

THESIS TITLE	LEGAL PROBLEMS ABOUT THE ACT ON LIABILITY FOR INJURY CAUSED BY UNSAFE PRODUCTS, B.E.2551 (2008): CASE STUDY ON EXEMPTIONS OF ENTREPRENEUR'S LIABILITY AND OTHER RELATED CASES
KEYWORDS	UNSAFE PRODUCTS / PRODUCT LIABILITY
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ABSTRACT

The Product Liability Act B.E. 2551 (2008) was promulgated with the spirit to protect consumers through strict liability principle which entrepreneurs are liable for damages from unsafe products that are sold to consumers regardless of the intention or negligence of the entrepreneurs. This principle waives consumers from burden of proof on unsafe nature of the products in question.

The study that compares the enforcement of the Act in Thailand and those of foreign jurisdictions reveals that certain provisions in the Product Liability Act B.E. 2551 do neither set comprehensive nor clear conditions and therefore discharge the entrepreneurs from liability which could affect the spirits of the law. The issues include; the sole implementation of foreseeability principle from consumer's part; the delegation of powers to Ministerial Regulations in order to exempt certain products from the Act; the exemption of entrepreneur's liability pursuant to Article 7; the interpretation of the scope of mental damages which includes condition on damages to physical, health or hygiene that injure mentally; and notifications to consumers of unsafe nature of products.

The author consequently proposes additional criteria to determine unsafe products in parallel with the foreseeability principle, insert stricter conditions for discharge of liability and establish central proving authority that operate under fair criteria including the compensation fund for prompt redress to affected consumers.