



**Violation of Right and Liberty by Prohibiting a Passenger Vehicle from Using Liquefied Petroleum Gas (LPG)\***

The Department of Land Transport (the Defendant No.1) issued the Ministerial Regulation on a Taxi Carrying Passengers Not More Than Seven Persons Registered in Bangkok, B.E. 2550 (2007). The Clause 10 of the Regulation requires a public taxi carrying not more than seven passengers which was registered since 2<sup>nd</sup> January 2009 to only use natural gas for vehicle (NGV) in combination with gasoline but not liquefied petroleum gas (LPG). Passenger Vehicle Operators (the Plaintiff No.1) and Association and Taxi Isara Cooperative Limited (the Plaintiff No.2) were not able to register new taxis to replace their old taxis due to the Regulation so they filed a case with the Administrative Court to set aside the Clause 10 of the Regulation.

The Supreme Administrative Court held that there were many taxis registered in Bangkok that used natural gas or with combination of gasoline, and a heavy truck, passenger bus, and private vehicle were also converted to use natural gas; as a result, the amount of natural gas was not adequate for consumers and there were no sufficient NGV service stations available for consumers. The problems would affect taxi drivers' income since they rented a car and had to waste their time to be in line for filling natural gas at the station for a long time. If the Ministry of Transport and Department of Land Transport had a policy in promoting the use of an alternative fuel, NGV, as stated in the remarks of the Ministerial Regulation, they would establish measures to address the abovementioned problems, such as opening a sufficient number of service stations, or providing convenient and fast service to consumers. Therefore, the Clause 10 of the Ministerial Regulation was unlawfully issued since it limited the right and liberty of Passenger Vehicle Operators and Association, Taxi Isara Cooperative Limited, and a vehicle passenger operator or a taxi driver unnecessarily to achieve the purpose of the Regulation. It was in violation of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) and caused unnecessary process or excessive burden to the public. Accordingly, the Supreme Administrative Court decided to revoke the Clause 10 of the Ministerial Regulation in effect on the day the Regulation was issued.

(Supreme Administrative Court Judgment No. D. 9-10/2558)

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