

ร่างพระราชบัญญัติวิศวกร พ.ศ. ๒๕๕๒ ฉบับภาษาอังกฤษ

ENGINEER ACT, B.E. 2542

BHUMIPOL ADULYADEJ, REX.

Given on the 19th day of November B.E. 2542

Being the 54th year of the Present Reign.

By Royal Command of His Majesty King Bhumipol Adulyadej, it is hereby proclaimed that

Whereas it is proper to improve the law on the engineering profession,

Whereas this Act contains provisions relevant to the restriction of the rights and liberty of individuals, such restriction are permitted by Section 25, Section 39 and Section 50, of the Constitution of the Kingdom of Thailand,

His Majesty the King, by and with the advice and consent of the National Assembly, is graciously pleased to enact an Act as follows:

Section 1. This Act shall be called the “Engineer Act, B.E. 2542”.

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

Section 3. The following Acts are hereby repealed:

- (1) The Act on the Engineering Profession, B.E. 2505
- (2) The Act on the Engineering Profession (Number 2), B.E. 2512
- (3) The Act on the Engineering Profession (Number 3), B.E. 2520

Section 4. In this Act:

“Engineering Profession” means the engineering profession in the fields of civil engineering, mining engineering, mechanical engineering, electrical engineering, industrial engineering and other fields of engineering provided in ministerial regulations;

“Controlled Engineering Professions” means the engineering professions provided in ministerial regulations;

“License” means the license for practicing controlled engineering professions under this Act;

“Controlled Engineering Professions Practitioners” means persons who have been licensed for practising controlled engineering professions by the Council of Engineers;

“Members” means members of the Council of Engineers;

“Council Board Members” means the members of the Board of the Council of Engineers;

“Board” means the Board of the Council of Engineers;

“Secretary-General” means the secretary-general of the Council of Engineers;

“competent officials” means persons who are appointed by the Minister to perform their duty under this Act;

“Minister” means the Minister in charge of the execution of this Act.

Section 5. The Minister of Interior shall be in charge of the execution of this Act and be empowered to appoint Officers, to issue ministerial regulations prescribing the fee rates not in excess of those annexed hereto, and to issue additional ministerial regulations for the execution of this Act.

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

CHAPTER I
COUNCIL OF ENGINEERS

Section 6. The Council of Engineers shall be established with the objectives and authority as prescribed in this Act.

The Council of Engineers shall be a juristic person.

Section 7. The Council of Engineers shall have the following objectives:

- (1) to promote the study, research and practice of the engineering profession;
- (2) to promote the unity among Members and conciliation of dispute among them;
- (3) to promote the welfare and maintain the honor of Members;
- (4) to supervise the conduct and practice of the Controlled Engineering Profession Practitioners in compliance with the standard and the Code of Ethics of the Engineering Profession;
- (5) to render assistance, suggestions and services to the general public and other organizations respecting technical matters concerning science and engineering technology;
- (6) to give advice or proposal concerning the policy and problems in engineering and technology to the Government;
- (7) to act as the representative of the engineering profession practitioners of the Kingdom of Thailand;
- (8) to perform other duties as specified in the ministerial regulations.

Section 8. The Council of Engineers shall have the power and duty

- (1) to issue license to applicants for the Controlled Engineering Profession;
- (2) to suspend or revoke the license;
- (3) to certify the degree, diploma or certificate required for practising the Controlled Engineering Profession;
- (4) to certify knowledge and experience of a person practicing the Controlled Engineering Profession;
- (5) to propose to the Minister the addition or the removal of fields in the Controlled Engineering Professions;
- (6) to issue the regulations of the Council of Engineers concerning
 - (a) determination of prohibited characteristics under Section 12 (6);
 - (b) admission of Members, the rates of registration fees, membership fees and other fees from a Member or a non-Member;

- (c) appointment and election of the Council Board Members under Section 32;
- (d) the issuance of license, the term, the suspension and the revocation of the same, and the certification of knowledge and experience in the practice of Controlled Engineering Professions;
- (e) the qualifications, terms and the termination of office of the inspectors under the second paragraph of Section 20;
- (f) the regulations relating to the application for license in any level of engineering profession and the qualifications of such applicants under Section 46;
- (g) the qualifications and the prohibited characteristics of the applicants for the license under Section 49;
- (h) the code of ethics of the engineering profession and violation of the code in such a manner that disgraces the engineering profession;
- (i) the standard in the practice of the Controlled Engineering Profession;
- (j) the meetings of the general assembly of the Council of Engineers;
- (k) any other matters specified in this Act

The regulations of the Council of Engineers shall be approved by the Special President and shall come into force upon its publication in the Government Gazette.

Section 9. The Council of Engineers shall have income from

- (1) registration fees, membership fees and any other fees stipulated in this Act;
- (2) subsidies from the government budget;
- (3) other benefits derived from management of property and operation of the Council of Engineers;
- (4) financial aids and donations to the Council of Engineers;
- (5) interest derived from money and properties as stated in (1), (2), (3) and (4).

Section 10. The Minister shall be the Special President of the Council of Engineers and shall have the power and duty as provided in this Act.

CHAPTER II

MEMBERS

Section 11. There shall be three categories of Members of the Council of Engineers as follows:

- (1) ordinary members;
- (2) extraordinary members;
- (3) honorary members

Section 12. An ordinary member shall meet the qualifications and be free from the prohibited characteristics as follows:

- (1) not being under eighteen years of age;
- (2) being of Thai nationality;
- (3) having knowledge in the engineering profession as qualified by a degree, diploma or certificate equivalent to a degree in an engineering field certified by the Council of Engineers;
- (4) not having been a violator of the Code of Ethics in such a manner that may disgrace the engineering profession as specified in the regulations of the Council of Engineers;
- (5) not having been imprisoned by a final judgment of a court of justice to a term of imprisonment in violation of the code of ethics in such a manner that disgraces the engineering profession specified in the regulations of the Council of Engineers;
- (6) not being a person of unsound mind, a seriously handicapped person or being afflicted with a disease specified in the regulations of the Council of Engineers

An extraordinary member must be a person practising in a field of the engineering profession and must meet the qualifications and be free from the prohibited characteristics specified in the regulations of the Council of Engineers.

An honorary member is a qualified person appointed by the general assembly of the Council of Engineers.

Section 13. Ordinary members shall have right and duty

- (1) to express their opinions in the general assembly of the Council of Engineers;
- (2) to cast their votes in the general assembly of the Council of Engineers;
- (3) to express their opinions and submit in writing to the Board an inquiry into the work of the Council of Engineers; and in case fifty or more members jointly propose that the Board

consider any particular issue concerning the work of the Council of Engineers, the Board shall without delay consider that matter and inform the result of the consideration to the proposers;

- (4) to elect, be elected or appointed the Council Board Members;
- (5) to pay the registration fee and the membership fee specified in the regulations of the Council of Engineers;
- (6) to maintain the prestige of the engineering profession and conduct themselves in compliance with the provisions of this Act.

Excepting those specified in (2) and (4), extraordinary members and honorary members shall be entitled to the rights and duties of ordinary members.

Section 14. Membership of the members shall be terminated upon

- (1) death;
- (2) resignation;
- (3) being removed from membership by the resolution of the Board on the ground of lacking qualifications specified in Section 12 for an ordinary member or an extraordinary member as the case may be;
- (4) being revoked from the appointment as an honorary member by the general assembly resolution of the Council of Engineers;
- (5) failure , without acceptable reason, in payment of registration fee or membership fee specified in the regulations of the Council of Engineers;
- (6) having the license revoked by the resolution of the Council of Engineers under Section 64.

Section 15. An ordinary general assembly of members shall be held once a year.

Any other general assembly shall be called an extraordinary general assembly.

Section 16. The Board may summon a general meeting whenever it is deemed necessary.

A requisition for summoning an extraordinary general assembly may be made by ordinary members according to the principle and procedure specified in the regulations of the Council of Engineers; in such case, the Board shall summon the extraordinary general assembly within thirty days from the date of receipt of the requisition.

Section 17. A general assembly of the Council of Engineers with an attendance of less than two hundred ordinary members shall be cancelled if summoned by requisition of members. If the general assembly is summoned not by the requisition of members, it shall be postponed and the President of the Council of Engineers shall summon another general assembly within forty-five days.

Section 18. The President of the Council of Engineers shall preside over the general assembly of the Council of Engineers, or a Vice President of the Council of Engineers shall preside over as provided in Section 34 in case where the President is not present or incapable to carry on his duties, but if the President and the Vice Presidents are not present or incapable to carry on their duties, the members attending the meeting shall elect one of them to preside over as President of the assembly.

Section 19. The agenda for the annual general assembly shall include

- (1) an approval of the annual work plan of the Board;
- (2) a consideration and approval of the annual balance-sheet of the Council of Engineers,
- (3) an appointment of an auditor and fixing the auditor's fees.

Section 20. The General Assembly of the Council of Engineers may appoint one or several inspectors from the Members or a non-Member.

Qualifications, term and the termination of office of the inspectors shall be as specified in the regulations of the Council of Engineers.

The inspectors shall have power and duty to examine the operation of the Board and shall submit a report to the general assembly of the Council of Engineers.

Section 21. The inspectors shall have the power to enter into any office of the Council of Engineers during working hours for inspection of the working of the Board. For this purpose, anybody involved shall reasonably render facilities, assistance or give explanation to the inspectors.

Section 22. The Board together with any sub-committee, official, employee and representative of the Council of Engineers shall have the duties to give any documents or evidence in their safekeeping or control or give any explanation concerning the operation within the scope of work of the Council of Engineers to the inspectors upon their requisition.

Section 23. In case where the Board fails to act in compliance with the annual year plan or operates in a manner likely to cause damage to or contrary to the objectives of the Council of Engineers, the inspectors shall, as they deem appropriate, report to the general assembly of the Council of the Engineers or to the general assembly of the ordinary members for further consideration.

CHAPTER III**THE BOARD**

Section 24. There shall be the Board of the Council of Engineers consisting of

- (1) ten Council Board Members elected by ordinary members from ordinary members who do not hold the office of faculty in an educational institution at a degree level;
- (2) five Council Board Members elected by ordinary members from ordinary members who hold the office of faculty in an educational institution at a degree level;
- (3) five Council Board Members appointed by the Council of Ministers from ordinary members upon the proposal of the Minister.

The election and the appointment of the Council Board Members as stated in the first paragraph shall take into account the appropriate proportion of ordinary members in various fields of controlled engineering.

Section 25. When the Council Board Members have been appointed and the result of the election of the Council Board Members under Section 24 has been known, the Special President of the Council of Engineers shall summon a meeting of the Board within thirty days. The date of such meeting shall be reckoned as the commencement of the terms of office of the Council Board Members.

Section 26. The Board shall elect from the Council Board Members the President, the First Vice President and the Second Vice President of the Council of Engineers.

The President of the Council of Engineers shall, by approval of the Board, elect from the Council Board Members the Secretary-General and the Treasurer, and may elect other Council Board Members to hold other positions as deemed necessary.

The President of the Council of Engineers shall, by approval of the Board, have the power to remove the Secretary-General, the Treasurer, and other officials as stated in the second paragraph.

The President, the First Vice President and the Second Vice President shall remain in office as long as the elected Council Board Members retain their office.

When the President of the Council of Engineers retires from the office, the Secretary-General, the Treasurer and other Officers shall also be retired.

Section 27. The Council Board Members shall meet the qualifications and be free from the prohibited characteristics as follows :

- (1) having been licensed as a professional engineer for at least ten years or as a senior engineer;
- (2) his license not having been suspended or revoked;

- (3) not being a bankrupt.

Section 28. The Council Board Members shall hold office for a term of three years, and elected Council Board Members shall not hold office for more than two consecutive terms.

A Council Board Member who retires at the end of his term shall carry on his duties until a new Council Board Member is elected or appointed.

Section 29. Apart from vacating office at the expiration of the term, a Council Board Member vacates office upon;

- (1) membership being terminated under Section 14;
- (2) lacking of qualification under Section 27;
- (3) resignation;
- (4) being removed by the resolution, consisting of not less than two-third majority votes of attending Members of the Council of Engineers;
- (5) vacancy under the first paragraph of more than half of all elected Council Board Members and the term of office of the Board shall expire in less than ninety days;
- (6) being removed by the Minister with the approval of the Council of Ministers under Section 69.

Section 30. The Board shall, in case of a vacancy of any elected Council Board Members other than by expiration of the term, elect qualified Members under Section 27 and Section 24 (1) or (2), as the case may be, to fill up the vacancy within thirty days from the date of the vacancy; the Board, however, may or may not elect a new Council Board Member to fill the vacancy if the term of the Board shall expire in less than ninety days, there may or may not be a replacement.

If the vacancy of the elected Council Board Member under the first paragraph occurs to more than half of all elected Council Board Members and the term of office remains for more than ninety days, a general assembly shall be summoned to elect Council Board Members to replace such vacancy.

The appointee or elected Council Board Member shall hold office for the remaining term of the person he replaces.

Section 31. When a Council Board Member appointed under Section 24 (3) vacates the office before the expiration of his term, another Council Board Member shall be appointed to replace him within thirty days from the date the vacancy occurred, if the remaining term of the Board is less than ninety days, however, the replacement is not obligatory.

The person appointed to replace any Council Board Member shall hold the office for the remaining term of the person he replaces.

Section 32. The election of Council Board Members under Sections 24 (1) and (2) and the appointment of Council Board Members to hold office under Section 26 together with the appointment or election of Council Board Members under Section 30 shall be made in compliance with the regulations of the Council of Engineers.

Section 33. The Board shall have the power and duty

- (1) to manage and operate any business in accordance with the objectives and regulations of the Council of Engineers;
- (2) to supervise and proceed legal action against any person who violates this Act;
- (3) to issue regulations of the Council Board on any matter specified by this Act or assigned by the General Assembly of the Council of Engineers as the duties of the Board;
- (4) to draw the operation plan and draw the budget of the Council of Engineers;
- (5) to make the final judgment on the appeal submitted by a licensee concerning the verdict of The Ethical Committee under Section 62.

Section 34. The President, the First Vice President, the Second Vice President, the Secretary-General and the Treasurer of the Council of Engineers shall have the power and duty as specified in this Section :

- (1) the President of the Council of Engineers shall have the power and duty
 - (a) to represent the Council of Engineers in its business related to a non-Member;
 - (b) to preside over any meeting of the Board and any general assembly of the Council of Engineers;
 - (c) to conduct any business of the Council of Engineers in compliance with the resolution of the Board;
- (2) the First Vice President shall assist the President, upon his assignment, in any affairs within the scope of the President's power and duty and shall be acting on behalf of the President if the President is not present or unable to carry on his duty;
- (3) the Second Vice President shall assist the President, upon his assignment, in any affairs within the scope of the President's power and duty and shall be acting on behalf of the President if the President and the First Vice President are not present or unable to carry on their duty;
- (4) the Secretary-General shall have the power and duty
 - (a) to supervise the working of all of the officials of the Council of Engineers;
 - (b) to act as the secretary at the meeting of the Board and at the general assembly of the Council of Engineers;
 - (c) to operate any affairs assigned by the President of the Council of Engineers;

- (5) the Treasurer shall have the power and duty to control, supervise and be in charge of keeping the accounts, the finance and budget of the of the Council of Engineers.

The President of the Council of Engineers may assign the Vice President, Council Board Members, the Secretary-General, the Treasurer and officials of the Council of Engineers to perform any work for him as provided in the regulations of the Council of Engineers.

CHAPTER IV
OPERATION OF THE BOARD

Section 35. At the meeting of the Board, the presence of not less than one-half of the total number of Council Board Members is required to constitute a quorum.

The President of the Council of Engineers shall preside over the meeting; in case he does not attend the meeting or is incapable to carry on his duty, the Vice Presidents, or the Acting President under Section 34, shall preside over the meeting. If the President and Vice Presidents do not attend the meeting or are incapable to perform their functions, the Council Board Members present shall elect one among of them to preside over the meeting.

The resolution of the meeting shall be passed by majority of votes, each Council Board Member having one vote; in case of an equality of votes, the person presiding the meeting shall have an additional vote as the casting vote.

Removal of membership under Section 14 (3) requires the resolution of not less than two-third majority of votes of the Council Board Members present.

Section 36. The Special President of the Council of Engineers may attend any meeting of the Board and express his opinion in the meeting or send his comment in writing on any matter to the Council of Engineers.

Section 37. In the operation of the Board, annual operation plan and the budget shall be drawn up by the Board and submitted to the General Assembly of the Council of Engineers, and can be carried out only with the approval of the General Assembly.

The Board shall make an annual report of its works in the previous year, its explanation concerning any policy together with an annual balance sheet, a revenue account and an expense account certified by a legitimate auditor, to the General Assembly of the Council of Engineers within one hundred and twenty days after the end of the calender year.

Section 38. The Board may appoint a sub-committee to consider or carry out any matter assigned by the Board.

The meeting of the sub-committee shall be in accordance with the rules prescribed by the Board.

Section 39. There shall be an office of the Council of Engineers to perform the administrative works for the Board and the Council of Engineers.

Section 40. The President of the Council of Engineers shall, by the approval of the Board, appoint as the head of the office of the Council of Engineers a person with qualifications and without prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) not being under thirty years of age;
- (3) not being a bankrupt, a person of unsound mind or an incompetent or quasi-incompetent person;
- (4) not having been finally judged to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (5) having other qualifications prescribed by the Board.

Section 41. The term of office, the termination of office, rate of wages and other conditions in carrying out the duty of the head of the office of the Council of Engineers shall be in accordance with the contract contained in the form prescribed by the Council of Engineers.

Section 42. The head of the office of the Council of Engineers shall have the power and duty :

- (1) to control and be responsible for the general administrative work of the Council of Engineers;
- (2) to keep and maintain the member registry, license registry, and other registries of the Council of Engineers;
- (3) to take care of any property of the Council of Engineers;
- (4) to carry out any work assigned by the Board or the Secretary-General.

CHAPTER V
REGULATIONS OF THE COUNCIL OF ENGINEERS

Section 43. The draft of regulations of the Council of Engineers may be submitted only by the Board or by an ordinary member.

The draft of regulations of the Council of Engineers may be submitted by an ordinary member only when endorsed by not less than one hundred ordinary members.

The Board shall hold the General Assembly for considering the submitted draft of regulations of the Council of Engineers when it is deemed suitable. That the draft is not a contingent item, but the major item in the agenda, must be clearly stated in the notice to summon the meeting, and a copy of the draft of the regulations of the Council of Engineers must be attached.

Section 44. After the General Assembly of the Council of Engineers has passed the draft of the regulations of the Council of Engineers by not less than one-half majority of votes of attending Ordinary Members, the President of the Council of Engineers shall forward the draft to the Special President without delay. The Special President may, with clear reasoning stipulated, veto the draft. In case the veto is not made within thirty days after the receipt of the draft, it shall be assumed that the Special President has given his approval.

If the Special President vetoes the draft of the regulations of the Council of Engineers, the Board shall hold another meeting within thirty days after the receipt of the veto. If the resolution is confirmed by not less than two-third majority of the Council Board Members, the draft of the Regulations shall be assumed to have been approved by the Special President.

CHAPTER VI
CONTROL OF PRACTICING THE ENGINEERING PROFESSION

Section 45. No one shall practice the Controlled Engineering Profession or act by any means in order to cause any other person to believe that he is ready to practice in any field of the Controlled Engineering Profession, unless he has received the license in such a field of the Controlled Engineering Profession from the Council of Engineers.

Section 46. Persons practicing the Controlled Engineering Profession in any field may be classified into four levels as follows:

- (1) senior professional engineer;
- (2) professional engineer;
- (3) associate engineer;
- (4) adjunct engineer.

The criterion and qualifications of a person practicing the Controlled Engineering Profession shall be in accordance with the terms prescribed in the regulations of the Council of Engineers.

Section 47. No one is permitted to cause, by words or in writing, others to believe that he has an academic knowledge and expertise in the practice the Controlled Engineering Profession, or to employ, or hire, or allow others to do the same for him, unless he has received a certificate or a written permit certifying his academic knowledge and expertise in the practice of the Controlled Engineering Profession in such and such field from the Council of Engineers or from other institution certified by the Council of Engineers or a license with qualifications stipulated in the regulations of the Council of Engineers.

Section 48. The issuance of a license, its term of validity, the suspension and the revocation of the license, and the certification of the academic knowledge and experience in the practice of the Controlled Engineering, shall be in accordance with the regulations of the Council of Engineers.

Section 49. A person applying for the license shall meet the qualifications and be free from the prohibited characteristics as described in the regulations of the Council of Engineers.

A natural person applying for the license must be an ordinary member or an extraordinary member of the Council of Engineers, and his license shall expire upon termination of his membership.

A juristic person applying for the license, regardless of the number of foreigner-owned shares of the capital, shall have minimum qualifications as follows:

- (1) its principal business office be located in the Kingdom of Thailand;

- (2) either not less than one-half of the total number of partners in the partnership, or of directors in the company, or of members of the administrative board of such juristic person, or the sole executive with exclusive administrative power of the same, must have been licensed under this Act.

Section 50. A licensee shall conduct himself in accord with the Code of Ethics of the engineering profession as described in the regulations of the Council of Engineers.

Section 51. A person who suffers damage from any act of a licensee or finds any violation of the Code of Ethics committed by him, is entitled to file an allegation against him to the Council of Engineers.

A Council Board Member or any other person is entitled to accuse a Controlled Engineering Professions Practitioner of violation of the Code of Ethics of the engineering profession by filing an accusation with the Council of Engineers.

The right of allegation under the first paragraph or of accusation under the second paragraph shall come to an end after one year from the date the violation of the code of ethics and the person who committed the violation became known.

The withdrawal of the allegation or accusation which has already been filed shall not be the cause of ending the operation under this Act.

Section 52. When the Council of Engineers receives the allegation or accusation under Section 51, the Secretary-General shall submit such allegation or accusation to The Ethical Committee without delay.

Section 53. There shall be Ethical Committee consisting of a Chairman and members, the number of which is to be determined by the Board.

The Board shall appoint ethical committee members upon the resolution of the general assembly of the Council of Engineers from members who have the following qualifications:

- (1) having been practitioners of the Controlled Engineering Profession for not less than ten years;
- (2) never having been punished on the ground of ethical misconduct.

Section 54. The Ethical Committee member shall hold office for a term of three years and may, except for having held office for two consecutive terms, be re-appointed.

The Ethical Committee member who vacates office at the expiration of his term shall continue to perform his duties until a new ethical committee member has been appointed.

Section 55. Apart from vacating office at the expiration of the term, an ethical committee member vacates office upon

- (1) resignation;

- (2) termination of membership under Section 14;
- (3) lacking any qualifications under the second paragraph of Section 53;
- (4) being removed from office by resolution of not less than two-third majority votes of attending members of the Council of Engineers.

Section 56. When a vacancy of an Ethical Committee member occurs before the end of his term, the Board shall appoint a replacement to fill such vacancy. In case the remaining term of such member is less than ninety days, however, the Board may or may not appoint such replacement.

The replacing member of The Ethical Committee shall hold office for the remaining term of the member whom he replaces.

Section 57. The Ethical Committee shall have the power and duties to take into consideration the allegation against a licensee on the ground of ethical misconduct of the engineering profession.

The procedure and the judgment of The Ethical Committee shall be in accordance with the rules prescribed by the Board.

Section 58. The Ethical Committee may appoint a sub-committee, or more, to perform any work on its behalf.

The performance of the work of the sub-committee under the first paragraph shall be in accordance with the rules of the Board.

Section 59. The Ethical Committee or its appointed sub-committee shall, in the performance of their work, have the power to issue a written order to a person concerned to give testimony, or to submit any document or any object for the purpose of consideration; in case the order be to a non-licensee, the approval of the Special President or a person authorized by him shall be required.

A member of The Ethical Committee or the Ethical Sub-Committee shall, in the performance of duties under this Act, be an official under the Penal Code.

Section 60. The chairman of The Ethical Committee shall notify the alleged or accused licensee in writing of the allegation or accusation not less than fifteen days before the commencement of the hearing; a copy of the allegation or accusation shall be attached to the notification.

The alleged or accused person has the right to submit a statement or any evidence to The Ethical Committee or to the appointed Ethical Sub-Committee within fifteen days from the date of receipt of the notification from the chairman of The Ethical Committee or within the time required by The Ethical Committee.

Section 61. The Ethical Committee is empowered to pass any of the following judgments:

- (1) dismissing the allegation;
- (2) admonition;

- (3) probation;
- (4) suspending the license for a period of time as it deems appropriate but not exceeding five years;
- (5) revocation of the license.

Section 62. The licensee who is judged by The Ethical Committee under Section 61 (2) (3) (4) or (5) may appeal the judgment to the Board within thirty days from the date of receipt of the judgment.

The appeal shall be made in compliance with the criteria and procedure specified in the regulations of the Council of Engineers.

The judgment of the Board shall be given as an order of the Council of Engineers, stating the reasons for the judgment, and shall be final.

Section 63. Any licensee, from the date of his knowledge of the suspension of his license by the Council of Engineers Order, shall be prohibited from practicing the Controlled Engineering Profession and from acting by any means to cause any other person to believe that he has the right or is ready to practice the Controlled Engineering Profession.

Section 64. If any licensee whose license has been suspended violates the provisions of Section 63, the Council of Engineers shall pass the resolution revoking his license from the date of the final judgment of the Court.

Section 65. Any licensee whose license has been revoked cannot apply for a new license until a period of five years from the date of the revocation of his license has passed.

The revocation of the license given to a juristic person is effective on the license of any partner in partnerships, any director of a company, any executive of a juristic person and any staff or employee of the said organisation who take part in the acts leading to the revocation of the license; and besides, the aforesaid persons are prohibited to become a partner in partnerships, a director of a company, an executive of a juristic person which receives license under this Act until a period of five years from the date of the revocation has passed.

CHAPTER VII
DIRECTING AND SUPERVISING

Section 66. The Minister shall have the power and duty

- (1) to direct and supervise the operation of the Council of Engineers and the practice of the Controlled Engineering Profession;
- (2) to make an order to any competent official for inquiry of any fact relating to the operation undertaken by the Council of Engineers and the practice of the Controlled Engineering Profession;
- (3) to make a written order to any Council Board Member to give an explanation of any fact related to the work undertaken by the Council of Engineers; he may also order the Council Board Member to submit to him any documents concerning the performance of work of the Board or the minutes of the meetings of the Board;
- (4) to make a written order to the Council of Engineers to freeze or correct any action which appears to conflict with the objectives or the regulations of the Council of Engineers, laws, or the regulations of the Council of Engineers.

Section 67. The competent official, in the due performance of the Minister's order under Section 66, shall have the power to issue a written order requiring a person concerned to give a statement or to submit any document or object for consideration; he is also empowered to enter the office of the Council of Engineers or a place of practice of the Controlled Engineering Profession during working hours to examine any document or other evidences. In this capacity, the competent official shall be the official under the Penal Code.

Any person concerned shall provide reasonable facilities to the Official in the due performance of duty under the first paragraph.

Section 68. The competent official shall, in the due performance of duty, show his identification card to any person concerned.

The identification card of the competent official shall be made in accordance with the form prescribed by the Minister as publicised in the Government Gazette.

Section 69. When it appears that the Council of Engineers does not act in compliance with the Minister's order under Section 66, or when any instance arises indicating that the Board, the President of the Council of Engineers or any Council Board Member has acted against the objectives of the Council of Engineers or has acted in a

manner which may cause serious disgrace to the Council of Engineers, the Minister shall, with the approval of the Council of Ministers, have the power to **dismiss** such Board, the President of the Council of Engineers or Council Board Member to be vacated from office.

Before the Minister issues an order under the first paragraph, he shall appoint an inquiry commission consisting of five ordinary members to examine the case promptly and submit its inquiry file and opinions to the Minister for consideration and taking proper action.

The Minister's order shall be final.

Section 70. In case where the Minister issues an order under Section 69, all Council Board Members shall terminate their office, and the Minister shall in the same day appoint an equal number of ordinary members of the Council of Engineers to temporarily fill the vacancy under Section 24.

The temporary Council Board Members under the first paragraph shall have the power and duty to perform only necessary functions and within thirty days from the date of the Minister's appointment order shall arrange for an election and appointment of new Council Board Members under Section 24.

When the new Council Board Members have taken the office, the temporary Council Board Members appointed by the Minister shall vacate the office.

CHAPTER VIII**PENALTY**

Section 71. Whoever violates Section 45 or Section 63 shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both.

Section 72. Whoever violates Section 47 shall be punished with the imprisonment not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Section 73. Whoever does not act in compliance with the order of The Ethical Committee or its sub-committee under Section 59 or the order of the competent official under Section 67 shall be punished with imprisonment not exceeding one month or a fine not exceeding one thousand baht, or both.

Section 74. In case where the offender under this Act is a juristic person, the partners of the partnership, the director of the company, the representative of the juristic person or whoever involved in the said offence is said to commit such offence as a principal, the person who employs another to commit an offence, or an accessory, as the case may be, shall be liable to the punishment for such offence; the juristic person involved shall be punished with a fine not exceeding tenfold of the fine rate for such offence.

TRANSITORY PROVISIONS

Section 75. The Engineering Control Commission (ECC) under the Act on the Engineering Profession B.E. 2505 shall continue to perform the duties of the Board under this Act until the Board under Section 24 be properly functioning, and shall have the power to issue, for temporary use as necessary, the regulations of the Council of Engineers under Section 8 (6); the said regulations shall remain in force until they are altered, and in this respect, Section 43 and Section 44 shall not be applied.

The ECC Office under the Act on the Engineering Profession B.E. 2505 shall continue to perform the duty of the Council of Engineers under Section 39 and the ECC Registrar under the Act on the Engineering Profession B.E. 2505 shall temporarily, but not exceeding one hundred and eighty days following of the commencement of office of the Board under Section 25, function as the Head of the Office of the Council of Engineers under Section 42 until such office shall be functioning.

The election and appointment of the Council Board Members under Section 24 shall be done within one hundred and eighty days as of the date of the enforcement of this Act.

Section 76. Controlled engineering profession licensees in the categories of associate engineer, professional engineer and senior engineer under the Act on the Engineering Profession B.E. 2505 on the date of the publication of the present Act in the Government Gazette shall become ordinary members of the Council of Engineers under this Act.

Controlled engineering profession licensees in the category of special license under the Act on the Engineering Profession B.E. 2505 on the date of the publication of the present Act in the Government Gazette shall become extraordinary members of the Council of Engineers under this Act.

At the expiration of the license or over two years after the present Act has come into force, whichever date comes later, the membership of the member under the first and second paragraphs shall expire, unless such a member has applied for and has been accepted as a member of the Council of Engineers under this Act.

The diplomas or certificates according to the curricula and institutions certified by the Engineering Control Commission under the Act on the Engineer Profession B.E. 2505 shall be deemed the diplomas or certificates certified by the Council of Engineers under Section 8 (3).

Section 77. Controlled engineering profession licensees in the categories of senior engineer, professional engineer, associate engineer or special license holder under the Act on the Engineering Profession B.E. 2505 provided that the license is still valid on the date of the publication of the present Act in the Government Gazette,

shall become the Controlled Engineering Profession licensees on the levels of senior engineer, professional engineer, associate engineer or adjunct associate engineer, as the case may be, under this Act.

For the application of Section 27 (1), the period of time for having a license for practicing the Controlled Engineering Profession in the category of professional engineer under the Act on the Engineering Profession B.E. 2505 shall be deemed as the period of time for having the license on the level of professional engineer under this Act.

Section 78. The application for license which has been filed before the date of the enforcement of this Act shall be proceeded until it is completed and deemed as the proceeding under this Act, provided that the proceeding is completed within two hundred and forty days following the date of the enforcement of this Act; and if the said period of time has elapsed, the provisions of this Act shall apply.

The licensee under the first paragraph shall be deemed an ordinary member or an extraordinary member of the Council of Engineers under the provisions of Section 76 *mutantis mutandis*.

Section 79. Prior to the issuance of the ministerial regulation, the rule, the regulation, or the announcement for the application of this Act, the ministerial regulation, the rule, the regulation, or the announcement issued under the Act on the Engineering Profession B.E. 2505 shall apply *mutantis mutandis*.

Section 80. The misconduct against the etiquette or the requirement and condition for practicing the Controlled Engineering Profession under the Act on the Engineering Profession B.E. 2505, committed before the date of the enforcement of this Act and has not been proceeded under the Act on the Engineering Profession B.E. 2505, shall be deemed the violation of ethics of the engineering profession under this Act, the proceeding of which shall be conducted in accordance with this Act.

In case any action has been taken on the person who commits the misconduct against the etiquette or the requirement and the condition for practicing the Controlled Engineering Profession before the date of the enforcement of this Act, such action shall be deemed as taken under this Act, and any further action shall be conducted under this Act.

Countersigned by :

Chuan Leekpai

Prime Minister

Schedule of Fees

(1) The practicing controlled engineering profession license fees are as follows :

for a natural person;

(a)	senior professional engineer level	10,000 baht
(b)	professional engineer level	7,500 baht
(c)	associate engineer level	5,000 baht
(d)	special associate engineer level	5,000 baht ;

for a juristic person;

juristic person license fee	100,000 baht
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(2) The extension fees for a practicing controlled engineering profession license prior to its expiration are as follows :

for a natural person;

(a)	senior professional engineer level	3,000 baht
(b)	professional engineer level	2,000 baht
(c)	associate engineer level	1,000 baht
(d)	special associate engineer level	1,000 baht
	extra fee for late extension after the expiration of license	2,000 baht

for a juristic person;

(a)	fee for the extension of license prior to its expiration	30,000 baht
(b)	fee for the extension of license after its expiration	50,000 baht

(3) certificate for knowledge and experience in practicing controlled engineer profession 10,000 baht

(4) replacement certificate of license or evidence certifying for the receiving of license :

natural person	500 baht
juristic person	5,000 baht

(5) fee for examination test of knowledge in practicing controlled engineer profession per one test 2,000 baht

MINISTERIAL REGULATION
DETERMINATION ON RATE OF FEE FOR A PERSON PRACTICING IN CONTROLLED
ENGINEERING PROFESSION

B.E. 2544

By virtue of the power prescribed in section 5 of the Engineer Act B.E. 2542 which is the Act that has contained the limitation on right and liberty provisions of persons which section 29 appurtenant with section 39 and section 50 of the Constitution of the Kingdom of Thailand provided to be empowered to do by the provisions of the laws, the Minister of the Ministry of Interior issues the Ministerial Regulation as follows :

There shall be the following fees;

(1) fee for being a person practicing controlled engineering profession;

natural person;

(a)	senior professional engineer level	per one copy	5,000 baht
(b)	professional engineer level	per one copy	3,500 baht
(c)	associate engineer level	per one copy	1,000 baht
(d)	special associate engineer level	per one copy	500 baht

juristic person;

juristic person license fee	per one copy	10,000 baht
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(2) fee for the extension of license for being a person practicing controlled engineering profession prior to its expiration;

natural person;

(a)	senior professional engineer level	per one copy	1,500 baht
(b)	professional engineer level	per one copy	1,000 baht
(c)	associate engineer level	per one copy	500 baht
(d)	special associate engineer level	per one copy	500 baht

extra fee for late extension after the

expiration of license	per one copy	2,000 baht
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juristic person;

(a)	fee for the extension of license prior to its expiration	per one copy	3,000 baht
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(b)	fee for the extension of license after its expiration	per one copy	5,000 baht
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(3) certificate for knowledge and experience in

practicing controlled engineer profession	per one copy	5,000 baht
(4) replacement certificate of license or evidence certifying for the receiving of license :		
natural person	per one copy	500 baht
juristic person	per one copy	5,000 baht
(5) fee for examination test of knowledge in		
practicing controlled engineer profession	per one test	1,500 baht

Issue on the 29th day of October B.E. 2544

Police Captain Purachai Piemsomboon

Minister of the Ministry of Interior

Note : The reason in publication of this Ministerial Regulation is that the former rate of fee prescribed by the ministerial regulation issued by virtue of the power prescribed in the Act on the Engineering Profession B.E. 2505 which has been repealed but is still become enforced by the transitory provisions of the Engineer Act B.E. 2542, is not appropriate for present situation, and according to Section 5 of the Engineer Act B.E. 2542 the Minister of the Ministry of Interior shall issue the ministerial regulation for determination of the rate of fee not exceeding the rate attached to the said Act, thus it is necessary to issue this Ministerial Regulation.