

# Unofficial

Plants Act B.E.2518

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BHUMIBOL ADULYADEJ, REX.

Given on 9th February B.E.2518;

Being the 30th year of the present Reign.

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

Whereas it is expedient to have a law on plants:

Be it, therefore, enacted by the King, by and with the advice and consent  
of the National Legislative Assembly acting as the National Assembly as follows :

Section 1. This Act is called the "Plants Act, B.E.2518"

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

(Section 3 of the Plants Act B.E.2518 was repealed by Plants Act (No.2)  
B.E.2535 and supersedes with the followings:)

Section 3. In this Act.

"Plant Variety" means a variety or a group of plants which have the same or  
identical genotype and phenotype and have a specific identifiable character different from  
other group of plant in the same species.

"Seed" means seed or part of plant to be used for growing or propagation  
such as stalk, stump, bulb or shoot, rhizome, branch, twig, bud, root, tuber, flower, fruit or  
seed.

"Controlled seed" means seed prescribed by the Minister as controlled seed.

"Certified seed" means any seed the quality or properties of which have  
been tested, examined or analyzed and the Director-General has issued a certificate  
therefore :

"Registered Variety" means a plants which has been passed through registration procedures and the Director-General has issued a certificate therefore.

"Certified Variety" means a registered variety which has been approved to be certified variety and the Director-General has issued a certificate therefore.

"Reserved Plant" means a plant prescribed by the Minister as reserved plant.

"Prohibited Plant" means a plant prescribed by the Minister as prohibited plant.

"Conserved Plant" means plant species listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora prescribed by the Minister as conserved plant.

"Artificial Propagation" means non-naturalize propagation according to rules and method prescribed by the Director-General.

"Label" includes any picture, imprint or statement shown on a container.

2

"Container" means any material specifically used for packing or wrapping seed.

"Collect" means to collect seed for selection or packing in a container.

"Sale" means to sell, distribute, give or exchange for commercial purpose and includes to possess for sale.

"Import" means to bring or order into the Kingdom.

"Export" means to take or send out of the Kingdom.

"Bringing in transit" means bringing or sending through the Kingdom by unloading or transshipment.

"Premise" means the place, building or part of the building and also means the site of the building.

"Committee" means the Plants Committee.

"Competent Authority" means person appointed by the Minister for execution of this Act.

"Director-General" means the Director-General of the Department of Agriculture.

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

(Section 4 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 4. This Act shall not apply to Government agencies and state Enterprises attached to the Ministry of Agriculture and Cooperatives or other Government agencies concerning

(1) Controlled Seed

(2) Reserved Plant

(3) Prohibited Plant

Section 5. The Minister of<sup>3</sup>Agriculture and Co-operatives shall have authority and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulation prescribing fees not exceeding the rates annexed hereto, exempting fees and prescribing other activities, and issue Notifications for the execution of this Act.

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

## Chapter 1

### Plants Committee

(Section 6 of the Act B.E. 2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings :)

Section 6. There shall be a committee called the "Plants Committee" consisting of the Permanent Secretary of the Ministry of Agriculture and Co-operatives as

Chairman, Director-General of the Department of Agriculture, Director-General of the Department of Agricultural Extension, a representative of the Royal Forest Department, a representative of the Customs Department and not more than nine qualified persons appointed by the Minister as members, and the Director of the Agricultural Regulatory Division as member and secretary.

Section 7. A qualified member shall hold office for a term of two years, but may be re-appointed.

Section 8. A qualified member vacates office before the expiration of his term upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been imprisoned<sup>4</sup> by a final judgment of imprisonment except that such punishment is for an offence committed through negligence or for a petty offence;

When a qualified member vacates his office before the expiration of term of office, the Minister may appoint other person to replace him and such person shall hold office for the remaining term of office of the person he replaces.

Section 9. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present or is unable to perform his duty, the members present shall elect one of them to preside over the meeting.

The decision of the meeting shall be by a majority of votes.

In casting votes, each member shall have one vote; in case of an equality of votes, the chairman shall cast another vote as casting vote.

(Section 10 and 11 of the Act B.E. 2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 10. the Plants Committee have the power to appoint Sub-Committee for the purpose of study, research and act upon any plant prescribed by the Plants Committee and the provision of Section 9 shall apply mutatis mutandis to the Meeting of Sub-Committee

Section 11. The Committee shall have the power and duties as follows:

(1) to submit opinion to the Minister on the control, promotion and issue Notification in respect of plants.

(2) to give advise and recommend to the Minister in respect of plants.

(Title of Chapter 2, Application for and Issue of Licenses in Respect of Controlled Seed. Section 12, Section 13, Section 14, Section 15, Section 16 and Section 17 of the Plants Act B.E.2518 shall be repealed and superseded with the followings:)

## Chapter 2

### Application for and Issue of License in

### Respect of Controlled Seed

Section 12. The Minister<sup>5</sup> shall have the power to specify by notification in the Government Gazette the kinds and varieties name of plants as controlled seeds

Section 13. For the purposes of execution in respect of controlled seed, the Minister shall have the power to issue the notification in the Government Gazette:

(1) to determine that the licensee under Section 17 (1) (2) or (3) declare the kinds, varieties name and quantity of controlled seed he collects and site of collection.

(2) to prescribe the standard, quality, method of storing or keeping controlled seed for the licensee under Section 17 (1) (2) (3) or (4) to comply with.

(3) to prescribe the kinds and ratio of material used or contained or mixed or adulterated with controlled seed and to prescribe substance or thing being harmful to plant which shall not be used or contained or mixed or adulterated with controlled seed for the licensee under Section 17 (1) (2) (3) or (4) to comply with.

(4) to prescribe a harmful chemical to be mixed with controlled seeds by specifying common name, chemical name and the ratio of such chemical for the licensee under Section 17 (1) (2) (3) or (4) to comply with.

(5) to prescribe the kinds and varieties name of controlled seed to be packed in the container, to prescribe material to be used as container and method of packing controlled seed for the licensee under Section 17 (1) (2) (3) or (4) to comply with.

(6) to determine that the licensee under Section 17 (1) or (2) collect or sale controlled seed which are certified seed only.

(7) to determine the kinds and quantity of controlled seed of which its importation is permitted.

The Notification issued under this Section shall specify an effective date which must not be less than sixty days from the date of its publication.

Section 14. A person shall not collect, sell, import, export or bring in transit controlled seed for commercial purpose unless he has receives a license from the competent authority and must store<sup>6</sup>controlled seed in a place for storing controlled seed as specified in the license.

The application for and issue of a license shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The provisions, of this Section shall not apply to a grower who sells, without advertising, the controlled seed which he grows himself to a licensee to collect controlled seeds for commercial purpose or a licensee to export controlled seeds for commercial purpose or other plant growers for their own growing.

Section 15. After the Minister has issued a Notification prescribing the kinds and varieties name of plants as controlled seed under Section 12, a person who, for commercial purpose collects, sells, imports, exports or brings in transit controlled seed on the date of its publication shall apply for a license under Section 14, within ninety days from the date on which the Minister issues the Notification. Within the aforesaid period, such person may carry on his business for the time being and, after having filled an

application for a license, he may continue his business. Until the competent authority refuses the application and the provision of Section 51 shall apply *mutatis mutandis*.

Section 16. The competent authority shall issue a license to collect, sell, import or export controlled seed for commercial purpose only when it appears that the applicant:

(1) is a person of good financial standing adequately capable to carry on the business,

(2) is not less than twenty years of age,

(3) has his residence or office in Thailand,

(4) is not a person of unsound mind, nor being an incompetent or quasi-incompetent person,

(5) has a place appropriate for collection, sale, import or export of controlled seed for which the license is applied,

(6) uses a trade name which is not the same nor similar to the trade name of another licensee or person whose license<sup>7</sup> has been supersede or has been revoked but the period of two years has not yet elapsed there from.

In case where a juristic person applies for a license, it must be qualified under (1), (3), (5) and (6) and must have a person to carry out the business who is qualified under (2), (3) and (4).

Section 17. Licenses in respect of controlled seed are classified as follows;

(1) License for collection controlled seed for commercial purpose;

(2) License for selling controlled seed;

(3) License for importation controlled seed for commercial purpose;

(4) License for exportation controlled seed for commercial purpose;

(5) License for bringing in transit controlled seed for commercial purpose.

A licensee under (1), (3) or (4) shall be considered as a licensee under (2) for the controlled seed he collects, imports or exports, as the case may be.

Section 18. A license issued under Section 17 shall extend to the employees or agents of the licensee.

Any act of an employee or agent of licensee to whom a license is extended under paragraph one shall be considered as that of the licensee unless he can prove that such act is beyond his knowledge or control.

(Section 19 and Section 20 of Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 19. A license issued under Section 17 shall be valid until the last day of the calendar year of its issue except that a license to import controlled seed for commercial purpose, license to export controlled seed for commercial purpose and license to bring in transit controlled seed for commercial purpose shall be valid for a period specified therein but not longer than one year from the date of its issue. If the licensee wishes to renew his license, he must submit an application for its expiration and, after having submitted the said application, he may continue his business until the competent authority refuses to renew<sup>8</sup>the license.

The application for renewal of a license and the granting thereof shall be in accordance with the rules, procedure and conditions prescribed in a Ministerial Regulation.

Section 20. If the competent authority refuses to issue or renew a license, the person applying for such license or for the renewal thereof has the right to appeal in writing to the Minister within thirty days from the date of receipt of the notice from the competent official informing him of the refusal to issue or to renew the license.

The decision of the Minister shall be final.

In the case where the competent authority refuses to renew a license to collect controlled seeds for commercial purpose or license to sell controlled seeds, the Minister prior to giving his decision on the appeal, has the power to permit the appellant to continue his business for the time being upon application of the appellant.



(The title of Chapter 3,Duties of Licensees in Respect to Controlled Seed, Section 21, Section 22, Section 23 and Section 24 of Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

### Chapter 3

#### Duties of Licensees in Respect to Controlled Seed

Section 21. A licensee to collect controlled seed for commercial purpose shall not;

(1) pack controlled seeds in containers outside the place specified in the license; or

(2) sell controlled seeds packed in a container which are not in conformity with the label.

Section 22. A licensee to collect controlled seeds for commercial purpose shall comply with the followings:

(1) to provide a sign-board<sup>9</sup> at a conspicuous place that can be easily seen from outside the building that it is a place for collection of controlled seeds

The description and size of the sign-board and the statement thereon shall be as prescribed in a Ministerial Regulation.

(2) to provide a label in Thai language on a container of controlled seeds which have been collected and the label must show;

(a) the kinds and species of controlled seeds and the words' controlled seed;

(b) the trade mark for controlled seeds;

(c) the name of collector and source of collection;

(d) the net weight of controlled seeds in metric system;

(e) the germination rate of controlled seeds and the date of testing;

(f) the date of collection or import;

(g) the germinating period of controlled seeds and expiration date for growing or use in propagation;

(h) if the controlled seeds are mixed with other substance, the declaration of name and ratio of such substance mixed therewith;

(i) if the controlled seeds are mixed with a harmful chemical under Section 13, the declaration of name and ratio of such harmful chemical mixed therewith and the display of a skull and cross-bones together with the word 'Danger' in red letters;

(j) other statements which the Minister considers expedient to publish in the Government Gazette the inclusion thereof on a label.

Section 23. A licensee to import controlled seeds for commercial purpose shall comply with the followings:

(1) to provide a sign-board at a conspicuous place that can be easily seen from outside the building that it is a place for import of controlled seeds.

The description and size of the sign-board and the statement thereon shall be as prescribed in a Ministerial<sup>10</sup> Regulation.

(2) to furnish the competent official with a certificate from the collector in the country where the collection of controlled seeds was originated in the form and within the period prescribed by the Minister and published in the Government Gazette;

(3) to provide the competent authority with an appropriate quantity of controlled seeds as sample for each import for testing within the period prescribed by the competent authority.

(4) to provide a label on a container of controlled seeds imported under Section 22(2) and in the case where the licensee to import controlled seeds repack such seeds in containers, to also provide labels thereon under Section 22(2).

Section 24. A licensee to sell controlled seeds shall comply with the followings:

(1) to provide a sign-board at a conspicuous place that can be easily seen from outside the building that it is a place for sale of controlled seeds.

The description and size of the sign-board and the statement thereon shall be as prescribed in a Ministerial Regulation.

(2) to ensure that a label on a container of controlled seeds under Section 22(2) is shown fully and clearly.

Section 25. A licensee must exhibit his license or the substitute of the license at a conspicuous place within the building specified in the license.

Section 26. In the case where a license is lost or materially damaged, the licensee shall notify the competent official and apply for a substitute of the license within fifteen days from the date of the knowledge of such loss or damage.

The application for and the issue of a substitute of a license shall be in accordance with the rules, procedure and conditions prescribed in a Ministerial Regulation.

(Section 27 of the Plants Act B.E.2518 repealed and superseded by Plants Act (No.2) B.E.2535 with the followings:)

Section 27. A licensee shall not move the place for collection of controlled seeds for commercial purpose, place for<sup>11</sup>sale of controlled seeds, place for import of controlled seeds for commercial purpose, place for export of controlled seeds for commercial purpose, or place for storing controlled seeds specified in his license unless he has received written permission from the competent authority.

The application for permission and the grant thereof shall be in accordance with the rules, procedure and conditions prescribed in a Ministerial Regulation.

(The title of Chapter 4, Approval and Control of Plants, Section 28 up to Section 38 of the Plants Act B.E.2518 was repealed and superseded by Plants Act(No.2) B.E.2535 with the followings:)

#### Chapter 4

#### Certification and Controlling

Section 28. Any person who wishes to obtain a certificate for any plant as certified seed, registered variety or certified variety of this Act shall apply to competent authority.

Application for and issuance of certificate shall be in accordance with forms, rules, procedures and conditions prescribed by the Minister in the Government Gazette.

Section 28 (bi.) Any person who apply to competent authority to work in accordance with this Act on official holidays or after official working hour or outside Government office whether during or after official working hour. The applicant shall pay to the competent authority in accordance with rules, procedures and conditions prescribed by the Minister in the Government Gazette for the fees, traveling expense, overnight stay expense and cost of living,

Section 29. The Minister shall have the power to issue a Notification in the Government Gazette prescribing the kind and name of any plant as Reserved Plant.

Section 29 (bi.) Plants<sup>12</sup>listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which determined and prescribed by the Minister in the Government Gazette as Conserved Plant.

Section 29 (tri.) Nobody shall import, export or bring in transit conserved plant and its derivative without permission from the Director-General or officer appointed by the Director-General.

Application for and issuance of permit for importation, exportation and bringing in transit of conserved plant shall be in accordance with rules, procedures and conditions prescribed by the Director-General in the Government Gazette.

Import, Export or Bringing in Transit permit of conserved plant are valid for six months from the issuing date.

Section 29 (qua.) Any persons intending to artificially propagate conserved plants for commercial purpose shall submit the filled application form for nursery registration of conserved plant to the Department of Agriculture.

Application and Registration shall be in accordance with rules, procedures and conditions prescribed in the Government Gazette.

Nursery registration certificate of conserved plants is valid for five years from the issuing date.

Section 30. A person shall not export reserved plants unless he has received written permission from the Minister and the exportation is specifically for the purpose of experiment or research only.

Section 31. The Minister shall have the power to issue a Notification in the Government Gazette prohibiting a person to carry or send any reserved plant of any kind and in any quantity from any locality or to carry or send such plants to any locality within the Kingdom unless written permission is granted by the competent official.

The application for and the grant of such permission shall be in accordance with the rules, procedure and conditions prescribed by the Minister and published in the Government Gazette.

Section 32. The Minister<sup>13</sup> shall have the power to issue a Notification in the Government Gazette prescribing the kinds and species of any plant as prohibited plant.

Section 33. A person shall not import prohibited plants.

Section 34. Seed of the following descriptions shall be considered deteriorated seeds.

(1) seed the period for growing or propagation of which as shown in the label has expired;

(2) seed which quality is below the standard prescribed by the Minister under section 13;

Section 35. Seed or substance which is an imitation of seed of the following descriptions shall be considered adulterated seed.

(1) seed or substance which is wholly or partly an imitation causing people to believe or mistake it as genuine seed;

(2) seed the declaration of the kind, species, trade mark, source of collection, or month and year of collection or import of which is incorrectly made;

(3) seed which and other plant or substance is mixed with or added to in excess of the quantity stated in its label or is in excess of the ratio prescribed by the Minister under Section 13;

Section 36. A person shall not collect, sell, import or export deteriorated seed.

Section 37. A person shall not collect, sell , import or export adulterated seed.

Section 38. A person shall not falsely or in exaggeration advertise the quality of controlled seed which may induce belief or mistake as to the quality thereof.

## CHAPTER 5

### Competent Officials

(Section 39 of the Plants<sup>14</sup>act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 39. In the performance of duties, a competent authority shall have the power to issue a written order requiring the presence of any person to give statement or to deliver any document or material for supplementing his consideration and shall have the power to enter a place for collection of controlled seeds for commercial purpose, place for sale of controlled seeds or place for storing controlled seeds for commercial purpose or nursery of conserved plants and in the case where there is reasonable ground to suspect that an offence under this Act has been committed, with a view to;

(1) examining seed, conserved plant, containers, labels, books of accounts or any document in respect of seed or conserved plant;

(2) taking an appropriate quantity of seed or substance suspected of being deteriorated seed or adulterated seed or conserved plant as a sample for testing, examination or analysis;

(3) searching, seizing or attaching seeds, conserved plant, containers, labels, books of accounts or any document in respect of seed or conserved plant.

In the performance of duties under paragraph one the licensee and person concerned shall provide him with appropriate facilities.

(Section 39 (bi) and Section 39 (tri) shall be added to the Plants Act (No.2) B.E.2535 as follows);

Section 39 (bi) The competent authority is empowered to search any warehouse, conveyance, bag, package as well as any person within the limit of a plant quarantine station in accordance with Plant Quarantine Act within customs station, boarding station, boundary post, customs limit of any port and approves routes of Customs Act.

Section 39 (tri) The competent authority is empowered to seize, re-export conserved plant illegally imported in violation of this Act. In the case of re-export, re-exportation shall be accepted by the exporting country with consensus and the cost of transportation shall be borne by the<sup>15</sup>exporting country. If the exporting country is not accepted with consensus and not willing to pay for the cost of transportation then the said conserved plant shall become property of the Department of Agriculture.

Section 40. In conducting a search, the competent official must, as far as possible, try to avoid causing damage and disorder.

Section 41. Articles seized in the course of a search shall be wrapped or kept in a receptacle and sealed or marked as evidence thereof.

(Section 42 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes will the followings:)

Section 42. Before commencing a search in a place or vehicle under Section 39, 39 (bi), the competent authority making the search must manifest his honesty and shall conduct the search in the presence of the license, permit tee, occupier of the place, person working therein, or occupier of the vehicle thereof, failing that, in the

presence of at least two other persons requested by the competent authority to attend as witnesses.

Any article seized or attached shall be shown to the licensee, permit tee, occupier of the place, person working therein, occupier of the vehicle or witness, as the case may be, for the purpose of acknowledgement of such article found in such place or vehicle. If such person refuses to acknowledge it, the competent authority conducting the research shall make note of the fact.

Section 43. The competent official conducting the search shall make a note of the particulars of the search and a detailed inventory of the articles found, seized or attached.

The note and inventory referred to in paragraph one shall be read to the licensee, occupier of the place, person working therein, occupier of the vehicle, or witnesses, as the case may be, and such persons shall be required to sign it in acknowledgement. If they refuse to do so, the competent official shall make note of the fact.

16

Section 44. In the performance of duties, a competent official shall produce his identity card to the persons referred to in Section 42.

An identity card shall be in accordance with the form prescribed in a Ministerial Regulation.

(Section 45 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 45. If the owner or possessor of seed, conserved plant, container, labels, books of accounts, or any document seized or attached under Section 39 (3) is not found, or the public prosecutor has given the final order of non-prosecution of the Court in its final judgment does not confiscate them and the owner or possessor has not applied for the return thereof within ninety days from the date of seizure, attachment, knowledge of the final order of non-prosecution of passing the final judgment by the Court,



as the case may be, they shall become the property of the Department of Agriculture to be managed as it found appropriate.

## CHAPTER 6

### Suspension and Revocation of Licenses

Section 46. If it appears to a competent official that any licensee fails to comply with this Act or a Ministerial Regulation or Notification issued under this Act, the competent official has the power to suspend his license for a period not exceeding one hundred and twenty days each time.

The licensee whose license and, during the suspension, may not apply for any license under this Act.

Section 47. The competent official, with the approval of the Director-General, has the power to cancel the order suspending a license before the specified period has elapsed when he is satisfied that the licensee whose license has been suspended has duly complied with this Act or the<sup>17</sup> Ministerial Regulation of Notification issued under this Act.

Section 48. When it appears to the Director-General that any licensee is disqualified or subject to any prohibition under Section 16, or in the case where it appears that any licensee has committed one or several violations under this Act and it is a serious offence, the Director-General has the power to revoke his license.

The licensee whose license is revoked must cease to operate his business authorized by such license and may not apply for any license under the Act until two years from the date of revocation has elapsed, and the competent official may or may not grant him a license as he thinks it appropriate.

Section 49. The order suspending or revoking a license shall be in writing and the licensee shall be informed of the fact. In the case where the licensee is not found or refuses to receive such order, it shall be conspicuously posted at the place specified in the

license, and it shall be considered that the licensee has been informed of such order as from the date of its posting.

Section 50. The licensee whose license has been suspended or revoked has the right to appeal to the Minister within thirty days from the date of knowledge of the order. The Minister has the power to dismiss the appeal or amend the order of the Director-General or of the competent official, as the case may be, in such a way as it may be favorable to the appellant.

The decision of the Minister shall be final.

The appeal under paragraph one shall not stay the execution of the order suspending or revoking the license.

(Section 51 of the Plants Act B.E.2518 shall be repealed and superseded with the followings:)

Section 51. The person whose license has been revoked may sell his remaining controlled seed to other licensees or such other persons as the competent authority thinks fit within sixty<sup>18</sup> days from the date of knowledge of the order revoking his license or, in the case there has been an appeal, from the date of knowledge of the decision of the Minister unless the competent authority grants an extension of the period: provided that it shall not be more than sixty days.

## CHAPTER 7

### Statistics of Plants

Section 52. The Minister shall have the power to issue a Notification in the Government Gazette requiring the collection of statistics in respect of any kind of plants in any locality as he may think fit.

Upon the publication of the Notification under paragraph one, the Director-General has the power to issue a written order to a person earning his living in respect of the aforesaid plants to fill the particulars, statement and statistical data in a printed form

prescribed by the Director-General and the Director-General shall also prescribe the time, place and procedure for the submission of the printed form.

Section 53. A recipient of order issued under Section 52 paragraph two must truthfully complete the printed form giving particulars, statement and data, and sign his name and submit it within the time, at the place and in accordance with the procedure prescribed in the printed form.

Section 54. If it is necessary for the purpose of collecting statistics of plants, the competent official shall, during the working hours, have the power to enter the office of the recipient in order to check the particulars, statement and data in respect of statistics of plants, and it shall be the duty of the recipient of order or his representative to answer question, render facilities and assist the competent official in this respect.

In the performance of duties of the competent official, the provisions of Section 44 paragraph one shall apply mutatis mutandis.

## CHAPTER 8

19

### Penalties Provisions

Section 55. Any licensee who violates or fails to comply with a Notification issued under Section 13 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Baht or to both.

Section 56. Any person who violates Section 14 paragraph one shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand Baht or to both.

(Section 57 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the following:)

Section 57. Any licensee who collects, sells, imports or exports controlled seed after the expiration of his license without submitting an application for renewal under Section 19 shall be liable to a fine not exceeding one hundred Baht a day as long as the license remains expired.

Section 58. Any licensee who persists in carrying on his business under his expired license after the competent official has refused to renew it under Section 19 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand Baht or to both.

Section 59. Any licensee who violates Section 21 or Section 27 Paragraph one or fails to comply with Section 23 shall be liable to a fine not exceeding three thousand Baht.

Section 60. Any licensee who fails to comply with Section 22 or Section 24 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Baht or to both.

Section 61. Any licensee who fails to comply with Section 25 or Section 26 paragraph one shall be liable to a fine not exceeding one thousand Baht.

(Section 61 (bi) was added to the Plants Act (No.2) B.E.2535 as follows);

Section 61 (bi.) Any person who violates Section 29 (tri.) or fails to comply with Section 29 (qua.) shall<sup>20</sup>be liable to imprisonment for a term not exceeding three months or to a fine not exceeding three thousand Baht or to both.

Section 62. Any person who violates Section 30 or Section 33 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding four thousand Baht or to both.

Section 63. Any person who violates a Notification issued under Section 31 paragraph one shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand Baht or to both.

Section 64. Any person who violates Section 36 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Baht or to both.

Section 65. Any person who violates Section 37 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand Baht or to both.

(Section 66 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 66. Any person who advertises the quality of controlled seeds in violation of Section 38 or obstructs or fails to render facilities to a competent authority in the performance of his duty or fails to give statement or send any document or material at the written request of the competent authority issued under Section 39, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht or to both.

(Section 66 (bi) was added to the Plants Act (No.2) B.E.2535 as follows);

Section 66 (bi.) Any person who obstructs, not provide the competent authority with appropriate facilities to perform his function under Section 39 (bi.) shall be liable to imprisonment for a term not exceeding one month or fine not exceeding one thousand Baht, or to both.

Section 67. Any licensee who, during the suspension of his license, persists in carrying on his business under<sup>21</sup>such license shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Baht or to both.

(Section 68 of the Plant Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 68. Any person who, after the revocation of his license, sells the remaining controlled seed to any other person not mentioned in Section 51 or sells them after the expiration of the period prescribed in Section 51 shall be liable to a fine not exceeding one thousand Baht.

Section 69. Any person who has the duty to comply with Section 53 and fails to do so shall be liable to a fine not exceeding two hundred Baht.

Section 70. Any person who has the duty to comply with Section 54 paragraph one and fails to do so shall be liable to a fine not exceeding five hundred Baht.

(Section 71 of the Plants Act B.E.2518 was repealed by Plants Act (No.2) B.E.2535 and supersedes with the followings:)

Section 71. When it appears to the Court that an offence has been committed as a result of the violation of a Notification issued under Section 13(3) or (4) or the violation of Section 30, Section 33, Section 36 or Section 37 even though the Court is of the opinion that the accused is not guilty, the Court shall order the forfeiture of all seeds, tools equipment and containers used in the commission of such offence. All items forfeited by the order of the Court shall become property of the Department of Agriculture to be managed as it thinks fit.

(Rates of fees annexes to the Plant Act B.E. 2518 was repealed by Plants Act (No.2) B.E.2535 and supersede with the rates of fees annexes hereto.

#### Rates of Fees

(1) License to collect controlled seed for commercial purpose.	400 Baht each
(2) License to sell controlled seed.	200 Baht each
(3) License to import controlled seed for commercial purpose.	400 Baht each
(4) License to export controlled seed for commercial purpose.	400 Baht each
(5) License to bring in transit controlled seed.	200 Baht each
(6) Fee for testing, examining or analysis quality or property of sample of seed before the issue of a certificate.	400 Baht each
(7) Certificate of certified seed registered variety or certified variety	100 Baht each
(8) Substitute of a license	50 Baht each
(9) Renewal of a license, fee shall be charged at the same rate as that of license	
(10) Export, import or bring in transit permit of conserved plant	200 Baht each
(11) Certificate of nursery registration of conserved plant	1,000 Baht each

Countersigned by

Anand Panyarachun

The Prime Minister