

THE ACT ORGANIZING THE ACTIVITIES OF THE FISH MARKET

B.E. 2496

BHUMIBHOL ADULYADEJ, R.

Given on the 9th. January, B.E. 2496

Being the 8th. year of the Present Reign.

By Royal Command of His Majesty King Bhumibhol Adulyadej it is hereby proclaimed that :

Whereas it is expedient to enact a law organizing the activities of the fish market;

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the Assembly of people's Representatives, as follows : -

Section 1. This Act shall be called the "Act organizing the Activities of the Fish Market, B.E. 2496"

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

Section 3. In this Act : -

"Fish agent activities" means any of the following usual business : -

(a) Granting loans of money or letting on hire, hire-purchase, loan out vessels, fishing gears or accessories in order to enable the borrower, the hirer or the hire - purchaser to undertake fishing activities or trade in fishery merchandise upon either express or implied agreement that the borrower, the hirer or the hire - purchaser shall bring fishery merchandise to the lender or letter to act as agent for the sale of such fishery merchandise;

(b) the undertaking to act as agent for the sale of fishery merchandise of other persons;

(c) the sale of fishery merchandise by means of sale by auction;

(d) the activities of trading in fishery merchandise by any other means as shall be determined by Royal Decree to be the activities of a fish agent :

“Fishery Merchandise” means fish within the meaning of the law on fisheries, whether live or not, and includes all kinds of fishery products which are objects of merchandise;

“Fish wholesale market” means such place or surroundings as notified to be the place for carrying on the activities of fish agents according to this Act,

“Service charges” means charges for arranging and rendering facilities in the sale of fishery merchandise at a fish wholesale market;

“Committee” means the Committee of the Fish Marketing Organization;

“Director” means the Director of the Fish Marketing Organization;

“Officer” means any official of the Fish Marketing Organization;

“Competent official” means any person appointed by the Minister to have the power and duty to carry out this Act;

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

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

Section 4. The Minister of Agriculture shall have charge and control of the execution of this Act. And shall have the power to appoint competent officials and to issue Ministerial Regulations fixing the rates of fees not exceeding the rates according to the schedule annexed to this Act and determining other activities in execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Chapter 1

FISH MARKETING ORGANIZATION

Section 5. There shall be established an organization called the “Fish Marketing Organization” having the objects as follows :-

(1) To carry on and bring about prosperity to the fish wholesale market, the market for fishery merchandise and fishery industry;

(2) To carry on or control and direct the services concerning the activities of the market for fish agents, transportations and other activities in connection with the activities of the fish agents;

(3) To promote the welfare or the occupation of fishermen and to improve fishing villages;

(4) To promote fishing co-operative societies or associations

In order to carry out the aforesaid objects, the Fish Marketing Organization shall have the power including

(1) To construct, purchase, procure, dispose, hire, let or hire, own or possess various properties;

(2) Borrow money or things, loan out money or things.

Section 6. The Fish marketing Organization shall be a juristic person.

Section 7. The Fish Marketing Organization shall establish its head – office in Bangkok

Section 8. Whenever the Fish Marketing Organization deems expedient to establish a fish wholesale market for any locality, it may, after approval has been obtained from the Minister, declare its establishment by notification.

Such notification shall be made in the Government Gazette.

The fish wholesale market shall be conducted and looked after by the Fish Marketing Organization

Section 9. The activities; properties and liabilities including all contracts and obligations arising out of the activities in establishing fish wholesale market of the Fisheries Department out of State Budget shall be transferred to the Fish Marketing Organization.

Section 10. The appropriation granted to the Fisheries Department for the budgetary year of B.E. 2496 under Extraordinary Expenditure for investment in connection with the activities in establishing the fish wholesale market shall be transferred to the Fish Marketing Organization.

Section 11. There shall be a committee of the Fish Marketing Organization consisting of a Chairman and not less than four but not more than six other members.

The Council of Ministers shall appoint the Chairman and members of the Committee of the Fish marketing Organization.

Section 12. The Chairman and members of the Committee must be persons of Thai nationality.

Section 13. No person who has the following characteristics may be the Chairman or member of the Committee :-

(1) Being an officer, or

(2) Having interest in the contract with the Fish Marketing Organization or in the activities done with the Fish Marketing Organization, whether directly or indirectly.

Section 14. The Committee shall have the power and duty to lay down the policy and to control generally the activities of the Fish Marketing Organization. Such power and duty include :-

(1) the laying down of regulations concerning various matters according to Section 5;

(2) the laying down of rules of procedure for its meetings and the carrying on of the activities by the committee ;

(3) the laying down of rules concerning the recruitment, appointment and removal of its officers;

(4) the laying down of rules concerning the carrying on of the business of the Fish Marketing Organization as well as rules concerning discipline and the inflictions of punishments on its officers;

(5) the fixation of the rates of salaries of its officers.

Section 15. The Chairman and members of the Committee shall remain in office for a term of two years, but may be reappointed.

Section 16. The Chairman and members vacate their offices before the expiry of the term upon:-

(1) Death;

(2) Resignation

(3) Being retired by the Council of ministers;

(4) Being disqualified under Section 13.

In case of a vacancy occurs before the expiration of the period, a new Chairman or member of the Committee, as the case may be, shall be appointed in place. The person who is appointed to take the place shall be in office only for the remainder of the period.

Section 17. For a meeting of the Committee, there must be present not less than one half of the number of the members of the Committee to constitute a quorum.

When the Chairman is not at the meeting. The Committee shall elect one among themselves to be the temporary Chairman.

Section 18. The resolution to decide any matter under discussion in the Committee shall be taken by majority vote. In case of a tie, the Chairman shall have another vote as the deciding vote.

Section 19. The Fish Marketing Organization shall have the power to collect service charges from persons undertaking the activities of fish agents not

exceeding three per cent of the price of the fishery merchandise sold at the fish wholesale market or the price assessed as market price by the officer for the day.

Section 20. 25% of the whole amount of the service charges collected by the Fish Marketing Organization under Section 19. shall be set aside for spending in the promotion of fisheries as provided in Section 5 (3) and (4)

The keeping and drawing of the service charges set aside under the preceding paragraph shall be in accordance with the rules and procedure laid down by the Committee with the approval of the Council of Ministers.

Section 21. The Fish Marketing Organization shall prepare a yearly budget showing capital and working accounts. The capital account shall be submitted to the Council of Ministers for consideration and approval; while the working account shall be submitted to the Council of Ministers for information.

The Fish Marketing Organization shall open bank accounts according to the rules laid down by the Committee with the approval of the Council of Ministers.

Section 22. The yearly income earned by the Fish Marketing Organization after deducting the running and other proper expenses such as for maintenance, depreciation, contribution to provident fund for employees of the Fish Marketing Organization, ordinary reserve set aside for deficit, reserve set aside for expansion of the work and other capital investment as approved by the Council of Ministers shall be paid over as revenue of the State.

If the income is not sufficient to meet the said expenses other than the reserves mentioned in the preceding paragraph, and the Fish Marketing Organization is unable to obtain the money by any other means, the State shall pay the money to the Fish Marketing Organization to the amount as may be necessary.

Section 23. The Committee shall every year appoint one or more auditors to audit and certify the yearly accounts, and shall submit the same to the Council of Ministers with the yearly report which must state the result of the work of the past year and give explanations concerning the policy of the Committee, schemes and plans for the future.

The Chairman, member of the Committee or officer may not be appointed auditor.

At the request of the Minister, the Audit Council shall be the auditor of the Fish Marketing Organization.

Section 24. The Committee shall represent the Fish Marketing Organizations as regards third persons, but the Committee may entrust the Director or any officer of the Fish Marketing Organization to be the representative.

Section 25. The Committee shall have the power to appoint or remove the Director with the approval of the Minister.

Section 26. The Director shall be the person to administer the affairs of the Fish Marketing Organization according to the policy and rules and regulations laid down or entrusted to him by the Committee.

Section 27. The Chairman and members of the Committee receive their remunerations as determined by the Council of Ministers.

Section 28. The Chairman, members of the Committee, the Director and officers may receive bonuses in accordance with the rules determined by the Council of Minister.

Chapter 2.

FISH AGENT ACTIVITIES

Section 29. No person may undertake the activities of a fish agent unless he has obtained a license and has paid the fees according to this Act.

Section 30. No person may act as auctioneer of fishery merchandise at the fish wholesale market unless he has obtained a license and has paid the fees according to this Act.

Section 31. The Director – General shall, with the approval of the Minister, have the power to issue the following regulation by way of notification in the Government Gazette: -

(1) To require the persons undertaking the activities of fish agents to carry on the activities as the fish wholesale market and to comply with the specified rules and conditions;

(2) To determine the maximum charges for brokerage, transport and other expenses to be collected by the persons undertaking the activities of fish agents from the owners of fishery merchandise or the buyers of fishery merchandise;

(3) To determine the procedure of sale by auction and the units of weight or quantities of fishery merchandise;

(4) To regulate berthing carriage and traffic at the fish wholesale market;

(5) To require the persons undertaking the activities of fish agents to keep accounts and documents in Thai according to the prescribed forms

Section 32. The Director – General shall, with the approval of the Minister, have the power to prescribe forms for the person undertaking the activities of a fish agent to enter particulars, amounts, quantities, kinds, prices of merchandises and others.

The person undertaking the activities of a fish agent shall enter the answers in the forms according to the truth together with his signature, and shall make arrangements to file the same according to the prescribed time and procedure at the place therein stated.

For the purpose of verifying the particulars filed in the form as aforesaid the Director – General may if he deems fit, give order in writing ordering the competent official, during official hours, to make entry in and inspect account books or various documents in the office of the person undertaking the activities of a fish agent, in which case the person undertaking the activities of a fish agent shall afford facilities to the competent official for this purpose provided that the inspection shall not obstruct the activities of the person undertaking the activities of a fish agent.

Section 33. In the case where the person undertaking the activities of a fish agent refuses to auction fishery merchandise, the Minister or the person entrusted by the Minister has the power to order the Fish Marketing Organization to carry on the sale by auction of fishery merchandise itself at the fish wholesale market.

Section 34. The Minister has the power to grant exemption or reduction of fees or service charges according to this Act in favour of fishing co – operatives as he may deem fit.

Section 35. No person undertaking the activities of a fish agent at the fish wholesale market may buy fishery merchandise for his own account unless with the consent of the owner of the fishery merchandise, in which case no brokerage may be charged from owner of the fishery merchandise.

Section 36. In the case where the person undertaking the activities of a fish agent or the auctioneer of fishery merchandise violates this Act, fails to comply with the regulations issued under this Act or does not pay the service charges demanded by the Fish Marketing Organization, or refuses to auction, the Director – General has the power to order him to cease the activities indefinitely or cancel his license.

Before making order mentioned in the preceding paragraph the Director – General shall first give warning in writing requiring the person undertaking the activities of a fish agent or the auctioneer of fishery merchandise to correctly comply within a reasonable period of time.

Section 37. In the case where a license is refused by the competent official or in the case where the Director – General makes order to cease the activities of a fish agent or to cease auctioneering fishery merchandise or to cancel a license, the person applying for a license or the person being ordered as aforesaid may appeal to the Minister by lodging his appeal with the Director – General within fifteen days from the date of knowing the said order. The appeal shall be forwarded by the

Director – General to the Minister within seven days from the date of receiving the appeal.

The decision of the Minister shall be final.

Chapter 3.

PENALTIES

Section 38. Whoever violates Section 29 shall be punished with fine not less than five thousand but not exceeding ten thousand baht or imprisonment not exceeding six months, or both.

Section 39. Whoever violates Section 30 or 35 or violates the regulations of the Director – General issued under Section 31 (1) (2) (3) and (5) , or obstructs the sale by auction of fishery merchandise by the Fish Marketing Organization under section 33 shall be punished with fine not exceeding five thousand baht or imprisonment not exceeding three months, or both.

Section 40. Whoever fails to file any form or intentionally files incompletely and form prescribed by the Director – General, or fails to comply with the regulations of the Director – General concerning the filing of forms or knowingly makes false entries therein, or refuses to allow entry to the competent official for the purpose of inspecting account books or documents according to the order of the Director – General, or does not afford facilities for such inspection under Section 32 shall be punished with fine not exceeding one thousand baht.

Section 41. Whoever violates the regulations of the Director - General issued under Section 31 (4) shall be punished with not exceeding two hundred baht.

Chapter 4

TRANSITORY PROVISIONS

Section 42. Persons undertaking the activities of fish agents or being auctioneers of fishery merchandise before the date of enforcement of this Act shall apply for licenses under this Act within sixty days from the date of enforcement of this Act.

Counter – Signature:

Field Marshal P. Pibulsonggram –

President of the Council of ministers.

SCHEDULE OF THE RATES OF FEES

Nos.	Particulars	Fees
1	License for undertaking the activities of a fish agent of the category of fresh fishery merchandise (salt water and fresh water fish) per year	5,000 baht
2	License for undertaking the activities of a fish agent of the category of salted or dried fishery merchandise or fishery products (salt water and fresh water fish) per year	3,000 baht
3	License for undertaking the activities of a fish agent of the category of fresh fishery merchandise (for fresh water fish only) per year	500 baht
4	License for undertaking the activities of a fish agent of the category of salted or dried fishery merchandise or fishery products (for fresh water fish only) per year	300 baht
5	License for auctioneering fishery merchandise per year	200 baht
6	Substitute of license per year	20 baht