

PRINTING RECORDATION ACT,

B.E. 2550 (2007)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 24th Day of November, B.E. 2550;

Being the 62nd Year of the Present Reign.

His Majesty KingBhumibolAdulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on printing recordation;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 36, section 41, section 43 and section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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

Section 1. This Act is called the “Printing Recordation Act, B.E. 2550 (2007)”.

¹ Translated by Mr. Tohpong Smiti under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

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Section 2.² 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 The followings shall be repealed: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) Printing Act, B.E. 2484 (1941);
- (2) Printing Act (No.2), B.E. 2485 (1942);
- (3) Printing Act (No.3), B.E. 2489 (1946);
- (4) Order of the State Reformation Council, No.5 dated 6th October B.E. 2519 (1976);
- (5) Order of the State Reformation Council, No. 36 dated 21st October B.E. 2519 (1976).

Section 4. In this Act:

“to print” means to make an alphabet, a mark, a figure, a diagram or an image appear by any mean;

“printed matter” means any notebook, book, sheet of paper or object printed in numerous copies;

“newspaper” means a printed matter which has the same name thereon and is issued or intended to be issued in continuing sequences, irrespective of whether the time interval is determined or whether there are continuous texts, and shall include a magazine, a journal and a similar printed matter which is called with other name;

“printer” means a person in charge of or responsible for printing;

“publisher” means a person responsible for popularising a printed matter by any mean, whether by sale or free distribution;

²Published in the Government Gazette, Vol. 124, Part 93a, Page 1, dated 18th December B.E. 2550 (2007).

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“editor” means a person responsible for producing and controlling the contents, texts or images printed in a newspaper, as well as a material or a document inserted into the newspaper by consent of the editor;

“newspaper proprietor” means a person who owns a newspaper business;

“competent official” means a person appointed by the Minister to perform the duties under this Act.

Section 5. This Act does not apply to the following printed matters, viz:

- (1) printed matters of the Government sector or State agencies;
- (2) cards, greeting cards, instruments, printing patterns and reports which are used normally for personal matters, social affairs, politics, commerce, or printed matters having a short useful life, such as pamphlets or posters;
- (3) notebooks, exercise books or colouring books;
- (4) dissertations, lecture documents, academic curricular or other printed matters of similar nature which are distributed in an educational establishment.

Section 6. The Prime Minister shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue ministerial regulations for the execution of this Act.

Such ministerial regulations shall come into force upon their publication in the Government Gazette.

CHAPTER I

PRINTED MATTER

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Section 7. A printer or publisher of a printed matter printed and distributed in the Kingdom must have the qualifications and not be under any of the prohibitions as follows:

- (1) being not less than twenty years of age;
- (2) having a regular domicile in the Kingdom;
- (3) not being an incompetent person or a quasi-incompetent person;
- (4) not having been sentenced by a final judgment to a term of imprisonment, except where having been discharged for a period of not less than three years, or except for an offence committed through negligence or a petty offence.

In the case where a juristic person is a printer or a publisher, a director, a manager or other representative of such juristic person must also have the qualifications and must not be under any of the prohibitions under paragraph one.

Section 8. On a printed matter, which is a book, apart from a newspaper, and is printed in the Kingdom, the following texts shall be displayed:

- (1) name of the printer and location of the printing house;
- (2) name and location of the publisher;
- (3) International Standard Book Number issued by the National Library of Thailand.

Texts under paragraph one shall be printed in a clearly visible manner, and all names under (1) and (2) shall not be acronyms or pseudonyms.

A printed matter under paragraph one shall also include a printed matter recorded by electronic means for sale or free distribution.

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Section 9. The printer shall send two copies of a printed matter under section 8 to the National Library of Thailand within thirty days from the date of its distribution.

Section 10. The Commissioner-General of the Royal Thai Police shall have the power to issue an order, by publication in the Government Gazette, to prohibit the placing of an import order or importation, for the purpose of distribution in the Kingdom, of any printed matter which is defamatory, insulting or vengeful against the King, the Queen, the Heir to the Throne or the Regent, or may affect the security of the Kingdom or the public order or good morals of the public. The time limit of the prohibition may also be prescribed in such order.

In issuing an order under paragraph one, the text with the characteristics of being defamatory, insulting or vengeful against the King, the Queen, the Heir to the Throne or the Regent, or the texts which affects the security of the Kingdom or the public order or good morals of the public shall not be displayed.

The Commissioner-General of the Royal Thai Police shall have the power to seize and destroy the printed matter under paragraph one.

CHAPTER II NEWSPAPER

Section 11. The printing of a newspaper printed within the Kingdom must be recorded in accordance with the provisions of this Act.

An applicant for printing recordation of a newspaper must submit a printing recordation form and evidence, which is the following:

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(1) name, nationality and domicile of the printer, publisher, editor or newspaper proprietor, as the case may be;

(2) name of the newspaper;

(3) objective and time interval of issuance of the newspaper;

(4) language used in the issuance of the newspaper;

(5) name and location of the printing house or printing place;

(6) name and location of the office of the newspaper.

When a competent official has received the printing recordation form and evidence under paragraph two, he or she shall issue an official document indicating the recordation to the recordation applicant without delay, unless the recordation applicant has not complied correctly or completely with section 13, section 14, section 15 or section 16. The competent official shall render advice for the recordation applicant to comply correctly and completely with every matter on the same occasion, within fifteen days from the date of receiving the printing recordation form and evidence for recordation. When the applicant has correctly and completely complied therewith, the competent official shall accept the recordation and promptly issue an official document indicating the recordation to the applicant.

Rules and procedures for the recordation application, recordation, alteration of items of recordation evidence, cancellation of recordation evidence, prescription of printing recordation form and rate of fees for printing recordation shall be in accordance with those prescribed in a ministerial regulation.

Section 12. On a newspaper, the following texts shall be displayed:

(1) name of the printer and location of the printing house;

(2) name and location of the publisher;

(3) name of the editor of the newspaper;

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(4) name and location of the newspaper proprietor.

The texts under paragraph one shall be printed in a clearly visible manner, and all names under paragraph one shall not be acronyms or pseudonyms.

Section 13. The name of a newspaper must not have the characteristics as follows:

(1) not being identical to or intended to be similar to the King's royal name and title, a royal name and title, the King's royal initials, a royal initial or the name of the royal family;

(2) not being identical to or intended to be similar to a title of nobility, except where it is the title of nobility held by that person, an ascendant or a descendant thereof;

(3) not being the same as the name of a newspaper already recorded;

(4) not having an offensiveword or meaning.

Section 14. A newspaper editor must have the qualifications and not be under any of the prohibitions as follows:

(1) being of not less than twenty yeas of age;

(2) being of Thai nationality or the nationality of a country concluded a treaty with Thailand;

(3) having a regular domicile in the Kingdom;

(4) not being an incompetent person or a quasi-incompetent person;

(5) not having been sentenced by a final judgment to a term of imprisonment, except where having been discharged for a period of not less than three years, or except for an offence committed through negligence or a petty offence.

Any person without Thai nationality who wishes to be a newspaper editor

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must be granted permission in accordance with the rules, procedures and conditions prescribed by a ministerial regulation.

Section 15. A newspaper proprietor who is a natural person, a printer or a publisher must have the qualifications and not be under any of the prohibitions as follows:

- (1) being not less than twenty years of age;
- (2) being of Thai nationality;
- (3) having a regular domicile in the Kingdom;
- (4) not being an incompetent person or a quasi-incompetent person;
- (5) not having been sentenced by a final judgment to a term of imprisonment, except where having been discharged for a period of not less than three years, or except for an offence committed through negligence or a petty offence.

Section 16. A newspaper proprietor who is a juristic person must have no less than 70 per cent of the total number of its shares held by persons of Thai nationality, and must have no less than three-fourths of the total number of its directors being persons of Thai nationality.

No person may hold shares on behalf of a person of non-Thai nationality in a juristic person who is a newspaper proprietor under paragraph one.

With regard to a newspaper proprietor who is a juristic person, if the amount of its shares held by persons of Thai nationality or the number of its director of Thai nationality is less than those prescribed in paragraph one, the competent official shall revoke the recordation in accordance with the rules and procedures prescribed in a ministerial regulation.

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Section 17. Any printer, publisher, editor or newspaper proprietor who alters any of the items under section 11 paragraph two must notify the competent official formaking an alteration to the item in the recordation evidence, within thirty days from the date such item is altered.

Section 18. Any printer, publisher, editor or newspaper proprietor who ceases to be a printer, a publisher, an editor or a newspaper proprietor must notify the competent official for making a cancellation or an alteration to the item in the recordation evidence, within thirty days from the date of cessation to be a printer, a publisher, an editor or a newspaper proprietor.

CHAPTER III PENALTY PROVISIONS

Part 1

Administrative Penalties

Section 19. Any printer or publisher who contravenes section 8 or section 9 shall be liable to an administrative fine not exceeding ten thousand baht.

Section 20. Any printer, publisher, editor or newspaper proprietor who contravenes section 12 shall be liable to an administrative fine not exceeding ten thousand baht.

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Section 21. Any printer, publisher, editor or newspaper proprietor who contravenes section 17 shall be liable to an administrative fine not exceeding twenty thousand baht.

Section 22. Any printer, publisher, editor or newspaper proprietor who contravenes section 18 shall be liable to an administrative fine not exceeding thirty thousand baht.

Section 23. If an unlawful act punishable by administrative fine is a continuing offence and the competent official issues an order imposing the penalty of administrative fine for such offence, the person who commits the unlawful act shall be liable to an additional fine on daily basis as from the date the order imposing the administrative fine is issued throughout the time the contravention continues or until the due compliance at the rates as follows:

(1) in case of penalty of an administrative fine under section 19 and section 20, a fine not exceeding one thousand baht per day shall be imposed;

(2) in case of penalty of an administrative fine under section 21, a fine not exceeding two thousand baht per day shall be imposed;

(3) in case of penalty of an administrative fine under section 22, a fine not exceeding three thousand baht per day shall be imposed.

Section 24. The competent official shall issue an order imposing a penalty of administrative fine on a printer, a publisher, an editor or a newspaper proprietor in accordance with the rules and procedures prescribed and published by the Prime Minister.

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Part 2**Criminal Penalties**

Section 25. Any person, who issues a newspaper where the competent official has not yet undertake printing recordation under section 11, or knows that he or she does not have the qualifications or is under any of the prohibitions of being a printer, a publisher, an editor or a newspaper proprietor but undertakes to be a printer, a publisher, an editor or a newspaper proprietor in contravention with section 7, section 14, section 15 or section 16, commits an offence and shall be liable to imprisonment for a term not exceeding six months, or a fine not exceeding ten thousand baht, or to both.

Section 26. Any person who contravenes section 16 paragraph two commits an offence and shall be liable to imprisonment for a term not exceeding five years, or to a fine of five hundred thousand baht to five million baht, or to both; the Court shall order such person to cease providing assistance or support, or order such person to cease jointly operating the business, or order such person to cease holding shares or being a partner, as the case may be. If such person contravenes or fails to comply with the Court order, he or she shall be liable to a fine of fifty thousand baht to two hundred fifty thousand baht per day throughout the time during which the contravention continues.

Section 27. Any person who contravenes the order of the Commissioner-General of the Royal Thai Police under section 10 commits an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding sixty thousand baht, or to both.

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TRANSITORY PROVISIONS

Section 28. With regards to a newspaper, which has already notified the printing official under the Printing Act, B.E. 2484 (1941) prior to the date on which this Act comes into force, it shall be deemed that such newspaper is a newspaper that has already carried out the printing recordation under this Act.

Section 29. Any person who is a printer, a publisher, an editor or a newspaper proprietor who has already undertaken printing recordation under the Printing Act, B.E. 2484 (1941) prior to the date on which this Act comes into force, shall be deemed a printer, a publisher, an editor or a newspaper proprietor who has been already undertaken printing recordation under this Act.

Countersigned

General Surayud Chulanont

Prime Minister

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