

(Translation)*



MINISTERIAL REGULATION
PRESCRIBING RULES AND PROCEDURES FOR APPLICATION FOR
PERMISSION TO FORM A CHAMBER OF COMMERCE,
B.E. 2553 (2010)**

By virtue of the provisions of section 5 and section 9 of the Chambers of Commerce Act, B.E. 2509 (1966), which is the law containing certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 33, section 41, section 43 and section 64 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law, the Minister of Commerce issues this Ministerial Regulation, as follows.

Clause 1. This Ministerial Regulation shall come into force after thirty days as from the date of its publication in the Government Gazette.

Clause 2. The Ministerial Regulation No. 2 (B.E. 2509) (1966) Issued by virtue of the Chambers of Commerce Act, B.E. 2509 (1966) shall be repealed.

Clause 3. In applying for permission to form a chamber of commerce, not less than five promoters that are natural persons and are enterprise operators shall submit to the Registrar an application for permission to form a chamber of commerce in accordance with the form prescribed in the Notification by the Director-General of the Department of Business Development, together with the documents and evidence as follows:

(1) a copy of a national identity card and a copy of a household certificate of every promoter in the case of a Thai-national promoter, or a copy of an alien identity card or a copy of a passport as well as a copy of a certificate of residence in the Kingdom or evidence of permission to enter the Kingdom for a temporary period under the law on immigration together with a copy of a work permit in the case of a promoter who is a foreigner;

* Translation by Dr. Pinai Nanakorn, Faculty of Law, Thammasat University, for the Department of Business Development, Ministry of Commerce

** Published in Government Gazette, Vol. 127, Part 69a, dated 12th November 2010.

(2) documents and evidence indicating every promoter's status as an enterprise operator;

(3) certificates of behaviour of promoters;

(4) a copy of an instrument evidencing the right to use premises for the purpose of forming a chamber of commerce;

(5) the regulations of the chamber of commerce intended to be formed upon the application for permission; and

(6) a brief map indicating the area in which the chamber of commerce is to be formed as well as a photograph of the premises on which such chamber of commerce is to be formed.

Clause 4. The certificate of behaviour under clause 3 (3) shall be in accordance with the form prescribed in the Notification by the Director-General of the Department of Business Development and must bear a signature of any of the following persons for the certification purpose:

(1) a superior administrative or police official under the Criminal Procedure Code stationed in the locality in which the promoter is domiciled; or

(2) an ordinary Government official holding an Executive Position, a Managerial Position or a Knowledge-Worker Position of, for the latest, the practitioner level upwards with at least five years of Government service, or a General Position of the experienced level upwards.

In the absence of the certification by any person under paragraph one, the Registrar shall examine the behaviour of the promoter and, for this purpose, employ such reliable method or require the promoter to produce such reliable evidence as to demonstrate that such promoter has good behaviour.

Clause 5. The submission of an application under this Ministerial Regulation shall be made at the locality in which the chamber of commerce is to be located, as follows:

(1) in Bangkok, the submission shall be made at the Department of Business Development; and

(2) in any other Province, the submission shall be made at the Provincial Business Development Office.

Clause 6. The applicants must enter their signatures in the application in the presence of the Registrar or the competent official.

In entering the signatures in the presence of the Registrar or the competent official under paragraph one, the applicants shall produce their national identity

cards or other identity cards issued in the Government service, alien identity cards or passports together with a copy of the said documents, and the Registrar or the competent official shall note down that the original documents have been seen and also enter a signature on such copy.

Clause 7. When the Registrar has fully and properly received the application for permission together with the documents and evidence under clause 3, the Registrar shall consider the application and notify, in writing, the result to the applicants within fifteen working days as from the date of receipt of the application as well as the said documents and evidence. In the case of a refusal to grant permission, the reasons therefor shall also be stated in the application.

Clause 8. When the applicants have made payment of the fee for a chamber of commerce permit, the Registrar shall issue a chamber of commerce permit in accordance with the form prescribed by the Director-General of the Department of Business Development and published in the Government Gazette.

Clause 9. When the Registrar has effected the registration of a chamber of commerce and issued a chamber of commerce permit to the applicants, the Registrar shall simultaneously effect registration of the regulations of such chamber of commerce and the competent official shall notify it to the Central Chambers of Commerce Registration Office within fifteen working days for the purpose the publication in the Government Gazette.

Clause 10. Chamber of Commerce permits issued under the Ministerial Regulation No. 2 (B.E. 2509) (1966) Issued by virtue of the Chambers of Commerce Act, B.E. 2509 (1966) shall continue to be valid.

The applications for formation of chambers of commerce which have been submitted prior to the entry into force of this Ministerial Regulation and which are pending the consideration by the Registrar shall be deemed the applications under this Ministerial Regulation *mutatis mutandis*.

Given on the 27th Day of October 2010.

Porntiwa Nakasai
Minister of Commerce

Note:- The reasons for the promulgation of this Ministerial Regulation are as follows. It is expedient to revise the rules and procedures governing application for permission to form a chamber of commerce, which have been in operation for a considerable length of time and have thus become inapt for circumstances of the present time. Also, such revision will lead to greater clarity. It is therefore necessary to issue this Ministerial Regulation.