any equipment or appliances not in accordance with or not in operational condition under the certificate as prescribed in the regulation for ship survey under section 163, the Harbour Master shall have the power to issue, in writing, the order requiring the master to rectify them. When the Harbour Master deems that they have been rectified, he or she may grant permission for port clearance.

Section 161.⁹² Whoever violates or fails to comply with section 145, section 147, section 150, section 151, section 156, section 157, section 159, section 162 *bis*, section 162 *ter*, section 166, section 167, section 168, section 171 or section 173 shall be liable to a fine of one hundred to one thousand baht.

Section 161 *bis*.⁹³ Any master or controller of the steam-launch or motor boat who violates section 155 shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both.

⁹¹ Section 160 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁹² Section 161 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

⁹³ Section 161 *bis* is added by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

CHAPTER II
SHIP SURVEY

Section 162.⁹⁴ A Licensing Official may issue the license for vessel use or change the license for vessel use to replace the old license only when there is the certificate of the vessel survey for the purpose of the license for use of the vessel and issued by the Surveyor Official that shows that such vessel has been inspected under the ship survey regulation and that the vessel appears to be safe and appropriate for use for the period of twelve months or less.

Section 162 bis.⁹⁵ Any ship engaged in the international voyage shall have the certificate for safety at sea under section 163(3), except:

- (1) an official military vessel, whether of Thai or foreign nationality, or a military lighter, whether of Thai or foreign nationality;
- (2) a cargo vessel of less than five gross tonnage
- (3) a non-power-driven vessel;
- (4) an ancient style wooden vessel;
- (5) a cruise or sport vessel;
- (6) a fishing vessel.

Section 162 ter.⁹⁶ All vessels shall have the certificate for the load waterline mark under section 163(4), except:

- (1) an official military vessel, whether of Thai or foreign nationality;
- (2) a vessel whose keel is laid on or after 21 July B.E. 2511, the length of which is less than twenty four metres;
- (3) a vessel whose keel is laid before 21 July B.E. 2511 of less than one hundred and fifty gross tonnages;
- (4) a cruise or sport vessel;
- (5) a fishing vessel.

⁹⁴ Section 162 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁹⁵ Section 162 *bis* is added by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁹⁶ Section 162 *ter* is added by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

Section 163.⁹⁷ The Master Harbour shall, with the approval of the Minister of Transport, have the power to issue the ship survey regulation to prescribe the rules, procedures and conditions for issuing the certificate as follows:

- (1) the certificate of vessel survey for the purpose of the license for the use of the vessel;
- (2) the certificate of vessel survey for the purpose of vessel registration;
- (3) the certificate on the safety at sea;
- (4) the certificate of the load waterline mark;
- (5) the certificate of vessel survey for other purposes.

Such regulation shall come into force after its publication in the Government Gazette.

Section 164.⁹⁸ The person who files the application for the certificate under section 163 shall prepare the vessel for inspection by the Surveyor Official under the ship survey regulation.

Section 164 bis.⁹⁹ The person who files the application under section 164 who wishes to have the vessel inspected by the Surveyor Official outside official offices, whether during the official working hours or not, shall, in addition to the fee for vessel survey under section 165, pay the travel expenses and the fee for vessel survey outside official offices, whether during the official working hours or not, as prescribed in the Ministerial Regulation.

The Minister of Transport shall have the power to issue the Ministerial Regulation prescribing the rate of the travel expenses and the fees for vessel survey outside official offices, whether during the official working hours or not.

Such Ministerial Regulation shall come into force after its publication in the Government Gazette.

Section 165. The fee for the vessel survey shall be paid according to the tariff as prescribed in the ship survey regulation.

⁹⁷ Section 163 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁹⁸ Section 164 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

⁹⁹ Section 164 *bis* is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

CHAPTER III
STEAM-LAUNCHES OF ANY KIND

Section 166. All steam-launches shall have the name in Thai and Latin alphabets written or attached at the conspicuous spot in both gunwales of the prow. In the case of a seagoing steam-launch, the name and the name of the city of registry shall also be written or attached at the stern. If the vessel does not have name, the license number for the vessel in Thai and Arabic number shall be written or attached in both gunwales of the prow. Nothing shall be placed to conceal such name or number.

Section 167. On all steam-launches for hire, the license for vessel use and the copy of the regulations provided in this Chapter and Chapter I shall be framed and hang at the conspicuous spot in such a way that persons can easily read.

Section 168. Any steam-launch for hire that is not a seagoing one shall write the license number for vessel both in Thai and Arabic number at the prow alongside the name of the vessel. The number of passengers permitted to be carried shall be written or attached in both gunwales at the conspicuous spot in such a way that it can be easily seen from outside and from both sides. Nothing shall be placed to conceal such name or number.

Section 169. How large the space on board for one passenger is shall be expressly prescribed in the ship survey regulation. The number of passengers permitted to be carried on a vessel shall be prescribed in the license for the vessel.

Section 170.¹⁰⁰ Where the Harbour Master has found that the vessel permitted to carry passengers, cargo or passengers and cargo is in the condition unsafe for the passengers or inappropriate for use, he or she shall have the power to order the prohibition of the use of such vessel until the owner or possessor has duly rectify her.

¹⁰⁰ Section 170 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

Whoever uses the vessel the use of which has been prohibited by the Harbour Master under paragraph one shall be liable to a fine of one thousand to ten thousand baht.¹⁰¹

Section 171. On any vessel, if the space prescribed for the passengers is used to place objects, the number of the passengers permitted to be carried shall decrease in proportion to the number of the passengers whose space is used to place objects.

Section 172. The license shall state the volume of the steam power of the boiler that such vessel should have or the permitted maximum power. If the owner, engine user or master of any steam-launch uses more steam power than what is permitted or unduly place any heavy object or anything to weigh or press the safety valve which is the machine to release the steam to prevent danger, he or she shall be liable to a fine not exceeding five hundred baht.

Section 173. Where a dangerous incident has occurred on any steam-launch to the hull, boiler, engine or passenger or any other person, or where a dangerous incident caused by such vessel has occurred, the report on the matter shall be promptly made to the Harbour Master.

Section 174.¹⁰² (Repealed).

Section 175.¹⁰³ Whoever uses the vessel not in accordance with the conditions or regulations prescribed in the license shall be liable to a fine of one thousand to ten thousand baht.

Section 176.¹⁰⁴ If there is any vessel that carries more cargo than what is prescribed in the certificate of the load waterline mark, the Harbour Master shall have the

¹⁰¹ Paragraph two of section 170 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹⁰² Section 174 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁰³ Section 175 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

power to arrest such vessel and order the master or controller to rectify the carriage of the cargo within the time-limit.

Any master or controller of a vessel who fails to comply with the order of the Harbour Master under paragraph one shall be liable to a fine of one thousand to ten thousand baht.

CHAPTER IV

SAIL BOATS, *POHJAI*, LIGHTERS, *PET TALAY* AND OTHERS, AND JUNKS

Section 177. All licenses for the sail boat, *Pohjai*, lighter, *Pet Talay* and others, and junk shall state the width, length and depth of the vessel and the weight of the load that the vessel may carry.

Section 178. All of the vessels referred to above shall have the license number for the vessel written clearly both in Thai and Arabic number with colour at both gunwales of the prow and stern of the vessel. No numbers other than those of the license shall be written. Nothing shall be placed to conceal such written numbers.

Section 179. No *Pohjai*, lighter, *Pet Talay* and others and junk shall have a fake blige, hold or hidden space to hide cargo or persons.

Section 180.¹⁰⁵ (Repealed).

CHAPTER V

CARGO-CARRYING VESSELS AND BOATS

Section 181.¹⁰⁶ (Repealed).

¹⁰⁴ Section 176 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹⁰⁵ Section 180 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁰⁶ Section 181 is repealed by the Navigation in the Thai Waters Act (No. 6), B.E. 2481 (1938).

Section 182.¹⁰⁷ (Repealed).

Section 183. If a person has filed the application for the license or exchange the license to replace the old license that has expired for any cargo-carrying vessel or boat and if the Harbour Master has the reasonable ground to believe that there is a violation in relation to such vessel or in relation to any license for such vessel, he or she has the power to withhold the issuance of the license that such person applied and arrest such vessel for inquiry. If, upon the inquiry, it is finally established that the license should not be issued, such vessel shall be deemed as abandoned property for the purpose of the provision of section 129 of this Act.

Section 184. The license for the cargo-carrying vessel shall state the width, length and depth of the vessel and the weight of the load that vessel may carry.

Section 185. The license for boats that are hired to carry passengers shall state the number of the passengers permitted to be carried on such vessel. In the case of the vessel used both to carry cargo and to be hired to carry passengers, the license shall state the width, length, depth of the vessel, the weight of the load that such vessel may carry, and the number of the passengers permitted to carry.

Section 186. All cargo-carrying vessel and boats that are used for hire or to be hired and has obtained the license for such vessel shall have the license number clearly written in Thai number with colour at both gunwales of the prow. No other numbers shall be written on that place. Such number shall also be carved at the conspicuous spot of such vessel. The vessel hired to carry passengers shall have the number of the passengers permitted to carry written both in Thai and Arabic numbers with colour at the conspicuous spot. The written numbers shall not be concealed by anything.

Section 187. No cargo-carrying vessel or boats shall have a fake blige or hidden space to hide goods or persons.

Section 188.¹⁰⁸ (Repealed).

¹⁰⁷ Section 182 is repealed by the Navigation in the Thai Waters Act (No. 6), B.E. 2481 (1938).

BOOK THREE
SPECIAL REGULATIONS

CHAPTER I
REGULATIONS FOR SHIPS AND OTHER VESSELS CARRYING DANGEROUS GOODS

Section 189.¹⁰⁹ The Harbour Master shall, with the approval of the Minister of Transport, have the power to publish in the Government Gazette prescribing the classes of the goods and the dangerous goods.

Section 190.¹¹⁰ The Minister of Transport shall have the power to issue the Ministerial Regulation prescribing the rules and procedures concerning the packing, storing, separating, producing, and marking, preparing necessary documents, and transferring the dangerous goods in the transportation under this chapter.

Such Ministerial Regulation shall come into force after its publication in the Government Gazette.

Section 191.¹¹¹ In transferring the dangerous goods from one vessel to another vessel, from the vessel to land or from land to the vessel, the master or agent of the owner of the vessel shall notify the Harbour Master in advance no less than twenty four hours before such transfer. The transfer shall be prohibited until permission from the Harbour Master has been obtained.

The Director-General of the Marine Transport and Maritime Department shall, with the approval of the Minister of Transport, have the power to publish in the Government

¹⁰⁸ Section 188 is repealed by the Navigation in the Thai Waters Act (No. 10), B.E. 2510 (1967).

¹⁰⁹ Section 189 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

¹¹⁰ Section 190 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹¹ Section 191 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Gazette prescription of the types of vessels or transfer that is not subject to the provisions of paragraph one.

Section 192.¹¹² The Director-General of the Marine Transport and Maritime Department shall, with the approval of the Minister of Transport, have the power to publish in the Government Gazette prescription that any type of vessels that carries the dangerous goods shall fly the flag or make any mark or give any signal as prescribed.

Section 193.¹¹³ In sending the dangerous goods on a vessel, the sender shall manage to have the label clearly showing the dangerous nature of the goods on its package and shall notify, in writing, the master of the dangerous nature of those goods and the name and address of the sender at the time of or before the bringing of such goods onto the vessel.

No person shall send or undertake to carry on vessel the dangerous goods without due compliance with paragraph one or with the compliance that has a false statement.

Section 194.¹¹⁴ The master shall exercise due care as appropriate to the case so as to prevent the bringing of the dangerous goods onto the vessel in violation of the Ministerial Regulations issued under section 190.

Where there is a reasonable ground to believe that dangerous goods have been smuggled onto the vessel, the master may refuse to accept that package, unless the owner or possessor opens the package for inspection.

Section 195.¹¹⁵ Whoever violates or fails to comply with section 192 or paragraph one of section 194 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding ten thousand baht or to both.

Section 196.¹¹⁶ Whoever violates or fails to comply with section 190, section 191 or paragraph two of section 193 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding twenty thousand baht or to both.

¹¹² Section 192 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹³ Section 193 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹⁴ Section 194 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹⁵ Section 195 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

CHAPTER II
REGULATIONS ON PETROLEUM CARRIED IN CARGO TANK

Section 197.¹¹⁷ (Repealed).

Section 198.¹¹⁸ (Repealed).

Section 199. All ships that have entered any harbour or rivers in Thailand with the petroleum carried in a cargo tank on board shall expeditiously proceed to the cargo wharf permitted for loading or unloading such petroleum promptly. The moving of such ship from that place without permission of the Harbour Master shall be prohibited.

Section 200. If any tanker ship with the petroleum carried the cargo tank on board is still lying in any harbour or any river of at any place in the Kingdom, no fire or lantern, except the electric lantern, shall be used on board or in the place close to that vessel while the cargo tank or room carrying petroleum is still open or the petroleum is being transferred or loaded or the cover of the cargo tank is still open. No person on board shall smoke a cigarette or possess with them matches. This prohibition shall not apply to the use of fire in the kitchen or engine's room to produce enough steam to move the ship to or from such cargo wharf or to the sea or to maintain steam power for transferring the remaining petroleum from the vessel.

Section 201.¹¹⁹ (Repealed).

Section 202.¹²⁰ (Repealed).

Section 203.¹²¹ (Repealed).

¹¹⁶ Section 196 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹⁷ Section 197 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹⁸ Section 198 is amended by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹¹⁹ Section 201 is repealed by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²⁰ Section 202 is repealed by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²¹ Section 203 is repealed by the Navigation in Thai Waters Act (No. 14), B.E. 2535 (1992).

Section 204.¹²² Whoever pours, dumps or releases petroleum or petroleum mixed with leaked water by any means into the harbour, river, canal, lake or seas within the Thai waters shall be liable to imprisonment for a term of not exceeding one year or to a fine of two thousand to twenty thousand baht or to both.

Section 205. No tanker ship shall, at any time, enter or berth alongside the wharf more than one tanker ship. While the petroleum is transferred from or to any vessel, no other tanker ship or vessel or junk shall berth alongside the same wharf or such tanker ship.

Section 206. No tanker ship that carries petroleum in the tanker or has just finished transferred the carried petroleum from the vessel shall be moved from the berth without permission from the Harbour Master. If the Harbour Master is satisfied that the tanker ship has no petroleum on board and her tanker has been fully cleaned and opened so that the air can circulate, he or she may grant permission so that such vessel may be moved to berth at any place as prescribed.

Section 207.¹²³ (Repealed).

Section 208.¹²⁴ Whoever violates or fails to comply with section 199, section 200, section 205 or section 206 shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both.

¹²² Section 204 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²³ Section 207 is repealed by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²⁴ Section 208 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

CHAPTER III
REGULATIONS ON ANCHORING NEAR OR DREDGING THE ANCHOR ACROSS CABLES,
PIPELINES OR STRUCTURES LAID UNDER WATER¹²⁵

Section 209.¹²⁶ Where there is a telegram cable, telephone cable or electric cable or any other cable or pipe or structure laid under water in any river, canal, marsh, reservoir or lake that is used as a public travelling route or for common use, or any sea within the Thai waters, the Harbour Master shall place the mark at the spot where such cable, pipe or structure is laid into water. Such mark shall be made in the form of high pole with large, round, white board at the top containing the text ‘Submarine Cables, Pipelines or Structures. No anchoring or dredging of anchor’ in Thai and English. Where the Harbour Master deems it appropriate, he or she may also place the buoy or any other marks.

No vessel shall anchor within the distance of one hundred metres from both sides of the place where such cable, pipeline or structure that is laid under water or dredge the anchor across such cable, pipeline or structure laid under water.

Section 210.¹²⁷ The master or controller of any vessel who anchors in the prohibited zones under this chapter or dredge the anchor or fishing nets, seine, fishing appliance or any equipment across such zones shall be liable to a fine of three hundred to three thousand baht. If such act causes damage to any cable, pipe or structure that is laid under water, such person shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both, and shall make compensation or reimburse the expenses for repairing the cable, pipe or structure under water that has been damaged by such anchoring, anchor dredging or dragging of objects across such cable, pipe or structure.

¹²⁵ The title of Chapter III “Regulations on Anchoring near or dragging the anchor across cables, pipelines or structure laid under water” is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²⁶ Section 209 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹²⁷ Section 210 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

During the legal action in relation to the commission of the offence under paragraph one, the Harbour Master has the power to arrest the relevant vessel until the security for the fine or damages or expenses for the repair the amount of which is prescribed by the Harbour Master as he or she deems appropriate to the case is furnished.

Section 211. Under this chapter, if any vessel sails across the said prohibited zone without pulling the anchor above the water in such a way that it can be seen, it shall be deemed that such vessel has dredged the anchor across the prohibited zone.

CHAPTER IV LIGHTHOUSE DUES

Section 212.¹²⁸ Subject to section 213, any seagoing vessel that has entered the Thai waters or navigates from one wharf to another shall pay the dues for lighthouses, watercourse signal buoys and lantern to the competent official appointed for such purpose at the rate and in accordance with the procedure prescribed by the Ministerial Regulation from time to time.

Section 213.¹²⁹ The following vessels shall be exempt from the dues for lighthouses, watercourse signal buoys and lights under section 212:

- (1) vessels of the Thai Government;
- (2) private yachts;
- (3) vessels of the foreign Government;
- (4) vessels used specifically for transferring cargo or passengers within the same harbour or from the wharf to the berth outside the wharf;
- (5) commercial vessels at shore of less than 800 *Harp*;
- (6) vessels that have only ballasts without any freight received and without passengers;

¹²⁸ Section 212 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

¹²⁹ Section 213 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

(7) vessels entering specifically for procuring fuel, equipment or food only for such vessel;

(8) vessels entering due to the storm or for repairing or due to damage, provided that no cargo is transferred from or to the vessel other than that necessary for such repair and such goods shall be reloaded onto the vessel.

Section 214.¹³⁰ (Repealed).

Section 215.¹³¹ If any vessel that must pay the dues for lighthouses, watercourse signal buoys and lanterns files an application for port clearance, the Harbour Master, customs officer or any other competent officer who has the duty to issue the port clearance permission shall inspect the receipt of such dues. If it appears that the dues have been paid, the port clearance permission shall be issued.

Section 216.¹³² Any master or controller of the vessel who attempts to move the vessel out of the Thai waters without paying the dues under section 212 or refuses to have the vessel under his or her control measured for the purpose of collecting the dues shall be liable to a fine of five hundred to five thousand baht.

CHAPTER V

REGULATIONS FOR PREVENTION OF INFECTIOUS DISEASES

Section 217. Upon receiving the news that cholera, smallpox, bubonic plague, malaria or any other communicable diseases have broken out in any port or place outside the Kingdom of Thailand, the Minister of Metropolis shall have the lawful power to issue the notification in the Government Gazette and shall notify foreign Consuls of the fact that such

¹³⁰ Section 214 is repealed by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

¹³¹ Section 215 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

¹³² Section 216 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

port or place has communicable diseases. He or she shall also order all vessels coming from such port or place to lie at the station or anchorage for prevention of diseases and quarantine them there until the medical officer of Ministry of Metropolis or a subsidiary official, hereinafter called “medical officer”, permits the release.

(The term “Minister” is amended by section 3 of the Act on Conversion of the old Minister position (*Senabodee*) to the Minister position (*Rattamontree*), B.E. 2475 (1932).)

Section 218. The anchorages for vessels under quarantine for disease prevention are as follows:

- (1) On *Phra* Island In front of the disease prevention station;
- (2) On *Srichang* Island In front of the customs house;
- (3) On *Angsila* Island In front of the customs house;
- (4) In *Samuth Prakam* Town In front of the customs house on the Chao Phraya River
- (5) In Bangkok In front of the *Bang Kor Lam* Patrol station on the Chao Phraya River

Section 219. The infectious disease prevention station is situated on *Phra* Island or at any other place as may be subsequently prescribed.

Section 220. If any ship that has entered the Thai waters has the person with bubonic plague, cholera, smallpox, malaria or any other communicable diseases on board or has had the disease for 14 days before the arrival of the vessel, the master or person in charge shall fly the flag indicating the occurrence of the disease and anchor at the disease prevention station until the medical officer permits the release. If the vessel has already anchored in the Thai waters, the master or person in charge shall immediately fly the flag indicating the occurrence of the disease and move the vessel to anchor at the place which the medical officer deems appropriate.

Section 221. The medical officer shall expeditiously proceed to make inquiry of the incident on such vessel. Where he or she deems it necessary in order to prevent the public from the infectious disease to put the vessel and all persons on board under quarantine for infectious disease prevention, he or she shall issue the order requiring the master or person in

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charge to move the vessel and persons on board to be under quarantine for infectious disease prevention.

Section 222. Upon the issuance of such order, it is the duty of the master or controller of such vessel to move such vessel to the place indicated by the medical officer as the anchorage and anchor there under quarantine until there is a permission for release under the regulations of this Act.

Section 223.¹³³ All vessels put under quarantine for disease prevention under such order shall, at daytime, fly the yellow flag indicating the occurrence of the disease with the international maritime signal flag below, and at night time, light the red lantern at the top of front pole.

Section 224. All guarding vessels shall, at daytime, fly the same yellow flag at the stern of the vessel, and, between sunset to sunrise, set up the lantern both at the front and stern of the vessel.

Section 225. No vessel under quarantine for infectious disease prevention shall be moved without the written permission from the medical officer.

Section 226. No vessel, except that of the medical officer, shall berth alongside the vessel under quarantine for disease prevention. No person shall communicate with the vessel under quarantine. No person on board of the vessel under quarantine shall travel to or communicate with the land except where he or she asks the medical officer to do business for him or her.

Section 227. If any vessel that has arrived at any port in Thailand has the communicable dangerous disease on board or has had it within 14 days before the time of arrival of the vessel, she shall hand over the packages and postal letters to the medical officer. When the medical officer fumigates the packages or postal letters or performs any other

¹³³ Section 223 is amended by the Notification Amending Navigation in the Thai Waters Act, B.E. 2456 (1913).

methods to prevent the diseases as appropriate to the case, he or she shall send such packages and postal letters to the office of the Post Department in that city.

Section 228. If there is a method to prevent the communicable nature of the disease, the medical officer shall, with approval of the Minister of Interior who deems it appropriate to the case, have the lawful power to permit any steam-launch to pass the water and food supplying harbour and unload the cargo onto the land.

(The term “Minister” is amended by section 3 of the Act on Conversion of the old Minister position (*Senabodee*) to the Minister position (*Rattamontree*), B.E. 2475 (1932).)

Section 229. Where he or she deems it appropriate, the medical officer shall have the power to order and move all or any of the persons on the vessel under the quarantine for infectious disease prevention to a hospital or house at the disease prevention station of that port to stay and receive treatment there until the medical officer deems it appropriate to return to the vessel or move to any other vessel that may communicate with the land.

Section 230. When there is a person under quarantine at the infectious disease prevention station, the yellow flag shall be flown at daytime, and the red lantern shall be lighted and placed at the conspicuous place.

Section 231. When there is such flag or lamp indicating the quarantine for infectious disease prevention flying, no person, except the medical officer or persons permitted by the medical officer, shall land at the house for infectious disease prevention.

Section 232. If the medical officer wants the guarding unit for disease prevention at the infectious disease prevention gate to execute the regulations for infectious disease prevention, the person in charge of the patrol unit shall provide accordingly.

Section 233. The person under the quarantine at the Disease Prevention station shall be strictly prohibited from leaving that place alleging any reason without obtaining permission for release from the medical officer.

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Section 234. If any person has boarded the vessel under quarantine for infectious disease prevention or has entered or berthed the vessel and landed at the infectious disease prevention station without obtaining permission from the medical officer, such person shall be put under quarantine for infectious disease prevention for the period of time that the medical officer deems appropriate.

Section 235. If the medical officer wants the master under the quarantine for disease prevention to provide the vessel and equipment to carry the passengers and crews of that vessel to the house of the infectious disease prevention station, the master shall fully comply with it.

Section 236. If a person dies on any vessel under the quarantine for infectious disease prevention or dies on the vessel that has been ordered to be put under quarantine for infectious disease prevention, the corpse shall be disposed of with such methods as ordered by the medical officer. The master of that vessel shall undertake to fully implement the order of the medical officer.

Section 237. All vessels under the quarantine for infectious disease prevention shall, after carrying the passengers to the infectious disease prevention station, be washed and cleaned by preventive solution to the satisfaction of the medical officer. Upon such act, the officer shall permit the release from the quarantine.

Section 238. The agent of the owner of the vessel shall be responsible for the maintenance for the persons carried to the infectious disease prevention gate advanced by the Government as shown in the evidence document of the medical officer and the expenses for cleaning the vessel, curing the passengers and cleansing other objects with the preventive solution.

Section 239. It is the duty of the medical officer to expeditiously notify Minister of Metropolis whenever there is a reasonable ground to move the passengers from any vessel that has just arrived to be under quarantine and when it is necessary to quarantine the vessel to examine the infectious disease. When there is permission for release of that vessel, it shall also be reported.

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(The term “Minister” is amended by section 3 of the Act on Conversion of the Old Minister Position (*Senabodee*) to the Minister Position (*Rattamontree*), B.E. 2475 (1932).)

Section 240. Upon arrival of the vessel that comes from any port or place that has the communicable disease or flies the flag indicating the occurrence of the communicable disease on board, if it is necessary to prevent the navigation from danger, the pilot may board such vessel to lead her to the anchorage at the infectious disease prevention gate before obtaining permission from the medical officer. But if the medical officer subsequently deems it appropriate to put that vessel under quarantine at the infectious disease prevention gate, such pilot shall also be quarantined in accordance with section 272 of this Act.

Section 241. The master or the doctor on board of any vessel that has arrived and come from any place that has cholera, smallpox or any other communicable diseases currently spreading or has on board Whoever has had any of these diseases for 14 days before the arrival has the duty to accurately report the matter to the pilot and the medical officer who is to berth alongside or board such vessel.

Section 242. The medical officer has the power to board any vessel that has entered the Thai waters and examine all persons on board. If he or she deems it appropriate, he or she may inspect the document and certificate of that vessel. The medical officer shall also seek every lawful means as he or she deems appropriate to know to what extent the vessel as well as the persons on board is clean and without any diseases.

Section 243. All persons carried to the disease prevention station shall be under quarantine for infectious disease prevention for the following periods:

Bubonic plague: not exceeding 10 days as from the day the last person has died or fully recovered or moved to the isolated place;

Smallpox: not exceeding 14 days as from the day the last person has died or fully recovered or moved to the isolated place;

Cholera: not exceeding 10 days as from the day the last person has died or fully recovered or moved to the isolated place.

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Section 244. No object, except documents and money, shall be taken out of any place or any vessel under quarantine for infectious disease prevention without obtaining permission from the medical officer. All objects taken out shall be cleaned with the preventive solution by such methods as ordered by the medical officer before they can be passed on.

Section 245. All objects and postal packages (postal objects) to be sent to any person under quarantine for infectious disease prevention shall be sent to the office of the Post Department to be expeditiously delivered on the earliest possible occasion.

Section 246. The medical officer who has performed examination on the vessel under quarantine for infectious disease prevention or at the infectious disease prevention station at the time when there is a person under quarantine shall, at the time of going back, properly clean himself or herself with the preventive solution before landing.

Section 247. When the medical officer of the Thai Government notifies the master of any vessel under the jurisdiction of foreign States of the necessity to implement section 220, section 221, section 229, section 236 and section 242, the master shall, before any steps taken, have the legitimate power to notify the Consul of that state of the matter. The Consul (if he or she deems it appropriate) has the power to observe at the time of the examination of such foreign vessel and may permit or refuse the implementation of the regulations of the said sections by the officer.

Section 248.¹³⁴ Whoever violates or fails to comply with section 217, section 220, section 222, section 223, section 225, section 226, section 227, section 229, section 231, section 233, section 234, section 235, section 236, section 237, section 238, section 240, section 241, section 243 or section 244 shall be liable to a fine of one thousand to ten thousand baht.

¹³⁴ Section 248 is amended by Navigation in the Thai Waters Act (No. 14) B.E. 2535 (1992).

CHAPTER VI
REGULATIONS FOR PILOTS¹³⁵

Section 249 to section 276 (Repealed).

CHAPTER VII
EMPLOYMENT AND TERMINATION OF EMPLOYMENT OF SEAFARER FOR VESSELS AND
EXAMINATION FOR CERTIFICATION FOR PERFORMANCE OF FUNCTIONS

Section 277.¹³⁶ No person shall serve on any steam-launch, motor boat, seagoing vessel, cargo-carrying vessel of 100 *harb* or more that contacts with a seagoing vessel or vessel used as a lifeboat of a seagoing vessel in any capacity that the regulations for ship survey requires the certificate unless he or she has obtained the certificate recognising the competency for such performance.

Section 278.¹³⁷ In issuing such certificate to any person to serve as a master, navigator, boatswain, helmsman steersman chief engineer or engineer, such person shall have already passed the examination. When applying for the examination, such person shall have the evidence showing to the satisfaction of the official the fact that he or she is not a person of bad behaviour, habitual intoxication or narcotics addiction, proficiency and occupational experience and general behaviour. If that person is the master, navigator, boatswain, helmsman and steersman, he or she shall also show good eyesight.

In this section,

“boatswain” means the person who controls a lighter;

“helmsman” means the person who controls a seagoing sailboat of 800 *harb* or more;

¹³⁵ Section 249 to section 276 of Book Three Chapter VI Regulations on Pilotage are repealed by the Act on Navigation in Thailand amended in B.E. 2477 (1934) (No. 2).

¹³⁶ Section 277 is amended by the Navigation in the Thai Waters Act (No. 13) B.E. 2525 (1982).

¹³⁷ Section 278 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

“steersman” means the person who controls or steers or rows in the backmost position on a cargo-carrying vessel that contacts with a seagoing vessel.

Section 279. The Harbour Master shall, with approval of the Minister of Transport, have the power to issue the regulations on the examination of the person serving on vessels as follows:¹³⁸

- (1) classes of expertise;
- (2) modes of examination;
- (3) curriculum;
- (4) qualifications of the examinee;
- (5) examination fees;
- (6) issuance of the certificate recognising competency;
- (7) any other particulars in relation to the examination.

The regulations shall come into force after its publication in the Government Gazette.

Section 280.¹³⁹ The Certificate of Competency shall state the name, age and peculiarities and appearance of the holder and any other statements as may be necessary and shall be attached with the photograph of the holder of the certificate.

The certificate for the steersman shall be valid for three years. Other certificates shall be valid for five years. If the certificate is expired, the holder shall bring it for renewal. The fee for renewal shall be collected at the rate of one half of the original fee. If the Harbour Master wishes the evidence to be produced as provided in section 278, he or she may do so.

Section 281. All certificates issued before the date of promulgation of this Act shall be effective for five years as from its date of issue.

Section 282.¹⁴⁰ Whoever serves in any capacity that the regulations for ship survey requires the certificate recognising competency without obtaining any certificate in

¹³⁸ Section 279 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

¹³⁹ Section 280 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

accordance with the provisions of this Act shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both. Whoever serves on board when the certificate has expired shall be liable to a fine not exceeding two thousand baht.

Section 283.¹⁴¹ Whoever uses the certificate of other persons or produces it as if it were his or her certificate or whoever provides the certificate for the commission of such act by any other person shall be liable to imprisonment for a term of not exceeding one year or to a fine of two thousand to twenty thousand baht or to both.

Section 284.¹⁴² Whoever serves in any capacity that the ship survey regulation requires the certificate shall keep his or her certificate on board for inspection by the Harbour Master at the time of service.

If the Harbour Master or agent of the owner of the vessel wishes to change the person serving on any vessel, he or she shall bring the licence for such vessel and the certificate of the person to serve on the vessel to the Licensing Official in order to record the change of persons serving on board in the license for vessel use at the of office of the Harbour Master where that vessel has been registered within fifteen days.

Section 285. Any employee for service on the seagoing vessel who is to serve or is employed to serve on a Thai ship or foreign ship that has no Consul in Thailand shall obtain permission of the Harbour Master in advance. The Harbour Master shall collect the evidence of termination of last employment that such person has received from the vessel on which he or she has served to be kept. If such person cannot submit such evidence, he or she shall elaborate on the reasons to the satisfaction of the Harbour Master.

¹⁴⁰ Section 282 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹⁴¹ Section 283 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹⁴² Section 284 is amended by the Navigation in the Thai Waters Act (No. 13), B.E. 2525 (1982).

Section 286. The fees the rate of which is to be prescribed by the Thai Government from time to time shall be collected for every employment and termination of employment. The Harbour Master shall post the tariff of such fees at the conspicuous place at the office of the Marine Transport and Maritime Department, and shall have the power to refuse to manage any employment or termination of employment before the fee for such act is received.

Section 287. The owner or master of any ship who is about to employ or terminate the employment of persons for the seagoing vessel at the office of the Marine Transport and Maritime Department shall pay the fee in accordance with the tariff set for every employment or termination of employment.

Section 288. When any person serving on the seagoing vessel is terminated the employment from any Thai ship within the Kingdom, the master of such ship shall make a piece of evidence document of termination of employment for that person at the time of termination of employment, and shall state the duration of employment of that person, the type of work employed, and the date of termination of employment, and shall be signed by the master. If the dismissed person requests the additional written statement indicating the wages and their deduction, the master shall make it accordingly within twenty four hours as from the time of such request.

Section 289. The termination of employment of a person serving on a Thai ship or a foreign ship that has no Consul in the Thailand shall not be made at any place except the office of the Marine Transport and Maritime Department.

Section 290.¹⁴³ Whoever violates or fails to comply with section 284, section 285, section 287, section 288 or section 289 shall be liable to a fine of five hundred to five thousand baht.

¹⁴³ Section 290 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

CHAPTER VIII
THE POWER TO IMPOSE PUNISHMENT FOR OFFENCES

Section 291.¹⁴⁴ If any pilot, master, navigator, boatswain, helmsman, steersman, chief engineer or engineer of a vessel who has obtained the certificate or license but becomes incompetent or behaves inappropriately for the capacity, failing to comply with the law or regulations concerning navigation or his or her capacities, the Harbour Master shall have the power to order the suspension of the certificate or license for the period of not exceeding two years, which nevertheless does not absolve other punishments that such person may be imposed on.

If such person is not satisfied with the order of suspension of the certificate or license, he or she shall have the right to appeal to the Minister within one month as from the date of knowing the order. The decision of the Minister shall be final. But while the Minister has not given the decision, the order suspending the certificate or license shall be effective.

Section 292. The Harbour Master in any place has the power to suspend or cancel any certificate or license in accordance with section 291 and, in order to do so, the Harbour Master shall have the power to make inquiry and summon any witness and hear any witness. If that witness fails to appear to give statements or refuse to give statements, he or she shall be liable to punishment before an ordinary court in accordance with the punishments prescribed by the law for such offence.

In making any inquiry referred to above, the Harbour Master may appoint two assistants selected by the Minister of Metropolis from a group of persons with proficiency in navigation at sea to sit with him or her.

If any defendant is not satisfied with the decision by the said inquiry tribunal and wishes to have it reviewed, he or she may appeal to the competent Court.

(The term “Minister” is amended by section 3 of the Act on Conversion of the old Minister position (*Senabodee*) to the Minister position (*Rattamontree*), B.E. 2475 (1932).)

¹⁴⁴ Section 291 is amended by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934).

Section 293. The exercise of the power to impose the punishment given to the Harbour Master under this Act does not in any way relate to the criminal or civil proceedings that may be brought against the defendant for the same offence before the Court who has the duty to impose punishment or order the payment of damages in accordance with the provisions of this Act or other laws for such offence.

Section 294.¹⁴⁵ Whoever certificate or license is seized or cancelled under this Act and ordered to return it to the Harbour Master shall, if he or she fails to return it within the time-limit prescribed by the Harbour Master, be liable to a fine not exceeding two thousand baht.

Section 295. Any certificate or license that has been cancelled shall be revoked and ineffective.

Section 296. All certificates or licenses that have been seized temporarily shall be kept at the office of the Marine Transport and Maritime Department. If the seizure period has elapsed, the certificate or license shall be returned to its holder with the statement of that seizure being written onto such certificate or license.

CHAPTER IX PUNISHMENT AND CIVIL LIABILITIES

Section 297.¹⁴⁶ Whoever fails to comply with the order of the Harbour Master or competent official in the performance of his or her duties under this Act shall be liable to imprisonment for a term of not exceeding three months or to a fine of five hundred to five thousand baht or to both.

¹⁴⁵ Section 294 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

¹⁴⁶ Section 297 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

Whoever offends or obstructs the performance of the duties of the Harbour Master or competent official under this Act shall be liable to imprisonment for a term of not exceeding one year or to a fine of two thousand to twenty thousand baht or to both.

If such offending or obstructing is done with force or the threat to use force, such person shall be liable to imprisonment for a term of not exceeding two years or to a fine of four thousand to forty thousand baht or to both.

Section 298. In the case of any offence of this Act, if the controller of the vessel or engine of any ship and boat who is the defendant has escaped and cannot be found, the Court has the power to impose the punishment on the owner of the vessel or the holder of the license for the use of such vessel as provided by this Act for such offence.

Section 299. The owner of or holder of the license for all ships and boats shall be liable to the fines that the master, chief engineer, navigator or seaman of such vessel is liable to by the commission of any offence of this Act.

Section 300. The owner of all wooden rafts shall be liable to the fines imposed on the controller of such raft or person manned therein by the commission of any offence of this Act.

Section 301. The punishment prescribed in this Act shall not prejudice any liability that the defendant may have in the civil proceedings for any offence of this Act.

CHAPTER X

GENERAL REGULATIONS AT THE TIME OF COLLISION OF VESSELS

Section 302. If there occurs any collision of vessels without intention or by any cause beyond the ability of human beings to prevent, all peril and damage to any vessel, however large or small, falls upon such vessel.

Section 303. If there occurs any collision of vessels that has caused by fault or negligence, the peril and damage arising therefrom, however large or small, shall be borne on the vessel that has such fault or negligence.

Section 304. If both vessels that have collided have fault or negligence, the compensation for either or both vessels shall not be imposed except that if it is established that the main ground has been caused by one party, the competent Court shall prescribe the amount of money payable as damages by one party to the other.

Section 305. If there occurs any fault or negligence imputable to both parties of the relevant vessels, the owner or master of both vessels or one vessel shall be liable to the amount of peril or damage to the goods carried in a vessel or persons arising from such fault or negligence.

If the payment of the amount of peril or damage falls significantly on one vessel in the case, such vessel has the power to make a claim against the other vessel in the case to share one half of the amount of the money paid.

If, in the deliberation under the law, it has been decided that such responsibility should be shared in any other way, the payment of the amount of peril and damage shall be in accordance with that judgment.

Section 306. In claiming for the damages, the captain or master of any vessel relevant to the case has the power to act as a claimant on behalf of all relevant persons.

Section 307. If the collision has occasioned any death or wound to a person, the damages prescribed for this part shall be paid before any other damages.

Section 308. The claim for damages of any kind arising from the collision of vessels shall be made within six months as from the day the relevant person who acts as a claimant is aware of such collision.

Section 309. Where the claim for damages arising from the collision of vessels has been filed with the Court, if any person relevant to the case so requests, the competent

judges have the power to issue an order to attach a vessel or vessels alleged to be the cause of such collision of vessels.

Section 310.

(1) If any offence of the regulations for the prevention of collision has been caused by the wrongful act of any master, controller or owner of a vessel with intention, such master, controller or owner of the vessel shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht.¹⁴⁷

(2) If there is any damage to a person or property because the vessel has failed to comply with any regulation for the prevention of collision, it shall be deemed that such damage has been caused by an intentional wrongful act of the person in charge on the deck of such vessel at the time of collision unless it has been proved to the satisfaction of the Court that it is necessary to have derogated from such regulations.

(3) In the case concerning the collision of vessels, if it appears to the Court deliberating the case that there has been a violation of any regulation for the prevention of collision, it shall be deemed that the fault which is the ground of action lies in the vessel that has violated the regulations unless it has been proved to the satisfaction of the Court that it is necessary to have derogated from such regulations.

Section 311. If the owner or master of any vessel wants the regulations for the prevention of collision, the Harbour Master shall give them to him or her accordingly.

Section 312. If there occurred the collision of two vessels at any time, the master or controllers of both parties, shall, when it is considered possible to do so without any risk of causing danger to his or her vessel or crews or passengers (if any), have the duties as follows:

(a) providing assistance according to his or her ability the other vessel in collision, her crews or passengers (if any) in order to prevent the danger that may arise from such collision of vessels and to sail near that vessel until it is certain that she is no longer in need of assistance;

¹⁴⁷ Section 310(1) is amended by Navigation in the Thai Waters Act (No. 14) B.E. 2535 (1992).

(b) notifying the master or controller of the other vessel in collision of the name of the vessel, the name of the port which is the address of his or her vessel, the port from which the vessel has come, and the port to which the vessel is going.

If the master or controller of any vessel fails to comply with the regulations under this section without any reasonable ground for excuse, it shall, without any certain evidence to the contrary, be deemed that such collision of vessels has been caused by the fault or negligence or wrongful act.

Any master or controller of the vessel who fails to or does not comply with the provisions of this section without reasonable grounds shall be liable to imprisonment for a term of not exceeding six months or to a fine of one thousand to ten thousand baht or to both. The Harbour Master shall have the power to order the suspension of the certificate to operate in such function for a term of not exceeding two years or to order the prohibition of the use of such certificate permanently.¹⁴⁸

This Act is enacted on 16 July B.E. 2456, being the nine hundred seventy ninth day of the present Reign.

¹⁴⁸ Paragraph three of section 312 is amended by the Navigation in the Thai Waters Act (No. 14), B.E. 2535 (1992).

FORM ONE

Questions for the master upon arrival of the vessel

- (1) Date of arrival
- (2) Name of the vessel
- (3) Flag of the vessel
- (4) Type of the vessel
- (5) Size of the vessel in tonnage
- (6) Name of the master
- (7) Name of the person in charge at the destination
- (8) Location of departure
- (9) Date of departure
- (10) Type of goods carried
- (11) Amount of opium carried
- (12) Number of postal letters
- (13) Type and number of weaponry
- (14) Type and number of bullets and bombs
- (15) Communicable diseases
- (16) Dead persons on board
- (17) Number of seafarer
- (18) Number of passengers with sleeping rooms
- (19) Number of passengers resting on the deck
- (20) Remark

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FORM TWO

Pilotage Tariff¹⁴⁹

(Repealed)

Office of the Council of State

¹⁴⁹ The pilotage tariff in Form Two is repealed by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934) (No. 2).

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FORM THREE

Lighthouse and Lantern Tariff¹⁵⁰

(Repealed)

Office of the Council of State

¹⁵⁰ The lighthouse and lantern tariff in Form Three is repealed by the Navigation in the Thai Waters Act Amendment, B.E. 2477 (1934) (No. 2).

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