

Tourism Authority of Thailand Act 1979

Translation

TOURISM AUTHORITY OF THAILAND ACT, B.E. 2522 (1979)

BHUMIPOL ALULYADEJ, REX.

Given on the 30th day of April, B.E. 2522;

Being the 34th Year of the Present reign.

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

Whereas it is deemed expedient to have the law on the Tourism Authority of Thailand;

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 "Tourism Authority of Thailand Act, B.E. 2522".

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

Section 3. The followings shall be repealed:

- (1) Royal Decree establishing the Tourist Organization of Thailand, B.E. 2502;
- (2) Royal Decree establishing the Tourist Organization of Thailand (No. 2), B.E. 2506;
- (3) Royal Decree establishing the Tourist Organization of Thailand (No. 3), B.E. 2509;
- (4) Royal Decree establishing the Tourist Organization of Thailand (No. 4), B.E. 2511;
- (5) Royal Decree establishing the Tourist Organization of Thailand (No. 5), B.E. 2516;
- (6) Royal Decree establishing the Tourist Organization of Thailand (No. 6), B.E. 2517;
- (7) Royal Decree establishing the Tourist Organization of Thailand (No. 7), B.E.2518;
- (8) Royal Decree establishing the Tourist Organization of Thailand (No. 8), B.E.2519.

Sectoin 4. In this Act "tourist industry" menas the industry which provides or gives services in return for remuneration, in connection with tourism within and outside the Kingdom and includes:

- (1) tour business;
- (2) tourist hotels business;
- (3) business relating to restaurants, service places and resorts for tourists;
- (4) business relating to the sale of souvenirs or other goods for tourists;
- (5) business related to sports for tourists;

(6) exhibitions, shows, trade fairs, promotional advertisement or any other activities with the aim of encouraging and promoting tourism;

"tourist industry operator" means a person who is engaging in tourist industry;

"tourist" means any person who freely travels from his normal place of residence to other place for temporary period with the objective other than to carry on his occupation or to earn income;

"Board" means the Board of Directors of the Tourism Authority of Thailand;

"Director" means the Director of the Tourism Authority of Thailand;

"General Manager" means the General Manager of the Tourism Authority of Thailand;

"Deputy General Manager" means the Deputy General Manager of the Tourism Authority of Thailand;

"official" means an official of the Tourism Authority of Thailand and includes the General Manager and the Deputy General Manager;

"employee" means an employee of the Tourism Authority of Thailand.

Section 5. The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.

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

CHAPTER I - Establishment, Capital and Reserves

Section 6. There shall be established an organization to be called the "Tourism Authority of Thailand" or "TAT" in brief and there shall be a seal representing "TAT".

The form and configuration of the seal mentioned in paragraph one shall be prescribed in the Ministerial Regulation.

Section 7. TAT shall be a juristic person and shall have its head office in the Bangkok Metropolis and may establish its branch office or agent anywhere within or outside the Kingdom; provided that the establishment of a branch office outside the Kingdom shall receive prior approval of the Prime Minister or the Minister designated by the Prime Minister.

Section 8. TAT shall have the following objectives;

(1) to promote tourism and tourist industry including occupations of Thai citizens in the tourist industry;

- (2) to make Thailand known for its natural beauty, ancient monuments, antiques, history, arts, culture, sport and technological development and other activities for the purpose of encouraging tourism;
- (3) to provide facilities and safety for tourists;
- (4) to promote good understanding and friendship between peoples and between nations by means of tourism;
- (5) to initiate development of tourism and infrastructure and other facilities for tourists.

Section 9. TAT shall have the power to carry out various activities within the scope of list objectives as specified in section 8 and such power shall include:

- (1) giving advice and recommendation to, cooperating and coordinating with, government offices, organizations, institutions, juristic persons and private sector both within and outside the Kingdom;
- (2) promoting, cooperating or carrying out various training and technical education courses in order to bring up personnel of a certain standard and in sufficient number for tourist industry;
- (3) promoting educational sight-seeing tour;
- (4) surveying and collecting evidences from government offices, organizations, institutions, juristic persons and tourist industry operators for the purpose of making statistics relating to the tourist industry;
- (5) surveying and designating certain areas and places as tourist sites and resources to be conserved as State's property under the supervision of TAT by virtue of a Royal Decree;
- (6) surveying, planning, and implementing the construction, promotion, conservation, rehabilitation, reconstruction or development of tourist sites as well as tourist resources and environmental quality, subject to the laws on such matters;
- (7) carrying out tourist industry to the extent which is deemed necessary as well as investing solely or jointly with others to initiate the development of tourism or infrastructure and facilities for tourists;
- (8) raising loans or borrowing money within and outside the Kingdom;
- (9) extending loans or lending money with surety or securities for the purpose of promoting tourist industry;

(10) issuing bonds or other instruments for the purpose of investment or entering a joint venture in business of tourist industry;

(11) acquiring ownership or possessory rights or real rights, constructing, purchasing, procuring, selling, disposing of, hiring, letting, buying through hire-purchase, selling by hirepurchase, borrowing, lending, accepting pledge, accepting mortgage, exchanging, transferring, accepting transfer, or carrying out any act in connection with any property both within and outside the Kingdom as well as accepting properties donated to it;

(12) carrying out any other activities relating or incidental to the achievement of the objectives of TAT.

Section 10. The capital of TAT consists of (1) money and properties transferred under section 41 and section 42 after the deduction of liabilities;

(2) money received from the budgetary appropriations as capital for operation or expansion;

(3) money and properties denoted to it.

Section 11. The income of TAT shall consist of the followings:

(1) income accrued from TAT's assets;

(2) government subsidies;

(3) income from its tourist industry operation;

(4) income from its investment of joint venture;

(5) other incomes.

The annual income of TAT shall be expended for various expenditures, investment or joint venture for the activities of TAT, contribution to aid fund for persons working for TAT and deducted as reserves under section 12, the balance of which shall be remitted as State revenue. If the income is insufficient to meet all the expenses, except the reserves under section 12, and TAT is unable to acquire income from other sources, the Government shall provide TAT with the necessary fund.

Section 12. The reserves of TAT shall consist of ordinary reserve for contingencies, reserve for repayment of debt and other reserves for specific purposes as the Board may deem appropriate.

The ordinary reserve may be expended only with the approval of the Board.

Section 13. TAT shall open account with a bank in accordance with the regulations prescribed by the Board, with the approval of the Ministry of Finance.

Section 14. The property of TAT shall not be subject to the execution of judgment.

CHAPTER II - Control, Supervision and Administration

Section 15. The Prime Minister or the Minister designated by the Prime Minister shall have the power and duty to exercise the general supervision of the affairs of TAT and, for such purpose, the Prime Minister or the Minister designated by the Prime Minister has the power to call the Directors, officials, or employees of TAT to give facts, opinions, or submit reports and has the power to order TAT to stop any act which is contrary to the policy or resolution of the Council of Ministers.

Section 16. In the case where TAT is required to submit any matter to the Council of Ministers, TAT shall submit it through the Prime Minister or the Minister designated by the Prime Minister.

Section 17. TAT must obtain prior approval of the Council of Ministers before carrying out the following:

- (1) raising loans, borrowing or lending money each time in excess of five million Bath;
- (2) issuing bonds or other instruments for the purpose of investment;
- (3) disposing of immovable properties in excess of one million Bath in value;
- (4) writing of properties in excess of one million Bath in value;
- (5) investing or entering a joint venture in excess of five million Bath in any business of tourist industry.

Section 18. There shall be a Board called the "Board of Directors of the Tourism Authority of Thailand" consisting of the Prime Minister or the Minister designated by the Prime Minister as Chairman, Under-Secretary of State for Foreign Affairs or representative, Under-Secretary of State for Communications or representative, Under-Secretary of State for Interior or representative, Secretary-General of the Juridical Council or representative, Secretary-General of the National Economic and Social Development Board or representative, Secretary-General of the National Environment Board or representative, and not more than three qualified persons appointed by the Council of Ministers, as Directors, and the General Manager shall be Director and Secretary of the Board.

Section 19. The Directors appointed by the Council of Ministers shall hold office for a term of two years.

In the case here a Director appointed by the Council of Ministers vacates office before the expiration of his term or in the case where an additional Director is appointed by the Council of Ministers during the term of Directors already appointed, the appointee shall hold office for the remaining term of the Directors already appointed.

After the expiration of the term of office under paragraph one and new Directors have not yet been appointed, the Directors who vacate office upon the expiration of the term of office shall remain in office for carrying out its work further until the newly appointed Directors have taken over the duties.

An outgoing Director may be re-appointed but not more than two consecutive terms.

Section 20. Apart from vacating office under section 19, the Director appointed by the Council of Ministers vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final judgment to a term of imprisonment, except for a petty offense or an offense committed through negligence.

Section 21. For the benefit it of activities of TAT, the Board shall have the power to appoint a sub-committee to carry out any act as entrusted by the Board.

Section 22. The Board shall have the power and duty to lay down policy and to supervise generally the affairs of TAT, such power and duty shall include:

- (1) laying down policy and approving plans of TAT for the development and promotion of tourism and tourist industry;
- (2) issuing regulations or rules to ensure compliance with section 8 and Section 9;
- (3) issuing regulations on the meeting and the carrying out of activities of the Board and Sub-committee;
- (4) issuing regulations and rules on the administration of the affairs of TAT;
- (5) issuing regulations prescribing the positions, rates of salaries, wages, and other monetary benefits of officials and employees;

- (6) issuing regulations on recruitment, appointment, removal promotion of salaries of wages, disciplinary measures, and against punishment of officials and employees;
- (7) issuing rules on petitions of officials and employees;
- (8) issuing regulations on aid fund or other aids for the welfare of officials, employees and their families, with the approval of the Council of Ministers;
- (9) issuing regulations on the payment if travelling, expenses and allowances, accomodation allowances, overtime, meeting allowances and other allowances;
- (10) issuing rules on the uniforms of officials and employees.

If any regulation or rule concerning the administration or finance which is issued by the Board contains any restriction on the exercise of power of the General Manager or the Deputy-General Manager in executing a juristic act with an outsider, such regulation or rule shall be published in the Government Gazette.

Section 23. The Chairman of the Board and Directors shall receive remuneration in accordance with the rules prescribed by the Council of Ministers.

The Chairman of the Board, Directors, officials and employees may receive bonuses in accordance with the rules prescribed by the Council of Ministers.

Section 24. The Board shall, with the approval of the Council of Ministers, appoint the General Manager and Deputy General Manager and determine their salaries.

Section 25. The General Manager and Deputy General Manager shall:

- (1) not be a person having interest in the business of tourist industry;
- (2) not be a person having direct or indirect interest in any contract made with or in any business done for TAT except in case of being a shareholder for the purpose of bona fide investment in a limited company or public company having such interest in so doing;
- (3) possess qualifications and are not under prohibitions under the law on the standard qualifications of committee members and officials of State enterprises.

Section 26. The General Manager of Deputy General Manager shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Board for failure to carry out his duties, improper conduct or incompetence;

(4) being an incompetent or quasi-incompetent person;

(5) lacking qualifications or being under any prohibition under section 25.

The resolution of the Board removing the General Manager or the Deputy General Manager from his office shall be supported by not less than two-thirds of the total number of Directors excluding the General Manager and such resolution must receive the approval of the Council of Ministers.

Section 27. The General Manager shall administer the affairs of TAT in accordance with its objectives, power, duties and with the laws, rules, regulations and policies laid down by the Board and shall have the power to supervise all officials and employees.

The General Manager shall be responsible to the Board for the administration of the affairs of TAT.

Section 28. The General Manager shall have the following powers and duties:

(1) to plan the organization of TAT with the approval of the Board;

(2) to recruit, appoint, relieve from duties, promote, reduce, cut the salaries or wages, impose disciplinary measures on officials or employees, as well as to remove officials and employees from office, in accordance with the regulations prescribed by the Board; provided that, if the official or employee concerned is of the rank of adviser, specialist, chief of a division, or person of equivalent position, prior approval of the Board must be obtained;

(3) to lay down rules concerning the operation of TAT, which are not inconsistent with or contrary to the rules, regulations and policies laid down by the Board;

(4) to appoint groups of persons as ad hoc committees to carry out any work beneficial to the tourist industry;

(5) to carry out any other activities as entrusted by the Board.

Section 29. The Deputy General Manager shall have the power to supervise all officials and employees below the post of Deputy General Manager and shall have the powers and duties to carry out the activities of TAT as entrusted by the General Manager.

In the case where the General Manager is absent or is unable to perform his duties, the Deputy General Manager are absent or are unable to perform their duties, the Chairmen of the Board shall appoint a Director or an official of TAT the Acting General Manager.

In the execution of Duties of the Deputy General Manager under paragraph two or of the Acting General Manager under paragraph three, the Deputy General Manager or the Acting General

Manager shall have the same powers and duties as the General Manager except those powers and duties of the General Manager in the capacity of Director.

Section 30. In respect of external relations, the General Manager shall act in the name and on behalf of TAT and represent TAT. For this purpose, the General Manager may delegate power to the Deputy General Manager or an agent under section 7 or any person to conduct any specific business on his behalf, subject to the regulations laid down by Board.

Any juristic act executed by the General Manager in violation of the rules or regulation under section 22 paragraph two shall not be binding on TAT unless it has been ratified by the Board.

CHAPTER III - Petition and Welfare

Section 31. The officials and employees of TAT shall have the right to petition in accordance with the rules laid down by the Board.

Section 32. TAT shall provide an aid fund or other aids for the welfare of officials, employees and their families upon retirement, accidents, sickness and other cases deserving such aid.

The provision of the aid fund or other aids under paragraph one, the contribution to the aid fund, the classification of persons entitled to the benefits therefrom, the payment of aid money and the management of the aid fund shall be in accordance with the regulations laid down by the Board.

CHAPTER IV - Finance, Account and Audit

Section 33. TAT shall prepare its annual budget dividing into annual revenue and operating expenses.

The operating expenses shall be divided into capital investment and operating cost. The capital investment shall be submitted to the Council of Ministers for consideration and approval and the operating cost shall be submitted to the Council of Ministers for information.

Section 34. TAT shall set up and maintain an appropriate accounting system in accordance with the categories of the main works, subject to an internal audit at regular intervals and have books of accounts in which the following particulars shall be entered:

- (1) receipts and expenditure;
- (2) assets and liabilities.

which shall represent the actual and appropriate conditions of works in accordance with their categories together with the particulars which are the sources of such entries.

Section 35. The General Manager shall appoint one or more auditors to examine all books of accounts and documents belonging to every working unit of TAT at any time during the working hours. Such auditors shall submit a monthly report directly to the General Manager.

Section 36. Each year TAT shall complete its balance sheet, working account and profit and loss account within ninety days after the end of each accounting year.

Section 37. Each year the office of the Auditor-General of Thailand shall examine, audit and certify every category of accounts and finance of TAT.

Section 38. The auditor has the power to examine all books of accounts and documents of TAT and shall, for this purpose, have the power to interrogate the Chairman, Directors, General Manager, Deputy General Manager, officials or employees of TAT.

Section 39. The auditor shall, within one hundred and fifty days after the end of accounting year, submit an auditing report to the Board.

Section 40. The Board shall submit an annual report to the Council of Ministers which shall contain the result of the work carried out by TAT in the preceding year together with the statements on the policies of the Board, future projects and plans.

TAT shall, within one hundred and eighty days after the end of its accounting year, publish its annual report showing the balance sheet, working account, the profit and loss account duly certified by the auditor, including a summary of the result of work carried out in the preceding year.

Transitory Provisions

Section 41. All activities, properties, rights and liabilities of the Tourist Organization of Thailand established under the Royal Decree establishing the Tourist Organization of Thailand, B.E. 2502 existing on the day of the publication of this Act in the Government Gazette shall be transferred to the Tourism Authority of Thailand within ninety days from the date this Act comes into force.

Section 42. The budgetary appropriations of the Tourist Organization of Thailand established under the Royal Decree establishing the Tourist Organization of this Act in the Government Gazette shall be transferred to the Tourism Authority of Thailand within ninety days from the date this act comes into force.

Section 43. The Director, Deputy Director and officials or employees of the Tourist Organization of Thailand established under the Royal Decree establishing the Tourist Organization of Thailand,

B.E. 2502 on the day of the publication of this Act in the Government Gazette shall become the General Manager, Deputy General Manager and officials or employees of TAT, as the case may be, and the period of employment of the said persons in the Tourist Authority of Thailand from the date this Act comes into force.

Section 44. All regulations, rules or orders of the Tourist Organization of this Act in the Government Gazette shall continue to be in force so long as they are not contrary to or inconsistent with this Act until they are replaced by the regulations, rules or orders issued under this Act.