

-Unofficial Translation-

FACTORY ACT (No. 3)

B.E. 2562 (2019)

Section 1 This Act is called the “Factory Act (No.3) B.E. 2562”

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

Section 3 Definitions of “local administrative organization” and “local official” shall be added between the definitions of “license” and “competent official” and “Permanent Secretary” in Section 5 of the Factory Act B.E. 2535 (1992).

*“**local administrative organization**” means municipality, Tambon (subdistrict) Administrative Organization, Bangkok Metropolitan Administration (BMA), Pattaya City and other local administrative organizations established by their laws but excluding a provincial administrative organization;*

*“**local official**” means official of municipality, Tambon (subdistrict), Bangkok Metropolitan Administration, Pattaya City and official of other local administrative organizations established by their laws but excluding a provincial administrative organization”.*

Section 4 Following provisions shall be added as Section 11/1 of the Factory Act B.E. 2535 (1992);

*“**Section 11/1** When the Minister appoints a local executive official or local official of any local administrative organizations to be the competent official under this Act, such competent official shall have power, duties and responsibilities as prescribed for the competent official only in the parts relating to Factory Category 1 and Category 2 located in a jurisdiction of such local administrative organization.*

Appointment of the local executive official or local official of the Tambon Administrative Organization as the competent official according to paragraph one shall be carried out in accordance with the readiness of the Tambon Administrative Organization.

Permanent Secretary and the competent official appointed from official of the Ministry of Industry shall have power and duties to supervise the competent official under paragraph one to perform in compliance with this Act. For this respective benefit, they shall have power and duties to give recommendations or stop any executions that are against this Act and shall report to the district chief, the provincial governor or the Minister of Interior who supervises such local administrative organization as the

case maybe in accordance with the law that established such local administrative organization for the executions according to their power and duties.

Section 5 Following texts shall be added as paragraph two of Section 43 of the Factory Act B.E. 2535 (1992);

“Annual fee of the Factory Category 2, according to paragraph one, that is located in a jurisdiction of the local administrative organization where the competent official has been appointed by the Minister in pursuant to Section 11/1, the Minister may not issue the ministerial rules exempting such annual fee except that there are reasonable grounds causing by natural disasters or economic conditions or for the benefits in promoting business in the local administrative organization, the Ministerial Regulations prescribing a reduction or exemption of the fee for the local administrative organization where such events happened may be issued”.

Section 6 Following texts shall be added as Section 43/1 of the Factory Act B.E. 2535 (1992);

“Section 43/1 Annual fee and surcharge according to Section 43 of the Factory Category 2 located in a jurisdiction of any local administrative organization shall become the income of such local administrative organization only where the competent officer under Section 11/1 has been appointed”.

Section 7 All the Ministerial Regulations exempting the fees being enforced before this Act is effective that are against with Section 43 paragraph two of the Factory Act B.E. 2535 (1992) amended by this Act shall be terminated only the parts that are considered against with such Section 43 paragraph two.

Section 8 The Minister of Industry shall have charge and control of the execution of this Act.

Countersigned by

Gen. Prayuth Chan-o-cha

Prime Minister

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