

ACT ON ESTABLISHMENT OF ADMINISTRATIVE COURTS
AND ADMINISTRATIVE COURT PROCEDURE,
B.E. 2542 (1999)**

BHUMIBOL ADULYADEJ, REX.
Given on the 5th Day of October B.E. 2542;
Being the 54th Year of the Present Reign.

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

Whereas it is expedient to have a law establishing Administrative Courts and Administrative Court procedure;

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

Section 1. This Act is called the “Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. In this Act:

“**administrative agency**” means a ministry, sub-ministry, department, government agency called by other names and ascribed the status as a department, provincial administration agency, local administration agency, State enterprise established by an Act or Royal Decree or other State agency, and shall include an agency entrusted to exercise the administrative power or carry out administrative acts;

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** Amended up to the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 13), B.E. 2564 (2021).

¹ Published in the Government Gazette, Vol. 116, Part 94a, dated 10th October B.E. 2542 (1999), (pages 1-40).

“State official” means:

(1) a government official, official, employee, group of persons or person performing duties in an administrative agency;

(2) a quasi-judicial commission, commission or person empowered by law to issue any by-law, order, or resolution affecting persons; and

(3) a person who is under the supervision or superintendence of administrative agencies or State officials under (1) or (2);

“quasi-judicial commission” means a commission established under the law which provides organization and procedure for the adjudication of disputes in respect to rights and duties under the law;

“administrative judge” means a judge of the Supreme Administrative Court and a judge of the Administrative Courts of First Instance;

“J.C.A.C.” means the Judicial Commission of the Administrative Courts;

“J.A.C.A.C.”² means Judicial Administration Commission of the Administrative Courts;

“C.O.A.C.”³ means Commission of Officials of the Secretariat General of the Administrative Courts.

“party” means a plaintiff or a defendant, and shall include a person, administrative agency, or State official becoming a party to the case by way of interpleading, whether voluntarily, or by being summoned by the Administrative Courts to appear in the case by reason of being an interested person or a person likely to be affected by the outcome of the case, and, for the purpose of the proceedings, shall also include persons authorized to represent the aforesaid person;

“plaint” means the submission of a claim to the Court, whether made to the Administrative Courts of First Instance or to the Supreme Administrative Court, or made at the time of the filing of the case by a plaintiff or a request, or subsequently by a supplementary or amended plaintiff or by a counterclaim, or by way of voluntary or compulsory interpleading, or by way of an application for new trial;

“by-law” means a Royal Decree, ministerial regulation, notification of a ministry, ordinance of local administration, rule, regulation, or any other provisions of general application without addressing any specific case or person;

² In Section 3, the definition “J.A.C.A.C.” is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

³ In Section 3, the definition “C.O.A.C.” is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

“**administrative contract**” shall include a contract in which at least one of the parties is an administrative agency or a person acting on behalf of the State, and which exhibits the characteristic of a concession contract, contract providing public service, contract for the construction of public works, or contract for the exploitation of natural resources

“**common interest**” means interest for the public, or interest resulting from providing public service or constructing public works, or any other interest arising from the operation or action in the manner of promoting or supporting the public, or providing benefits to the public.⁴

Section 4. The President of the Supreme Administrative Court shall have charge and control of the execution of this Act.

Section 5.⁵ All rules, regulations, or notifications issued by the General Assembly of the Judges of the Supreme Administrative Court, or by the J.C.A.C, or by the J.C.A.C. with the approval of the General Assembly of the Judges of the Supreme Administrative Court, or by the J.A.C.A.C, or by the C.O.A.C shall come into force upon their publication in the Government Gazette.

Section 6.⁶ The Rule of the General Assembly of Judges of the Supreme Administrative Court issued under Section 44, Section 46, Section 60/1, Section 66, Section 70, Section 75/1, Section 75/2, and Section 75/4 shall be submitted to the House of Representatives on the date of their issuance for the purpose of examination by members of the House. If a motion for the cancellation of any rule, whether in whole or in part, is subsequently submitted to the House of Representatives and approved by not less than one-half of the total number of existing members of the House within thirty days as from the date of its submission, the General Assembly of Judges of the Supreme Administrative Court shall proceed in compliance therewith.

Days under paragraph one shall mean days within the session of the House.

⁴ In Section 3, the definition “common interest” is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.5), B.E. 2551 (2008)

⁵ Section 5 is amended by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁶ Section 6 is amended by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

CHAPTER I
Establishment and Jurisdiction of Administrative Courts

Section 7. The Administrative Courts are divided into two levels, viz:

- (1) the Supreme Administrative Court;
- (2) Administrative Courts of First Instance, viz:
 - (a) the Central Administrative Court;
 - (b) Regional Administrative Courts.

The Supreme Administrative Court and the Administrative Courts of First Instance may be divided into divisions or departments called by other names, and shall have specific competence over any administrative cases or any administrative cases within their jurisdiction regulated by the Notification of the President of the Supreme Administrative Court with the approval of the J.A.C.A.C.⁷

The Notification of the President of the Supreme Administrative Court according to paragraph two shall come into force when published in the Government Gazette.⁸

Section 7/1⁹ In the case where a division or department called by other names is established in the Supreme Administrative Court or any of the Administrative Courts of First Instance, the Chief Judge of a division or department called by other names shall have authority over the division or the department's affairs as prescribed by rules prescribed by the J.A.C.A.C.

Section 8. There shall be established the Supreme Administrative Court in the Bangkok Metropolitan Area or in a province nearby.

The Central Administrative Court in the Bangkok Metropolitan Area or in a province nearby shall have jurisdiction throughout the boundaries of the Bangkok Metropolitan Area and the provinces of Nakhon Pathom, Nonthaburi, Pathum Thani, Ratchaburi, Samut Prakan, Samut Songkhram, and Samut Sakhon.

⁷ Section 7 paragraph two is amended by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁸ Section 7 paragraph three is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 6), B.E. 2554 (2011).

⁹ Section 7/1 is amended by Section 6 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

The Central Administrative Court shall also have jurisdiction over any locality where a Regional Administrative Court has not yet been established.

All disputes arising outside the jurisdiction of the Central Administrative Court under paragraph two and paragraph three may be brought before the Central Administrative Court; provided that the Central Administrative Court has the discretion to refuse to try and adjudicate such case unless the case is transferred in accordance with the rules governing administrative cases.

The establishment of a Regional Administrative Court and the determination of its jurisdiction shall be made by an act having regard to the amount of litigation and personnel administration of an Administrative Court; provided that the jurisdiction of a Regional Administrative Court may be extended over administrative boundaries of several provinces.

The commencement of operation of the Supreme Administrative Court, the Central Administrative Court and Regional Administrative Courts shall be prescribed in the Government Gazette by the President of the Supreme Administrative Court with the approval of the J.A.C.A.C.¹⁰

Section 8/1¹¹ Changes to the jurisdiction of the Administrative Courts of First Instance in cases which it is necessary in order to facilitate justice to the people and considering the right to access justice, case management, and the time period for case adjudication, shall be made by proposal by the J.A.C.A.C. and enactment of a Royal Decree.

Section 9. The Administrative Courts have the competence to try and adjudicate, or give orders over the following matters:

(1) cases involving a dispute in relation to an unlawful act by an administrative agency or a State official, whether in connection with the issuance of a by-law or order, or in connection with other acts, by reason of acting without or beyond the scope of powers and duties, or in a manner inconsistent with the law or the form, process, or procedure which is the material requirement for such act, or in bad faith, or in a manner indicating unfair discrimination, or causing unnecessary process, or excessive burden to the public, or amounting to undue exercise of discretion;

¹⁰ Section 8 paragraph six is amended by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

¹¹ Section 8/1 is added by Section 8 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

(2) cases involving a dispute in relation to an administrative agency or a State official neglecting official duties required by the law to be performed or performing such duties with unreasonable delay;

(3) cases involving a dispute in relation to a wrongful act or other liability of an administrative agency or a State official arising from the exercise of power under the law, or from a by-law, an administrative order, or any other order, or from the neglect of official duties required by the law to be performed or the performance of such duties with unreasonable delay;

(4) cases involving a dispute in relation to an administrative contract;

(5) cases prescribed by the law to be submitted to the Court by an administrative agency or a State official for mandating a person to do a particular act or refrain therefrom;

(6) cases involving a matter prescribed by the law to be under the jurisdiction of the Administrative Courts.

The following matters are not within the jurisdiction of the Administrative Courts:

(1) actions concerning military disciplines;

(2) actions of the Judicial Commission under the law on judicial service;

(3) cases within the jurisdiction of the Juvenile and Family Court, Labor Court, Tax Court, Intellectual Property and International Trade Court, Bankruptcy Court, or other specialized courts.

Section 10. An Administrative Court of First Instance has the competence to try and adjudicate cases within the jurisdiction of the Administrative Courts except for cases falling within the jurisdiction of the Supreme Administrative Court.

Section 11. The Supreme Administrative Court has the competence to try and adjudicate the following matters:

(1) cases involving a dispute in relation to a decision of a quasi-judicial commission as prescribed by the General Assembly of the Judges of the Supreme Administrative Court;

(2) cases involving a dispute in relation to the legality of a Royal Decree or by-law issued by the Council of Ministers or with the approval of the Council of Ministers;

(3) cases prescribed by the law to be within the jurisdiction of the Supreme Administrative Court;

(4) cases in which an appeal is made against a judgment or an order of an Administrative Court of First Instance.

CHAPTER II

Administrative Judges

Section 11/1¹² Government officials of the Administrative Courts are as follows:

(1) Government officials who are judges of the Administrative Court mean judges of the Supreme Administrative Court under Section 12, judges of the Administrative Courts of First Instance under Section 17 and junior judges of the Administrative Courts of First Instance appointed under Section 19;

(2) Administrative court government officials mean government officials of the Office of the Administrative Courts who are appointed under Section 78 or Section 78/1, or who have instated and appointed under Section 87.

Section 12.¹³ In the Supreme Administrative Court, there shall be administrative judges holding the following positions:

- (1) President of the Supreme Administrative Court;
- (2) Vice Presidents of the Supreme Administrative Court;
- (3) Presidents of Chambers of the Supreme Administrative Court;
- (4) Judges of the Supreme Administrative Court;
- (5) Judges of the Supreme Administrative Court called by other names as provided in the Notification of the J.C.A.C.

Provided that the number thereof shall be prescribed by the J.C.A.C.

The J.C.A.C shall determine the position under paragraph one (5) equivalent to which position under paragraph one (2), (3), or (4) in the Notification, and shall come into force after published in the Government Gazette.

Section 13. Persons eligible for appointment as a judge of the Supreme Administrative Court shall have the following qualifications:

- (1) Thai nationality;
- (2) at least forty five years of age;

¹² Section 11/1 is added by Section 9 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

¹³ Section 12 is amended by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 6), B.E. 2554 (2011).

(3) qualified in the field of Law, Political Science, Public Administration, Economics, Social Science, or in the Administration of State Affairs in accordance with the rules prescribed by the J.C.A.C.; and

(4) having one, or more additional qualifications as follows:

(a) being or having been a Law Councilor, Petition Councilor, or Councilor of State;

(b) serving or having served in a position not lower than the President of a Chamber of an Administrative Court of First Instance;

(c) serving or having served in a position not lower than that of judge of the Supreme Court of Justice or its equivalent or a judge of the Supreme Military Court;

(d) serving or having served in a position not lower than that of Regional Chief Public Prosecutor or its equivalent;

(e) serving or having served in a position not lower than that of Director-General, or its equivalent or other equivalent positions in a State agency prescribed by the J.C.A.C.;

(f) being or having been a lecturer in Law, Political Science, Public Administration, Economics, Social Science, or in a subject related to the Administration of State Affairs in a higher education institution and holding or having held the position of Professor or Honorary Professor;

(g) being or having been a lawyer for not less than twenty years with experience in administrative cases in accordance with the rules prescribed by the J.C.A.C.

Section 14. A judge of the Supreme Administrative Court shall not have the following prohibitions during incumbency of the office:

(1) being any other government official holding a permanent position or receiving salary;

(2) being an official, or employee of a State agency, or of any person;

(3) being a person holding a political position, member of a local assembly, local administrator, director or holder of a position responsible for the administration of a political party, member of a political party, or official of a political party;

(4) being a director of a State enterprise;

(5) being a director in a State agency unless the J.C.A.C.'s approval has been obtained;

(6) being a director, manager, or consultant, or holding any other position of similar nature in a partnership or company;

(7) being a lawyer, or being engaged in any other occupation or profession, or holding any position or carrying out any activity which is inconsistent with the performance of duties as specified in the regulation prescribed by the J.C.A.C.

Section 15¹⁴ In appointing judges of the Supreme Administrative Court, the J.C.A.C. may proceed according to the following procedures:

(1) promote a judge of an Administrative Court of First Instance who holds a position not lower than President of a Chamber of an Administrative Court of First Instance and taking into consideration that person's seniority, competency, responsibility, suitability, and judicial service record;

(2) select a person who is not currently an administrative judge who has qualifications under Section 13 and is suitable to be appointed as a judge of the Supreme Administrative Court.

The appointment of judges of the Supreme Administrative Court under paragraph one shall take into account the proportion of persons nominated under paragraph one (2) which shall not be less than one-fifth of the total number of judges of the Supreme Administrative Court.

The J.C.A.C. shall present a list of persons promoted under paragraph one (1) or selected under paragraph one (2) to the Prime Minister, and the Prime Minister shall submit such list to the Senate within fifteen days as from the date of receipt thereof. Upon its approval, the Prime Minister shall tender the list to the King for royal appointment.

The procedure under paragraph one (1) and (2) shall be in accordance with regulations prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

Section 15/1¹⁵ The J.C.A.C. shall consider and select one judge of the Supreme Administrative Court to be the President of the Supreme Administrative Court and submit the nomination to the Prime Minister. The Prime Minister shall submit the nomination to the Senate within fifteen days as from the date of receipt of the nomination. Upon its approval, the Prime Minister shall tender it to the King for royal appointment.

In appointing and promoting any judge of the Supreme Administrative Court as the Vice President of the Supreme Administrative Court, the President of each chamber of the Supreme Administrative Court, or a judge of the Supreme Administrative Court, or persons to other equivalent offices, the J.C.A.C. shall make the selection and the Prime Minister shall tender such selection to the King for royal appointment.

¹⁴ Section 15 is amended by Section 10 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

¹⁵ Section 15/1 is added by Section 11 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

The procedure for selection of the President of the Supreme Administrative Court, Vice President of the Supreme Administrative Court, President of a Chamber of the Supreme Administrative Court, or a judge of the Supreme Administrative Court, or persons to other equivalent offices shall be in accordance with the regulations prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

Section 15/2¹⁶ The President of the Supreme Administrative Court shall hold office for a term of four years as from the date of appointment by the King and shall serve for only one term.

In the case where the President of the Supreme Administrative Court holds office until the expiration of term and has not vacated the judicial office under Section 21 (3), he or she shall be appointed as a judge of the Supreme Administrative Court in other offices designated by the J.C.A.C. and shall receive salary and emolument at the rate not lower than what he or she previously received.

In the case where the President of the Supreme Administrative Court resigns from the office before the expiration of term according to paragraph one and has not vacated the judicial office under Section 21 (3), the J.C.A.C. may appoint that person as a judge of the Supreme Administrative Court in other offices where he or she shall be entitled to salary and emolument at the rate prescribed by the J.C.A.C.

Section 16. Any person approved by the Senate to hold office as a judge of the Supreme Administrative Court who is prohibited under Section 14 from holding such office shall resign from the position or shall present to the Prime Minister convincing evidence indicating cessation of the occupation, profession, or any act falling under such prohibition within fifteen days as from the date the Senate gives the approval.

Section 17.¹⁷ In each Administrative Court of First Instance, there shall be the following positions of administrative judges:

- (1) President of an Administrative Court of First Instance;
- (2) Vice Presidents of an Administrative Court of First Instance;
- (3) Presidents of Chambers of an Administrative Court of First Instance;

¹⁶ Section 15/2 is amended by Section 11 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

¹⁷ Section 17 is amended by Section 6 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 6), B.E. 2554 (2011).

(4) Judges of an Administrative Court of First Instance;

(5) Judges of an Administrative Court of First Instance called by other names in accordance with the regulation prescribed by the J.C.A.C.;

Provided that the number thereof shall be prescribed by the J.C.A.C.

The positions under paragraph one (5) shall be specified by the J.C.A.C. to be equivalent to any other position under paragraph one upon the notification prescribed by the J.C.A.C., and shall come into force when published in the Government Gazette.

Section 18. A person eligible for appointment as a judge of an Administrative Court of First Instance shall have the following qualifications:

(1) Thai nationality;

(2) not less than thirty five years of age;

(3) qualified in the field of Law, Political Science, Public Administration, Economics, Social Science, or in the Administration of State Affairs in accordance with the rules prescribed by the J.C.A.C.; and

(4) having one or more of the following additional qualifications:

(a) (repealed)¹⁸

(b) serving or having served for at least three years in a position of administrative case official of the class prescribed by the J.C.A.C.;

(c) serving or having served for at least three years in a position not lower than that of a judge in a court of first instance or its equivalent who receives salary at level 3 or a judge of the Central Military Court.¹⁹

(d) serving or having served for at least three years in a position of Provincial Public Prosecutor or its equivalent;

(e) having served for at least three years in a position not lower than level-8 government official, or knowledge worker official in senior professional level or managerial official or executive official, or having performed duties for at least three years in an equivalent position prescribed by the J.C.A.C. in a State agency, public organization, or State enterprise established by an Act or Royal Decree.²⁰

¹⁸ Section 18 paragraph one (4) (a) are repealed by Section 12 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

¹⁹ Section 18 paragraph one (4) (c) is amended by Section 13 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

²⁰ Section 18 paragraph one (4) (e) is amended by Section 14 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

(f) being or having been a lecturer in Law, Political Science, Public Administration, Economics, Social Science, or in a subject related to the Administration of State Affairs in a higher education institution and holding or having held a position not lower than Associate Professor or Honorary Associate Professor for at least three years;

(g) having graduated with a Master Degree or Doctoral Degree in Public Law and having served in a State agency or performed duties in a State agency, public organization, or State enterprise established by an Act or Royal Decree for at least ten years since graduation for those with a Master Degree or at least six years since graduation for those with a Doctoral Degree.²¹

(h) being or having been a lawyer for not less than twelve years with experience in administrative cases in accordance with the rules prescribed by the J.C.A.C.

The provisions of Section 14 and Section 16 shall apply *mutatis mutandis* to judges of an Administrative Court of First Instance.

Section 19.²² The J.C.A.C shall consider and select persons with qualifications under Section 18 and suitable for appointment as junior judges of the Administrative Courts of First Instance through an examination, a test of knowledge, or a selection in accordance with the regulations prescribed by the J.C.A.C. with the approval of the General Assembly of the Judges of the Supreme Administrative Court.

The training and performance of duties of junior judges of the Administrative Courts of First Instance shall be in accordance with the regulations prescribed by the J.C.A.C.

The J.C.A.C. shall consider and select junior judges of the Administrative Courts of First Instance from those who pass the training program determined by the J.C.A.C. by achieving a training result which meets the standards of the J.C.A.C. indicating that their honesty, competency, responsibility, and conduct are suitable to become administrative judges, to be appointed as judges of the Administrative Courts of First Instance. A list of those nominated shall be submitted to the Prime Minister who will tender it to the King for royal appointment.

If a junior judge of the Administrative Courts of First Instance is not suitable to become a judge of an Administrative Court of First Instance or whose training result does not meet standards of the J.C.A.C., the President of the Supreme Administrative Court with the approval

²¹ Section 18 paragraph one (4) (g) is amended by Section 15 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

²² Section 19 is amended by Section 16 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

of the J.C.A.C. shall have the authority to remove that person from office or transfer that person to be an administrative court government official.

The provisions of Section 21, Section 22, Section 23, Section 25 paragraph one, and Section 26 shall be applied to junior judges of the Administrative Courts of First Instance *mutatis mutandis*.

Section 19/1.²³ The transfer and promotion of any judge of an Administrative Court of First Instance to hold the position of President of an Administrative Court of First Instance, Vice President of an Administrative Court of First Instance, President of Chambers of an Administrative Court of First Instance, or judge of an Administrative Court of First Instance, or other equivalent office shall be considered by the J.C.A.C and the J.C.A.C shall then submit the nominations to the Prime Minister who will tender them to the King for royal appointment.

The procedure for selection of President of an Administrative Court of First Instance, Vice President of an Administrative Court of First Instance, President of Chambers of an Administrative Court of First Instance, or judge of an Administrative Court of First Instance, or other equivalent office shall be in accordance with the regulations prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

Section 20. Before taking office as a judge of the Administrative Courts for the first time, all administrative judges shall make the following solemn declaration before the King:

“I, (name of the declarer) do solemnly declare that I will be loyal to His Majesty the King and will faithfully perform my duties in the name of the King without any partiality in the interest of justice to the people and the public order of the Kingdom. I will also uphold and observe the democratic regime with the King as Head of the State, the Constitution of the Kingdom of Thailand, and the law in every respect”.

Section 21. An administrative judge vacates office upon:

- (1) death;
- (2) resignation;
- (3) expiration of the fiscal year in which that administrative judge attains the age of sixty five years unless the judge passes the performance fitness assessment for remaining in office under Section 31;
- (4) becoming disqualified or prohibited under Section 13, Section 14, or Section 18;
- (5) being a bankrupt;

²³ Section 19/1 is amended by Section 17 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

(6) being an incompetent or quasi-incompetent person or having an unsound mind or mental disorder;

(7) having a disease or being of a physical or mental condition which is unsuitable for the office of administrative judge as specified in the notification of the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court;

(8) being removed from office under Section 22;

(9) being expelled under Section 23;

(10) being transferred to be an administrative court government official or other government officials.²⁴

Vacation of office under paragraph one shall be presented to the King for royal command to such effect, except for cases under paragraph one (1), (3), (8), and (9) which shall be presented to the King for acknowledgment.²⁵

Section 22.²⁶ An administrative judge shall maintain his or her conduct in accordance with the judicial disciplines prescribed by the J.C.A.C.

The J.C.A.C. may pass a resolution removing any administrative judge from office in accordance with the law on government gratuity and pension or the law on government pension fund, as the case may be. In the case where such law allows the removed person to receive a pension, the removal from office with the right to receive a compensatory pension shall also be permissible under the following circumstances;

(1) gross neglect in the performance of duties or misconduct prescribed in the judicial disciplines for administrative judges;

(2) lack of ability to perform official duties or suffer an illness which prevents consistent performance of official duties but being short of a physical infirmity;

(3) being imprisoned by a final judgment except for an offence committed through negligence or a petty offence.

In the case where the J.C.A.C. passes a resolution removing an administrative judge from office under Section 21 paragraph one (4), (5), (6), or (7), such administrative judge shall have

²⁴ Section 21 paragraph one (10) is added by Section 18 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

²⁵ Section 21 paragraph two is amended by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

²⁶ Section 22 is amended by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

the right to receive a compensatory pension in accordance with the law on government gratuity and pension or the law on government pension fund, as the case may be.

Section 23. The J.C.A.C. may pass a resolution expelling an administrative judge in the following circumstances:

- (1) malfeasance in office;
- (2) breach of vital discipline as prescribed in the code of discipline for administrative judges;
- (3) being imprisoned by a final judgment except for an offence committed through negligence or a petty offence.

Section 23/1.²⁷ In the case where an administrative judge commits a breach of discipline which is not subject to removal from office or expulsion, the J.C.A.C. may pass a resolution suspending his or her promotion or salary increment for no more than three years. If there is a reasonable cause for leniency, the J.C.A.C. may impose a written reprimand or admonishment.

The appointment of an investigatory committee, procedure for the investigation, and the rights of the accused person and the persons concerned shall be in accordance with the regulations prescribed by the J.C.A.C with the approval of the General Assembly of Judges of the Supreme Administrative Court

Section 24. In considering the removal from office of an administrative judge under Section 22 paragraph two (1) or (2) or under Section 22 paragraph three in conjunction with Section 21 paragraph one (4) or (7), or the expulsion of an administrative judge under Section 23 (1) or (2), the J.C.A.C. shall appoint an investigatory committee consisting of four judges of the Supreme Administrative Court or the Administrative Courts of First Instance, and the Secretary-General of the Civil Service Commission or one Deputy Secretary-General of the Civil Service Commission designated by the Secretary-General of the Civil Service Commission to conduct an investigation.²⁸

Such commission has the power to summon any administrative agency or person to render facts, give statements, or furnish documents or evidence relevant to the matter under investigation.

²⁷ Section 23/1 is amended by Section 19 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

²⁸ Section 24 paragraph one is amended by Section 6 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

If, during the investigation, the J.C.A.C. is of the opinion that the continued performance of duties by the person against whom the investigation or consideration is directed will cause detriment to the official service, it may pass a resolution to suspend the person from official service.

Suspension from official service shall take effect throughout the period of the investigation or consideration. Upon completion of the investigation or consideration, if it appears that the person under suspension has not committed the act under the investigation or consideration, such person shall be reinstated to official service.

The procedure for the investigation and the rights of the accused person and the persons concerned shall be in accordance with the regulation prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

Section 24/1²⁹ In the case where an administrative judge who was an administrative court government official, a civil official, other government official, or an official of other State agencies has committed a breach of discipline prior to the date of appointment to be an administrative judge, the J.C.A.C. shall conduct a disciplinary proceeding under the provisions on judicial discipline for administrative judges *mutatis mutandis*. However, if the matter is being investigated or inquired into before the date of appointment, such investigation or inquiry shall continue under the law enforced at the time of committing the offence until it is completed and shall then be submitted to the J.C.A.C. to proceed according to the provisions on judicial discipline for administrative judges *mutatis mutandis*. In the case where a disciplinary order is required, offences and punishments shall be considered according to the provisions on discipline for administrative court government officials, the law on civil service, the law on the service of such government official, or the law on discipline for officials of other State agencies enforced at the time of committing the offence, as the case may be, *mutatis mutandis*.”

Section 25.³⁰ When any administrative judge vacates office without having committed any wrongful act and when such vacation of office is not covered under Section 21 paragraph one (4), (5), (6), (7), (8), or (9), the J.C.A.C. may select that person to resume official office as administrative judge in a position not higher than the original office or its equivalent provided

²⁹ Section 24/1 is added by Section 21 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

³⁰ Section 25 is amended by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

that such person has the necessary qualifications under Section 13 or Section 18 paragraph one, as the case may be, and has not yet reached the full age of 65 years at the end of that fiscal year or has not yet reached the full age of 70 years at the end of that fiscal year in the case where such person is selected by the General Assembly of Judges of the Supreme Administrative Court to be a judge of the Constitutional Court. If that person has reached the age which a performance assessment is required under Section 31 paragraph one but has not yet been assessed, the performance assessment shall be carried out even though that person is over the age required to be assessed under Section 31 paragraph one.

If an administrative judge who was transferred to be the Secretary-General of the Office of the Administrative Courts has to be retransferred to be an administrative judge due to the expiration of term under Section 78/1 paragraph two or requests to be retransferred before the expiration of term, and that person has qualifications under Section 13 or Section 18 paragraph one, as the case may be, the J.C.A.C. shall consider approving that person to hold office having the same seniority as before by receiving the salary, emolument, and other benefits at the same level as administrative judges of equal seniority while that person holds a position of an administrative judge.

In the case where the person who is selected to resume official office under paragraph one or who is approved to be retransferred to be an administrative judge under paragraph two is under any of the prohibitions under Section 14, the provision of Section 16, or Section 18 paragraph two shall apply, as the case may be, *mutatis mutandis*.

The provision of Section 15 paragraph three or Section 19 paragraph three, as the case may be, shall apply to the selection of a person to resume official office as administrative judge under paragraph one or the retransfer of a person to be an administrative judge under paragraph two *mutatis mutandis*.

Section 26. Any administrative judge wishing to resign from official service shall tender a letter of resignation and shall be deemed to vacate office upon permission by the President of the Supreme Administrative Court.

In a case where the administrative judge resigns for the purpose of holding a position prescribed by the Constitution or for a political position or for the purpose of candidacy in an election, the resignation shall take effect as from the date of his or her resignation.

Except for cases under paragraph two, the President of the Supreme Administrative Court may withhold permission to resign for the duration of not more than three months as from the date of tendering the resignation if the President considers it necessary for official service.

Section 26/1³¹ The President of the Supreme Administrative Court may order the transfer of an administrative judge to be an administrative court government official or a government official in another position when having the consent of the person being transferred and the approval of the J.C.A.C.

Section 27. A transfer of any administrative judge to hold another position in an Administrative Court must be upon the consent of that administrative judge. The President of the Supreme Administrative Court has the power to make an appointment with the approval of the J.C.A.C. in accordance with the regulation prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

The provisions of paragraph one shall not apply to promotion to a higher position or an annual transfer, to a case under disciplinary action, or to becoming a defendant in a criminal case already accepted for trial by the Court.

Section 28. The President of the Supreme Administrative Court shall be responsible for ensuring the orderly operation of the Administrative Courts in accordance with the regulations prescribed by the J.C.A.C with the approval of the General Assembly of Judges of the Supreme Administrative Court or regulations prescribed by the J.A.C.A.C., as the case may be, with Vice Presidents of the Supreme Administrative Court assisting in the performance of official duties as entrusted by the President of the Supreme Administrative Court.³²

The President of an Administrative Court of First Instance shall be responsible for ensuring the proper operation of such Court in accordance with the regulations prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court or regulations prescribed by the J.A.C.A.C., as the case may be, with Vice Presidents of an Administrative Court of First Instance assisting in the performance of official duties as entrusted by the President of an Administrative Court of First Instance.³³

In the case where the office of the President of the Supreme Administrative Court or the office of the President of the Administrative Court of First Instance becomes vacant or in the case of his or her inability to perform official duties, Vice Presidents of the Supreme

³¹ Section 26/1 is added by Section 23 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

³² Section 28 paragraph one is amended by Section 24 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

³³ Section 28 paragraph two is amended by Section 24 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017)

Administrative Court, or Vice Presidents of an Administrative Court of First Instance, or any other administrative judge, as the case may be, shall perform official duties in place of the aforesaid person in accordance with the regulation prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

The person performing duties in place of the aforesaid persons shall have the same powers and duties as those whose duties are performed.

Section 29. The variation of an administrative judge in any particular chamber by reason of any administrative judge's vacation of office, suspension from official service, appointment to another position, illness, or inability to perform duties on account of other necessary causes shall be in accordance with the rule prescribed by the General Assembly of Judges of the Supreme Administrative Court.

The replacement administrative judge under paragraph one shall have power to examine the case file and sign a judgment.

Section 30. Salary scale and emolument scale of an administrative judge shall be in accordance with the list attached to this Act.³⁴

An administrative judge shall receive salary according to appointed position as follows:

(1) In the Supreme Administrative Court:

(a) President of the Supreme Administrative Court shall receive salary at level 4;

(b) Vice Presidents of the Supreme Administrative Court, Presidents of Chambers of the Supreme Administrative Court and Judges of the Supreme Administrative Court shall receive salary at the highest increment of level 3.

(2) In the Administrative Courts of First Instance:

(a) Presidents of the Administrative Courts of First Instance shall receive salary at the highest increment of level 3;

(b) Vice Presidents of the Administrative Courts of First Instance and Presidents of Chambers of the Administrative Courts of First Instance shall receive salary at level 2 – 3. Initially, salary will be received at level 2 and shall be raised to level 3 after holding a level 2 position for seven years;

(c) Judges of the Administrative Courts of First Instance shall receive salary at level 1 – 3. Initially, salary will be received at level 1 and shall be raised to level 2 after holding a level 1

³⁴ Section 30 paragraph one is amended by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.11), B.E. 2561 (2018).

position for one year. After holding a position at level 2 for seven years, the salary shall be raised to level 3.³⁵

An administrative judge shall receive emoluments in accordance with his or her position from the date of such appointment.

An administrative judge shall receive transport fees, accommodation fees, and other expenses in the case of official travel in accordance with the Royal Decree on Official Travel Expenses.

For the purpose of pensions, an administrative judge shall be deemed a government official under the law on government pension fund. In this instance, the Office the Administrative Courts shall be the authority overseeing the retirement of administrative judges.

In order to respond to changes in the economy, the salaries of administrative judges may need to be changed. The raise shall be done by decree if the raise for all levels is equal and no more than 10 percent of existing salaries. The list of Salary Scale and Emolument Scale annexed to such a decree shall be deemed as the list of Salary Scale and Emolument Scale annexed to this Act. In the case such a change is equal by percentage, the new salary shall be rounded up to the nearest ten and is deemed not to be a different rate of raise.³⁶

Judges of an Administrative Court of First Instance called by other names when considered to be equivalent to any positions in paragraph two (1) (b), or (2) (a), (b), or (c) shall receive salary, promotion of salary, emolument, and other benefits relevant to such position.³⁷

Section 30/1.³⁸ An administrative judge may receive temporary living allowance in response to changes in the economy in accordance with the rules and procedure prescribed by the J.A.C.A.C.³⁹

In the case of providing or revising the living allowance under paragraph one, the Secretary-General of the Office of the Administrative Courts shall report to the Council of Ministers for consideration for further proceedings.

³⁵ Section 30 paragraph two is amended by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.11), B.E. 2561 (2018).

³⁶ Section 30 paragraph six is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 4), B.E. 2550 (2007).

³⁷ Section 30 paragraph seven is added by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 6), B.E. 2554 (2011).

³⁸ Section 30/1 is added by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 4), B.E. 2550 (2007).

³⁹ Section 30/1 paragraph one is amended by Section 25 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

Section 30/2.⁴⁰ Junior judges of the Administrative Courts of First Instance shall receive salary at level 1 and shall receive other benefits the same as that of judges of the Administrative Courts of First Instance, but shall not be entitled to emolument.

The provisions of Section 30 paragraphs four and five shall be applied to junior judges of the Administrative Courts of First Instance *mutatis mutandis*.

Section 31. The J.C.A.C. shall carry out a performance assessment of administrative judges who reach sixty-five years of age in the following fiscal year.

The rules and procedure for the performance assessment under paragraph one shall be in accordance with the regulation prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

An administrative judge who passes the performance assessment under paragraph one shall remain in office until the expiry date of the fiscal year in which such person reaches seventy years of age.

Section 32. In the case where any government official or official of a local government organization is appointed as an administrative judge, it shall, in the interest of official service, be deemed that the period of such person being in official service or working while being a government official or official of a local government organization is the period of official service of that administrative judge, and the law on government gratuity and pension or the law on government pension fund, as the case may be, shall apply *mutatis mutandis*.

Section 33.⁴¹ The uniform of an administrative judge and dress regulations shall be prescribed by the J.A.C.A.C.

Section 34. In the performance of duties, an administrative judge shall be a judicial official under the Penal Code.

Section 34/1.⁴² Any act conducted in good faith by administrative judges in the trial and adjudication of cases shall be protected.

⁴⁰ Section 30/2 is amended by Section 26 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁴¹ Section 33 is amended by Section 27 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

CHAPTER III
Judicial Commission of the Administrative Courts

Section 35⁴³ There shall be a Judicial Commission of the Administrative Courts called “J.C.A.C.” which shall consist of the following persons:

- (1) President of the Supreme Administrative Court as Chairman;
- (2) ten qualified members who are administrative judges as follows:

- (a) six judges of the Supreme Administrative Court elected by judges of the Supreme Administrative Court; and

- (b) four judges of the Administrative Courts of First Instance elected by judges of the Administrative Courts of First Instance.

- (3) two qualified members who are not or have never been judges of the Administrative Courts elected by judges of the Supreme Administrative Court and judges of the Administrative Courts of First Instance.

The Secretary-General of the Office of the Administrative Courts shall be the secretary of the J.C.A.C.; and the J.C.A.C. shall appoint not more than two administrative court government officials as assistants to the secretary.

Section 35/1.⁴⁴ Qualified members of the J.C.A.C. under Section 35 paragraph one (3) shall be free from any prohibitions and have the following qualifications:

- (1) be of Thai nationality;
- (2) be not less than forty five years of age;
- (3) have graduated with a Bachelors Degree or its equivalent;
- (4) not be serving in a position of judge of the Constitutional Court, Election Commissioner, State Audit Commissioner, Ombudsman, National Counter Corruption Commissioner, National Human Rights Commissioner, or Judicial Commissioner of the Courts of Justice, or any other Court;

⁴² Section 34/1 is added by Section 8 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

⁴³ Section 35 is amended by Section 9 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018).

⁴⁴ Section 35/1 is added by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 7), B.E. 2557 (2014).

(5) not be serving in a position of State attorney, police officer, judicial official of Courts of Justice, judge of Military Court, or lawyer;

(6) not be a director, consultant, employee, or hold any other position in a State enterprise;

(7) not to be of unethical conduct or morally defective;

(8) not be bankrupt or dishonest bankrupt;

(9) not have been discharged, dismissed, or expelled from a State agency or a State enterprise;

(10) not have been imprisoned by final sentence for a criminal offence, except for offences of negligence or minor offences;

(11) not be incompetent, quasi-incompetent, insane, or mentally disabled;

(12) not be a member of the House of Representatives, a senator, political official, member of a local assembly, local administrator, director of a political party, member of a political party, or official of a political party;

(13) not be engaged in any other occupation or profession that may affect the performance of duties as a qualified member of the J.C.A.C.

Section 35/2.⁴⁵ Qualified members of the J.C.A.C. under Section 35 paragraph one (2) and (3) shall not serve simultaneously in a position of qualified member of the J.A.C.A.C. under Section 41/2 paragraph one (3), (4), or (5), or qualified member of the C.O.A.C. under Section 81 paragraph one (3), (4), or (5).

Section 36.⁴⁶ The election of qualified members under Section 35 paragraph one (2) shall be by direct and secret ballot. For this purpose, the Secretary-General of the Office of the Administrative Courts shall prepare a list of names of eligible persons which must be categorized into judges of the Supreme Administrative Court and judges of the Administrative Courts of First Instance. This list will then be forwarded to judges of the Supreme Administrative Court or judges of the Administrative Courts of First Instance, as the case may be. Accompanying the list will be a notification of the date, time, and place for the election.

There shall be an election committee consisting of the Secretary-General of the Office of the Administrative Courts, three judges of the Administrative Courts, and three Deans of Faculties of Law in governmental higher education institutions appointed by the President of

⁴⁵ Section 35/2 is added by Section 10 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁴⁶ Section 36 is amended by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 7), B.E. 2557 (2014).

the Supreme Administrative Court as members, having power to take action in connection with the election of the qualified members under paragraph one, the vote counting, and the announcement of the result of the election.

The President of the Supreme Administrative Court shall ensure that the election proceeds in a proper and orderly manner.

The elected qualified members under Section 35 paragraph one (2) shall take office when the President of the Supreme Administrative Court announces the names of elected qualified members. The Secretary-General of the Office of the Administrative Courts shall announce the names of elected members in the Government Gazette.

Section 37.⁴⁷ The President of the Supreme Administrative Court shall announce the recruitment of persons who have qualifications and are not prohibited under Section 35/1 to be elected as qualified members of the J.C.A.C. under Section 35 paragraph one (3). The election committee shall verify qualifications and prohibitions of applicants and shall prepare a list of names of eligible persons. The list will then be forwarded to judges of the Supreme Administrative Court and judges of the Administrative Courts of First Instance. Accompanying the list will be a notification of the date, time, and place for the election.

The provision of Section 36 shall apply to the election of qualified members under paragraph one *mutatis mutandis*.

Section 38.⁴⁸ The rules and procedure for the election, the vote counting, and the announcement of result of the election of qualified members of the J.C.A.C. under Section 36, Section 37, and Section 39/1 shall be prescribed by the President of the Supreme Administrative Court with the approval of the J.C.A.C.

Section 39.⁴⁹ A member of the Judicial Commission of the Administrative Courts under Section 35 paragraph one (2) or (3) shall hold office for a term of two years and may be re-elected but may not serve for more than two consecutive terms.

⁴⁷ Section 37 is amended by Section 11 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁴⁸ Section 38 is amended by Section 11 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁴⁹ Section 39 is amended by Section 8 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 7), B.E. 2557 (2014).

Not less than sixty days but not more than ninety days before the expiration of the term of qualified members of the J.C.A.C. under Section 35 paragraph one (2) and (3), an election to re-elect the qualified members shall be held; the election shall be completed before the expiration of term of office. When necessary, where the election cannot be completed within the period prescribed, the qualified members who vacate office at the expiration of term shall remain in office and continue the performance of their duties for not more than sixty days as from the date of vacating office.⁵⁰

Section 39/1.⁵¹ In the case where a qualified member of the J.C.A.C. under Section 35 paragraph one (2) or (3) vacates office before the expiration of the term, the President of the Supreme Administrative Court shall arrange for a replacement election within sixty days as from the date of his/her vacating office. In the case where the remaining term of office of that member is less than ninety days, such replacement election may be omitted.

The person elected as qualified member of the J.C.A.C. under paragraph one shall take office when the President of the Supreme Administrative Court announces the name of the person elected as a qualified member of the J.C.A.C. The Secretary-General of the Office of the Administrative Courts shall announce the name of the person elected in the Government Gazette.

A replacement member of the J.C.A.C. who is elected shall hold office for the remainder of the term of the replaced person.

Section 40.⁵² In addition to vacating office at the expiration of term, a qualified member of the J.C.A.C. under Section 35 paragraph one (2) and (3) vacates office upon:

- (1) death;
- (2) resignation by tendering a letter of resignation to the President of the Supreme Administrative Court;
- (3) vacating office of a judge of the Supreme Administrative Court or a judge of an Administrative Court of First Instance, in the case of being a qualified member under Section 35 paragraph one (2);

⁵⁰ Section 39 paragraph two is amended by Section 12 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁵¹ Section 39/1 is amended by Section 13 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁵² Section 40 is amended by Section 10 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 7), B.E. 2557 (2014).

(4) being disqualified or being prohibited under Section 35/1 in the case of a qualified member under Section 35 paragraph one (3).

In the case where there is a question concerning the vacation of office of a qualified member of the J.C.A.C. under paragraph one, the decision shall be made by the J.C.A.C.⁵³

Section 40/1.⁵⁴ The J.C.A.C. by a vote of not less than one-half of the total number of members shall have the power to issue regulations or notifications under this Act to prescribe the rules and procedure in regard to personnel administration of administrative judges and other matters within the powers and duties of the J.C.A.C.

Section 41. In meetings of the J.C.A.C., the presence of not less than one-half of the total number of the members is required to constitute a quorum.

If the President of the Supreme Administrative Court is not present at the meeting or is unable to perform duties, the Vice President of the Supreme Administrative Court shall perform the duties. If there is no Vice President of the Supreme Administrative Court or there is such person but the person is unable to perform the duties, one member shall be elected to preside over the meeting.

In the case of a vacancy of office in the J.C.A.C., the remaining members may continue the performance of duties, provided that the number of the remaining members is sufficient to constitute a quorum.

Decisions shall be made by majority vote. In the case of an equal number of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

The J.C.A.C. shall have power to issue rules of procedure for meetings and the passing of resolutions thereat.

The J.C.A.C. shall have power to appoint a sub-commission for carrying out any act as is appropriate.

⁵³ Section 40 paragraph two is added by Section 14 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁵⁴ Section 40/1 is added by Section 15 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

Section 41/1.⁵⁵ In the case where there is no qualified member of the J.C.A.C. according to Section 35 paragraph one (2) (a), (b), or (3), or the number of such members is deficient; and if no less than six members of the J.C.A.C. are of the opinion that an urgent matter requires approval, then the existing members acting as the J.C.A.C. may consider such urgent matter.

CHAPTER III/I

Judicial Administration Commission of the Administrative Courts⁵⁶

Section 41/2. There shall be a Judicial Administration Commission of the Administrative Courts called “J.A.C.A.C.” which shall consist of following persons:

- (1) President of the Supreme Administrative Court as Chairman;
- (2) Secretary-General of the Office of the Council of State and Secretary-General of the Office of the Civil Service Commission as members;
- (3) eight qualified members who are administrative judges as follows:
 - (a) four judges of the Supreme Administrative Court elected from judges of the Supreme Administrative Court;
 - (b) four judges of the Administrative Courts of First Instance elected from judges of the Administrative Courts of First Instance.
- (4) two qualified members who are administrative court government officials of a level not lower than that prescribed by the J.C.A.C. Such qualified members shall be elected from administrative court government officials in accordance with the procedure prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.
- (5) each qualified member having expertise in budget, organizational development and management who is not, or has never been, a government official of the Administrative Courts elected from Chairman and members under (2), (3), and (4).

The Secretary-General of the Office of the Administrative Courts shall be a member and the secretary, and the Deputy Secretary-General of the Office of the Administrative Courts entrusted

⁵⁵ Section 41/1 is amended by Section 16 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁵⁶ Chapter III/I, Judicial Administration Commission of the Administrative Courts, Section 41/2 to Section 41/9, is added by Section 28 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

by the Secretary-General of the Office of the Administrative Courts shall be the assistant secretary.

Section 41/3. Qualified members of the J.A.C.A.C. under Section 41/2 paragraph one (3), (4), and (5) shall not qualified to be members of the J.C.A.C. under the Section 35 paragraph one (2) or (3) or qualified members of the C.O.A.C. under Section 81 paragraph one (3), (4), or (5) at the same time.

Section 41/4. Qualified members under Section 41/2 paragraph one (5) shall have the qualifications and not be under any of the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being not less than forty years of age;
- (3) not being a person suspended from government service or temporarily discharged from government service;
- (4) not being bankrupt or not having been dishonestly bankrupt;
- (5) not having been discharged, dismissed, or expelled from a State agency or a State enterprise;
- (6) not having been imprisoned by a final sentence of imprisonment, with the exception of sentences for offences committed negligently or minor offences;
- (7) not be an incompetent person, quasi-incompetent person, insane or mentally disabled person;
- (8) not being a member of the House of Representatives, a Senator, political official, member of a local assembly, local administrator, director of a political party, Member of a political party or official of a political party.

Section 41/5. There shall be an election committee to elect qualified members under Section 41/2 paragraph one (3) consisting of four judges of the Administrative Courts selected by the President of the Supreme Administrative Court and the Secretary-General of the Office of the Administrative Courts as members, having power to take action in connection with the election, the vote counting, and the announcement of the result of the election.

The Secretary-General of the Office of the Administrative Courts shall appoint administrative court government officials as secretary and assistant secretaries.

The provisions of Section 36 paragraphs one, three, and four shall apply *mutatis mutandis* to the election of qualified members of the J.A.C.A.C. under paragraph one.

Section 41/6. A member of the Judicial Administration Commission of the Administrative Courts under Section 41/2 paragraph one (3), (4), or (5) shall hold office for a term of two years and may be re-elected but shall not serve for more than two consecutive terms.

Not less than sixty days before the expiration of the term of a qualified member of the J.A.C.A.C., an election to re-elect the qualified members shall be held; the election shall be completed before the expiration of term of office. In the necessary case where the election cannot be completed within the period prescribed, the qualified members who vacate office at the expiration of term shall remain in office and continue the performance of their duties but not for more than thirty days.

In the case a qualified member of the J.A.C.A.C. vacates office before the expiration of the term, an election for a replacement shall be held within thirty days as from the date of his/her vacating office. In the case where the remaining term of office of that member is less than ninety days such replacement election may be omitted.

A replacement member of the J.A.C.A.C. who is elected shall hold office for the remainder of the term of the replaced person.

Section 41/7. In addition to vacating office at the expiration of term, a qualified member of the J.A.C.A.C. under Section 41/2 paragraph one (3), (4), and (5) vacates office upon:

- (1) death;
- (2) resignation by tendering a letter of resignation to the President of the Supreme Administrative Court;
- (3) vacating office of an administrative judge under Section 21, in the case of being a qualified member of the J.A.C.A.C. under Section 41/2 paragraph one (3);
- (4) being appointed as a judge of the Supreme Administrative Court in the case of being a qualified member elected from a judge of an Administrative Courts of First Instance under Section 41/2 paragraph one (3) (b);
- (5) being elected as a qualified member of the J.C.A.C. under Section 35 paragraph one in the case of being a qualified member of the J.A.C.A.C. under Section 41/2 paragraph one (3), (4), and (5);
- (6) being disqualified or being prohibited under Section 41/4 in the case of being a qualified member of the J.A.C.A.C. under Section 41/2 paragraph one (5).

In the case where there is any question concerning the vacation of office of a qualified member of the J.A.C.A.C under paragraph one, the decision shall be made by the J.A.C.A.C.

Section 41/8. The J.A.C.A.C. shall have the authority and duty to supervise administration of the Administrative Courts and the Office of the Administrative Courts in regard to those issues which are not under the authority of the General Assembly of Judges of the Supreme Administrative Court, the J.C.A.C., or the C.O.A.C. Such supervision shall be in accordance with the laws, rules, traditions, governmental practices, and policies of the President of the Supreme Administrative Court, with following authorities and duties:

(1) to issue regulations, notifications or rules in relation to administration of the Administrative Courts and the Office of the Administrative Courts;

(2) to issue notifications in relation to the division of internal organization of the Office of the Administrative Courts and the prescription of the powers and duties of such internal agencies;

(3) to provide recommendations on proposed bills in relation to the Administrative Courts;

(4) to approve preparation of the annual budget under Section 91;

(5) to approve the administration and management of the budget of the Administrative Courts;

(6) to issue regulations in relation to budget, finances, and property; including procurement for the Office of the Administrative Courts;

(6/1) to issue regulations in relation to the prescription of meeting allowance for administrative judges who attend the General Assembly of Judges of the Supreme Administrative Court;⁵⁷

(7) to issue regulations in relation to employment and appointment of persons with knowledge and integrity beneficial to the performance of duties in the Administrative Courts, including the rate of remuneration for such employment;

(8) to issue regulations in relation to welfare and other assistances for government officials of the Administrative Courts, government employees, and employees of the Office of the Administrative Courts;

(9) to prescribe working days and hours, public holidays, and leave of government officials of the Administrative Courts, government employees, and employees of the Office of the Administrative Courts;

(10) to prescribe symbols, seals, or any marks of the Administrative Courts, including prescribing rules and procedure relating to the making or use of such symbols, seals, and marks;

(11) to issue regulations relating to the appointment of a commission or sub-commission of the Administrative Courts or the Office of the Administrative Courts, to prescribe the prohibitions

⁵⁷ Section 41/8 paragraph two (6/1) is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 13), B.E. 2564 (2021).

to being a member of a committee or sub-committee simultaneously more than the prescribed number of members, and to prescribe meeting allowance or remuneration for persons appointed as members, sub-committee members, secretary, and assistant secretary;

(12) to supervise the administration of the Administrative Courts and the Office of the Administrative Courts prescribed by this Act or other laws;

(13) to withhold the proceedings against regulations, notifications, or rules prescribed under this Section;

(14) to consider any matters requested by the General Assembly of Judges of the Supreme Administrative Court, the J.C.A.C., or the C.O.A.C.

Section 41/9. In meetings of the J.A.C.A.C., provisions of Section 41 shall apply *mutatis mutandis*.

CHAPTER IV Administrative Court Procedure

Part 1 Filing of an Administrative Case

Section 42. Any person who is aggrieved or injured or who may inevitably be aggrieved or injured in consequence of an act or omission by an administrative agency or a State official or who has a dispute in connection with an administrative contract or other case falling within the jurisdiction of the Administrative Courts under Section 9 shall, provided that the redress or alleviation of such grievance or injury or the termination of such dispute requires a decree as specified in Section 72, be entitled to file a case with the Administrative Courts.

In the case where the law provides for the process or procedure for the redress of the grievance or injury in any particular matter, the filing of an administrative case with respect to such matter may be made only after action has been taken in accordance with such process and procedure and an order has also been given thereunder or no order has been given within a reasonable period of time or within such time prescribed by law.

Section 43.⁵⁸ In the case where the Ombudsman is of the opinion that there is a question of constitutionality or legality regarding any by-laws, orders, or other acts of a State agency or a State official according to the Organic Act on Ombudsman, the Ombudsman shall refer the case, together with its opinion thereon, to the Administrative Courts; and the Administrative Courts shall decide without delay. In this regard, the Ombudsman shall have rights and duties as if the Ombudsman were a person entitled to file a case under Section 42.

Section 44. Any action in connection with the filing of a case, interpleading, the summoning of a person, administrative agency, or State official to become a party to a case, the proceedings, the hearing of evidence, and the adjudication of an administrative case, other than those already provided in this Act, shall be in accordance with the rules and procedure prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Section 45. A plaint shall be written in polite and courteous language and shall contain the following:

- (1) the name and address of the plaintiff;
- (2) the name of the administrative agency or State official concerned which gave rise to the filing of the case;
- (3) all acts constituting the cause of action as well as necessary facts and circumstances in connection therewith;
- (4) the relief sought by the plaintiff;
- (5) the signature of the plaintiff; in the case of filing of a case on behalf of another person, an instrument of authorization shall be affixed thereto.

If any plaint does not contain the full items under paragraph one, or is ambiguous, or incomprehensible, the Office of the Administrative Courts shall give advice to the plaintiff for the purposes of correction or amendment of the plaint. In this instance, the date of the submission of the initial plaint shall be reckoned for the purpose of the computation of the period of prescription.

In the case where several persons wish to file an administrative case for the same cause of action, such persons may jointly submit a single plaint and appoint one among themselves to represent every plaintiff in the proceedings. In such case, an act of the person representing the plaintiffs in the proceedings shall be deemed to bind every plaintiff.

⁵⁸ Section 43 is amended by Section 17 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

The filing of a case is not subject to Court fees except for cases that include an order to pay money or to deliver property in connection with the circumstance under Section 9 paragraph one (3) or (4). These cases are subject to Court fees at the rate specified in Schedule 1 annexed to the Civil Procedure Code for cases where the relief applied for can be calculated in terms of money.⁵⁹

In the proceedings, a party may act on his or her own motion or appoint a lawyer or other person with qualifications as specified in the Rule of the General Assembly of Judges of the Supreme Administrative Court to represent the party in filing a case or carrying out any acts.

Section 45/1.⁶⁰ In the filing of a case which is subject to Court fees under Section 45 paragraph four, if the party files an application to the Court alleging that he or she does not have sufficient property to pay Court fees or by status of that party without the exemption of Court fees the party will experience undue difficulty, and if the Court is of the opinion that the facts of the case are sufficient to be accepted as a plaint for trial, or in an appeal case where the Court is of the opinion that the party has reasonable grounds to appeal, as the case may be, and if after inquiring into facts by conducting enquiry or by other means the Court is satisfied with the party's allegation, the Court shall grant permission to that party to proceed with the case with the exemption of Court fees, in whole or in part. The order on the exemption of the whole of Court fees shall be final.⁶¹

In the case where the Court orders an exemption from only part of Court fees or on dismissal of the application, within fifteen days as from the date of the receipt of the notification of the order, the applicant shall be entitled to proceed with any of the following steps:

(1) filing an application to reconsider granting permission to adduce further evidence showing that he or she does not have sufficient property to pay Court fees or by status of that party, without the exception of Court fees, the party will experience undue difficulties.

(2) appealing against the order to the Supreme Administrative Court.

In the case where the party has applied for the right under either (1) or (2), the party will be debarred from applying under another right.

⁵⁹ Section 45 paragraph four is amended by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 3), B.E. 2548 (2005).

⁶⁰ Section 45/1 is amended by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 3), B.E. 2548 (2005).

⁶¹ Section 45/1 paragraph one is amended by Section 18 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

The filing, trying, reconsidering, appealing, and other proceedings of the application under paragraph one and paragraph two shall be in accordance with the rules and procedure, prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court under Section 44.

Section 46.⁶² A plaint shall be submitted to a competent official of the Administrative Courts or sent by registered post. In this instance, a plaint may be submitted by electronic mail, other digital media, or facsimile pursuant to the Rule of the General Assembly of Judges of the Supreme Administrative Court; and for the purpose of the computation of the period of prescription, the date of delivery of a plaint to the postal officer or the date of sending an electronic mail shall be deemed as the date of submission of the plaint to the Administrative Courts.

Section 47. A case within the jurisdiction of an Administrative Court of First Instance shall be filed with an Administrative Court in whose jurisdiction the plaintiff is domiciled or the cause of action has arisen.

A case within the jurisdiction of the Supreme Administrative Court shall be filed with the Supreme Administrative Court.

In the case where an Administrative Court decides that a case filed with such Court is within the jurisdiction of another Administrative Court, the plaint shall be referred to the Administrative Court having jurisdiction over the consideration. In the case where the Administrative Courts of First Instance are of different opinions with regard to the jurisdiction, the Administrative Court where the case was last accepted shall present its opinion to the Supreme Administrative Court for making the determination on the jurisdiction.

The hearing of a case filed with any Administrative Court shall be carried out in such Administrative Court during its working days and office hours, except in the case of compelling urgency or necessity or in the interest of convenience of the parties, in which case the Administrative Court may order that the trial be carried out on any day or at any time, including at another place or on a non-working day.

⁶² Section 46 is amended by Section 19 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

Section 48. The President of the Supreme Administrative Court shall publish addresses, normal working days, and office hours of the Administrative Courts in the Government Gazette.

Each Administrative Court may have such an appropriate number of ad hoc working place as the President of the Supreme Administrative Court may publish its address, working days, and office hours in the Government Gazette.

The General Assembly of Judges of the Supreme Administrative Court has power to determine that the submission of a plaint and any acts in connection with the trial and adjudication of an administrative case may be made to or at an ad hoc working place of the Administrative Courts.

Section 49. An administrative case may be filed within ninety days as from the date the cause of action is known or should have been known, or within the expiration of ninety days as from the day the plaintiff made a request in writing to an administrative agency or a State official for the performance of duties under the law and has not received a written explanation from the administrative agency or State official or has received a written explanation but such explanation is considered by the plaintiff to be unreasonable, as the case may be, unless otherwise provided by a specific law.

Section 50. In the case where any order may be brought before the Administrative Courts, the person issuing that order shall also specify in such order the procedure for submission of a plaint and the time-limit thereof.

In the case where it subsequently appears to the person issuing the order that the provision of paragraph one has not been complied with, such person shall, without delay, notify the recipient of the order of the statement which should have been made under paragraph one. In this case, the time for the submission of a plaint shall restart as from the day the recipient of the order receives the notification of such statement.

In the case where no notification is made under paragraph two and the time for submission of a plaint is less than one year, the time for its submission shall be extended to a one-year period as from the date of the receipt of the order.

Section 51.⁶³ The case under Section 9 paragraph one (3) shall be filed within one year and Section 9 paragraph one (4) shall be filed within five years, as from the day the cause of action is known or should have been known but the filing shall not be later than ten years as from the date of such cause of action.

Section 52. An administrative case concerning the protection of public interest or the status of an individual person may be filed at any time.

Upon the lapse of time within which an administrative case can be filed, if the Administrative Courts are of the opinion that the case, so filed, will be of common interest or will occur a necessary cause, the Administrative Courts may, whether at their own initiative or upon application of a party, accept the case for trial and adjudication.

Section 53. In the case where any of the parties dies before a judgment of an Administrative Court, the Administrative Court shall adjourn the trial until the heir, estate administrator, any person in possession of the estate, successor of such person, or interested person submits an application for the substitution of the deceased party, whether by his or her own motion or by the summons of the Court given upon an application by one of the parties. Such application shall be submitted within one year as from the date of death of such party.

If no application is made by such person or no application is made by either party within the time specified under paragraph one, the Administrative Court may have an order striking such case out of the Case-List.

Part 2

Administrative Court Proceedings

Section 54. A quorum for trial and adjudication in the Supreme Administrative Court shall be at least five Supreme Administrative Court judges.

In the Administrative Courts of First Instance, there shall be at least three judges of the Administrative Courts of First Instance to constitute a quorum for trial and adjudication.

⁶³ Section 51 is amended by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 5), B.E. 2551 (2008).

Section 55. The trial and adjudication of a case shall be expediently carried out and completed. The parties shall be afforded reasonable opportunities to give explanations and to present evidence supporting such explanations, as appropriate, provided that the explanations be made in writing unless the Court allows oral explanations.

All parties have the right to examine evidence presented by each party in the case file unless it is a case in which protection from disclosure is afforded by law or in which the Administrative Courts are of the opinion that compelling necessity warrants its non-disclosure for the purpose of preventing loss to state affairs, but the evidence not disclosed in the aforesaid case may not be admissible by the Administrative Courts in their trial and adjudication.

In the trial and adjudication, the Administrative Courts may examine and inquire into facts as is appropriate. For this purpose, the Administrative Courts may request oral evidence, documentary evidence, the opinions of experts, or evidence other than the evidence adduced by the parties, as is appropriate.

Experts or persons summoned by the Administrative Courts to provide testimony or opinions shall be entitled to remuneration in accordance with the rules and procedure prescribed in the Royal Decree.

Section 56. When a case is filed with any Administrative Court, the President of the Supreme Administrative Court or the President of an Administrative Court of First Instance shall comply with the following rules in connection with the distribution of case files within that Administrative Court:

(1) in the case where a specialized chamber is established for any particular category of cases, the distribution of case files shall be made in accordance with the specialization of the chamber established;

(2) in the case where the area of responsibility of a chamber is arranged, cases in which the cause of action which has arisen in that chamber's respective area shall be distributed to that chamber;

(3) in the case where no arrangement of chamber is made under (1) or (2), or various chambers have been arranged in the same manner, or the chamber responsible for such cases has such a large number of pending cases that further distribution of case files to such chamber will cause a delay or affect justice, the distribution of case files shall be made using a method by which the chamber to which the case file is distributed cannot be predicted.

When a chamber in the Administrative Courts has received a case file, the President of a Chamber of the Supreme Administrative Court or the President of a Chamber of an Administrative Court of First Instance in that chamber, as the case may be, shall appoint an administrative

judge in his or her chamber as the judge-rapporteur for collecting facts from the plaint and explanations of the parties and collecting relevant evidence, with the assistance of administrative case officials entrusted by the judge-rapporteur.

When a case file has been distributed to any judge-rapporteur or to any chamber, a recall or transfer of the case file may not be made except in the following circumstances:

(1) where a case is transferred in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court;

(2) where, with respect to a recall of a case file, a challenge is made against the judge-rapporteur or where, with respect to a transfer of a case file, a challenge is made against an administrative judge in the chamber carrying out the trial and adjudication or a quorum is not constituted in the chamber;

(3) where the judge-rapporteur or the chamber carrying out the trial and adjudication has a large number of pending cases which will cause delay and the judge rapporteur or the chamber carrying out the trial and adjudication wishes to disown the case file under responsibility.

Section 57. A judge-rapporteur shall examine, and submit opinions on issues of facts and law to a chamber carrying out the trial and adjudication, and shall carry out acts relevant to the case.

During the proceedings by the judge-rapporteur under paragraph one, a party shall be afforded an opportunity to know the allegations or contentions of each party and the party shall present evidence on his or her part in confirmation or rebuttal of the issues of facts and law. When the judge-rapporteur is of the opinion that sufficient issues of facts and law have been collected, the judge-rapporteur shall prepare an opinion for presentation to the chamber carrying out the trial and adjudication for further proceedings.

In affording the parties with the opportunity under paragraph two, the judge-rapporteur shall instruct the parties to present their evidence within the specified time. If the party fails to act within such specified time, the party failing to present the evidence shall be deemed as not having any supporting evidence or as accepting the facts vindicated by the evidence of the other party, as the case may be; and the Administrative Courts shall proceed with the trial and adjudication as it thinks just.

In the case where an administrative agency or a State official fails to take action within the time specified in paragraph three or shows such conduct as indicative of prolonging the case, the Administrative Courts shall report to the superior, superintendent, supervisor, or Prime Minister for proceeding with corrective action, giving directions, or taking disciplinary

action, without prejudice to power of the Court to inflict a punishment by reason of contempt of court.

The performance of duties of the judge-rapporteur and administrative case officials shall be in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Section 58. Before the hearing day, the judge-rapporteur shall deliver a case file to the judge-commissioner of justice for consideration and the latter judge shall prepare a summary of issues of facts, issues of law and opinions thereon to be submitted to the chamber carrying out the trial and adjudication and shall give oral statements to the chamber on the hearing day. For this purpose, the judge-commissioner of justice has the right to be present at the hearing and at the meeting for adjudication of the case but cannot cast a vote in the adjudication of such case.

In the hearing of any case, if the judge-commissioner of justice is of the opinion that the facts for the trial and adjudication of the case have changed, the judge shall prepare a new summary of issues of facts, issues of law and opinions thereon for submission to the chamber carrying out the trial and adjudication for further consideration.

The President of an Administrative Court of First Instance or the President of the Supreme Administrative Court shall appoint a judge-commissioner of justice from administrative judges in that Court who is not a judge in the chamber carrying out the trial and adjudication of the case concerned.

The judge-commissioner of justice in the Supreme Administrative Court may be appointed from judges of the Administrative Courts of First Instance.

The appointment and performance of duties of the judge-commissioner of justice shall be in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court.

The provisions in paragraph one shall not apply to those cases specified in the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Section 59. In trying a case, the chamber carrying out the trial and adjudication shall hold at least one hearing in order that the parties have an opportunity to make oral statements before it.

Before the first hearing, the summary of facts prepared by the judge-rapporteur shall be furnished to the parties at least seven days in advance. In this instance, the parties shall have the right to present their additional statements and to adduce evidence supporting such statements

to the chamber carrying out the trial and adjudication in order to confirm or rebut issues of facts and law on the hearing day, provided that the parties may omit their oral statements.

In the case where the law prescribes a period of time for the Court to try and adjudicate a case, or it is necessary due to the nature of a case that the Court have to try and adjudicate such case urgently or for the common interest, the summary of facts prepared by the judge-rapporteur to the parties under paragraph two may be furnished in advance within a reasonable time which may be less than seven days with respect to the protection of rights of the parties.⁶⁴

Section 59/1.⁶⁵ In trying a case in which an appeal is made against a judgment of an Administrative Court of First Instance, if the chamber carrying out the trial and adjudication in the Supreme Administrative Court is of the opinion that issues of facts or law of the case are not complex, or that the absence of a hearing will not impair justice; the chamber carrying out the trial and adjudication may decide not to hold a hearing. In this instance, the judge-commissioner of justice shall proceed in accordance with Section 58 paragraph one or two on the day of the meeting for adjudication of the case.

The Court shall give a notice of the decision not to hold a hearing under paragraph one, together with a summary of facts prepared by the judge-rapporteur, to the parties. This will not preclude the parties' right to submit a written statement to the chamber carrying out the trial and adjudication within seven days as from the date of receiving such notice. If the parties wish the Court to hold a hearing, the parties shall notify the Court within seven days as from the date of receiving the notice, and the chamber carrying out the trial and adjudication shall hold the hearing.

Section 60. The hearing shall be conducted in open court.

If the Administrative Courts, in the interest of maintaining public order or good morals or the protection of public interest, think it appropriate to prohibit disclosure of all or part of facts or circumstances of the case which appear from the pleadings or arguments of the parties or from the evidence already taken, the Administrative Courts may issue the following orders:

(1) an order prohibiting the public from attending the whole or part of the hearing and proceeding with such hearing *in camera*; or

⁶⁴ Section 59 paragraph three is added by Section 20 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

⁶⁵ Section 59/1 is added by Section 21 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

(2) an order prohibiting the publication of such facts or circumstances.

Irrespective of whether the Administrative Courts have issued an order under paragraph two or not, the publication of the whole or part of the judgment or summary thereof in an impartial and accurate manner shall not be deemed unlawful. However, in cases where the Court considers it appropriate in order to maintain public order or good morals or the protection of public interest, the Court may prohibit of the whole or part of the judgment.

Section 60/1.⁶⁶ When the Court thinks it appropriate or upon an application by one of the parties, and the Court considers it is for the interest of justice or the convenience of the parties, the Court may order that the proceedings shall be conducted through an electronic system or video conference system pursuant to the rules and procedure prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

For proceedings that are required to be carried out in the presence of the Court and the Court has issued an order to carry out such proceedings in compliance with paragraph one, such proceedings shall be deemed to have been conducted in the courtroom and in the presence of the Court.

The Court may collect expenses incurred in the proceedings conducted under paragraph one from the party who submits the application in accordance with the rules and at the rates prescribed by the President of the Supreme Administrative Court. Such expenses shall not be deemed as Court fees.

Section 61. Any administrative judge entrusted by the chamber shall have the following powers:

(1) to issue an order summoning an administrative agency or a State official to give statements or opinions in writing in connection with the performance of work of the administrative agency or State official involved;

(2) to issue an order summoning an administrative agency or a State official to furnish an object, document, or other relevant evidence or to give opinions on any particular matter or to send a representative or State official of that administrative agency to give explanations or statements for supplementing the consideration;

(3) to issue an order summoning the parties to give statements or evidence for supplementing the consideration;

⁶⁶ Section 60/1 is added by Section 22 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 10), B.E. 2561 (2018).

(4) to issue an order summoning the person concerned with the case to give statements or to furnish evidence for supplementing the consideration;

(5) to inquire into or to issue an order on any matter which does not amount to the delivery of judgment, in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court.

In the case of compelling necessity, an administrative judge or person entrusted by an administrative judge has power to examine a place, person, or any other object for supplementing the consideration.

Section 62. If the plaintiff has already received an order from the Administrative Courts to give statements or to present evidence but he or she fails to comply with the order within the time specified by the Administrative Courts without justifiable reason, the Administrative Courts may issue an order striking the case out of the Case-List.

Cases struck out of the case list by the Administrative Courts under paragraph one may, if the plaintiff proves to the satisfaction of the Administrative Courts, within ninety days as from the date the Court issue an order striking the case, that the non-compliance with the Court's order is due to a force majeure or a reasonable cause, be allowed by the Administrative Courts to be reconsidered or re-filed.

Section 63. An administrative judge in a chamber carrying out the trial and adjudication may be challenged on grounds for challenging judges provided in the Civil Procedure Code and on other grounds of such a serious nature as to impair justice in the trial and adjudication.

The withdrawal from the case, submission of a challenge, consideration of a challenge, issuance of an order instructing the challenged person to stay the proceedings, and issuance of an order instructing another person to take over the duties shall be in accordance with the Rule prescribed by the General Assembly of Judges of the Supreme Administrative Court.

The issuance of an order instructing the judge against whom a challenge is made to stay the proceedings shall not have prejudice to any acts previously done by the challenged administrative judge.

Section 64. Apart from those provided in this Act, the provisions governing the circumstances deemed to constitute contempt of court under the Civil Procedure Code shall apply *mutatis mutandis*, and when contempt of court is committed, the Administrative Courts shall have power to inflict punishment as follows:

- (1) warning with or without written reproach;
- (2) expulsion from the Court's precinct;
- (3) imprisonment for a term not exceeding one month or a fine not exceeding fifty thousand Baht or both.

An order for punishment for contempt of court shall be issued with circumspection and only when necessary. If the punishment is ordered under (3), the punishment shall be considered and decided by a chamber other than that carries out the trial and adjudication of the case.

Section 65. Any person who criticizes a trial or adjudication of the Administrative Courts in good faith and according to logic or sound reasoning shall not be guilty of an offence of contempt of court or defamation of the Court or judge.

Section 66. In the case where the Administrative Courts consider it appropriate to prescribe provisional remedial measures or means in favor of a party concerned before delivery of judgment, whether an application is made by such person or not, the Administrative Courts shall have power to prescribe provisional measures or means and issue an order to the relevant administrative agency for compliance therewith in accordance with the rules and procedure prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

In prescribing the rules and procedure under paragraph one, there shall also be taken into consideration the responsibility of the administrative agency or State official as well as problems and obstacles likely to occur to the administration of State affairs.

Part 2/1 Mediation⁶⁷

Section 66/1. An Administrative Court of First Instance shall have the competence to mediate disputes in cases falling within its jurisdiction and the Supreme Administrative Court shall have the competence to mediate disputes in cases falling within its jurisdiction which are brought before the Supreme Administrative Court in the first instance.

The rules, procedure, and conditions regarding mediation shall be in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court.

⁶⁷ Part 2/1, Mediation, Section 66/1 to Section 66/12, is added by Section 3 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.12), B.E. 2562 (2019).

Section 66/2. The Administrative Courts have the competence to mediate disputes in cases falling within their jurisdiction relating to the following matters:

(1) cases involving a dispute in relation to an administrative agency or a State official neglecting official duties required by the law to be performed or performing such duties with unreasonable delay;

(2) cases involving a dispute in relation to a wrongful act or other liability of an administrative agency or a State official;

(3) cases involving a dispute in relation to an administrative contract;

(4) other cases prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

In the case where mediation under paragraph one is in relation to money or property, the Council of Ministers may prescribe rules requiring administrative agencies or State officials who are the parties to receive approval from the Ministry of Finance or competent supervisory agencies.

Section 66/3. Mediation shall be prohibited in the following cases:

(1) mediation that is in violation of, or expressly prohibited, by the law;

(2) mediation that involves public order or good morals;

(3) mediation that has an impact on the status of an individual person or has an adverse impact on public interest;

(4) mediation that has a severe impact on law enforcement;

(5) mediation that is beyond the rights, powers and duties, or capacities of the parties;

(6) mediation that relates to the decision of a quasi-judicial commission under Section 11 (1);

(7) mediation that relates to the decision of a quasi-judicial commission required by the law to be brought before the Supreme Administrative Court;

(8) mediation that falls under other characteristics prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Section 66/4. At any time from when a case is filed with the Administrative Courts until the date of the fact inquiry termination, the parties may jointly submit an application to the Court requesting mediation or one of the parties may submit an application to mediate a dispute which the other party agrees thereto. In such case, if the chamber for trial and adjudication thinks fit and the President of the Supreme Administrative Court or the President of an Administrative Court of First Instance, as the case may be, so agrees, the Court shall carry

out mediation between the parties. For those parties who do not agree to mediate disputes, the Court shall proceed with the trial.

When the chamber for trial and adjudication thinks fit to mediate a dispute and the parties agree thereto, the provision of paragraph one shall apply *mutatis mutandis*.

The President of the Supreme Administrative Court or the President of an Administrative Court of First Instance, as the case may be, shall appoint an administrative judge, who is not in charge of such case file, to perform duties as a mediator taking into consideration the knowledge, expertise, and suitability of such administrative judge.

Section 66/5. Mediation shall be expediently carried out within the time specified by an administrative judge acting as mediator, and without causing unreasonable delay to the trial and adjudication thereof.

Section 66/6. An administrative judge acting as mediator shall be neutral and impartial in the performance of duties.

Provision of Section 63 shall apply *mutatis mutandis* to the challenge and the withdrawal of an administrative judge acting as mediator.

Section 66/7. All directions, approvals, orders, or any acts which have been done in mediation by the President of the Supreme Administrative Court, the President of an Administrative Court of First Instance, an administrative judge acting as mediator, the chamber for trial and adjudication, or the judge-rapporteur relating to mediation shall not be subject to appeal.

Section 66/8. The parties participating in mediation, the administrative judge acting as mediator, the persons involved in the mediation, or any other person shall be prohibited from disclosing, referring to, adducing as evidence in court proceedings, or using in any other proceedings in any manner the following matters:

- (1) requests or consents of the parties to participate in mediation;
- (2) opinions or suggestions of the parties relating to direction or procedure for dispute resolution in mediation;
- (3) acceptances or statements made by the parties in mediation;
- (4) facts presented by the parties in mediation;
- (5) documents drawn up for the purpose of mediation.

Any other information in relation to mediation apart from those under paragraph one may be disclosed or referred to, as prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Any evidence used in mediation shall not be prohibited under the provision provided in paragraph one, if such evidence is admissible in an arbitration process, court proceedings, or any other proceedings by virtue of the law.

An arbitrator, a Court, an administrative agency, or any person shall not be permitted to hear or make use of facts deriving from the violation of this Section.

Section 66/9. Mediation in administrative cases shall be terminated in the following situations:

(1) there is a withdrawal of the case which the Court has allowed or the Court issues an order to strike the case off the Case-List on other grounds;

(2) mediation has been successfully completed, either in whole or in part, pursuant to Section 66/10;

(3) one of the parties no longer wishes to continue mediation of a dispute;

(4) the chamber for trial and adjudication issues an order to terminate mediation when an administrative judge acting as mediator is of the opinion that further mediation will not be beneficial to a case, could not be successfully completed, is intended to delay a case, is a violation of, or is contrary to or inconsistent with the mediation principle.

Section 66/10. In a case where mediation in an administrative case has been successful and all the issues of the case have been completely resolved, an Administrative Court shall render a judgment accordingly. In a case where mediation has resolved only some issues of the case, the Court shall write down the agreement that have been settled in the memorandum of proceedings and continue the proceedings for unsettled issues. Judgment on unsettled disputes shall be rendered with the settled disputes together.

Section 66/11. Appeal against a judgment of an Administrative Court of First Instance in a case where the Court has rendered its judgment in favor of mediation on the case issues that have been completed, either in whole or in part in accordance with Section 66/10, shall not be permitted except on the following grounds:

(1) there is an allegation of fraud against one of the parties;

(2) the judgment is alleged to infringe a provision of law concerning public order and good morals;

(3) the judgment is alleged not to be in accordance with the mediation agreement.

An appeal against a judgment of mediation shall be submitted to the Court that has passed the judgment within thirty days as from the date of passing the judgment.

Section 66/12. The Rule of the General Assembly of Judges of the Supreme Administrative Court issued by virtue of this Part shall also be taken under Section 6..

Part 3

Judgments or Orders in an Administrative Case

Section 67. A judgment or order of the Administrative Courts, if given or issued by several administrative judges, shall be given effect in accordance with the majority opinion. In the case where any administrative judge has a dissenting opinion, the dissenting opinion shall be written in such judgment or order.

Section 68. If the President of the Supreme Administrative Court thinks it appropriate, any issue or case may be decided by the General Assembly. If any issue or case is required by the law other Rule of the General Assembly of Judges of the Supreme Administrative Court to be decided by the General Assembly, it shall be decided by the General Assembly.

Subject to Section 63, the General Assembly shall consist of all existing judges of the Supreme Administrative Court provided that there shall be not less than one-half of the total number of judges of the Supreme Administrative Court, and the President of the Supreme Administrative Court shall preside over the General Assembly.

The decision of the General Assembly shall be made by a majority of votes and, in the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 69. A judgment or order in an administrative case of the Administrative Courts shall at least specify the following:

- (1) the name of the plaintiff;
- (2) the administrative agency or State official giving rise to the cause of action;
- (3) the cause of action;
- (4) the facts of the case filed;
- (5) reasons of the judgment;

(6) the judgment of the Court on the issues of the case;

(7) the decree, if any, which shall also specify the administrative agency or State official required to comply therewith;

(8) remarks on the direction or procedure for the execution of the judgment, if any.

The judgment or order under paragraph one shall bear the signatures of the administrative judges sitting in the hearing and giving such judgment or order. If any administrative judge, by reason of necessary cause, is unable to enter a signature, the President of the Administrative Court of First Instance or the President of the Supreme Administrative Court, as the case may be, shall also record such cause in the judgment or order.

When the Administrative Courts have read the judgment or order of the administrative case in the Administrative Courts openly on a particular day, the day on which the result of the judgment or order is read shall be deemed as the date of the judgment or order by the Administrative Courts. For this purpose, the Administrative Courts shall give the parties a reasonable advance notice of the day on which the result of the judgment or order is stated to be read.

If no party appears before the Administrative Courts on the day on which the result of the judgment or order is scheduled to be read, the Administrative Courts shall dispense with the reading of the judgment or order and record the facts, and the date of such record shall be deemed as the date of the judgment or order of the Administrative Courts.

The Office of the Administrative Courts shall make available judgments or orders of administrative cases at the Administrative Courts for public inspection or for requesting a certified copy thereof. A fee for this service may be collected in accordance with the regulation prescribed by the J.C.A.C.

The Office of the Administrative Courts shall publish judgments or orders of the Administrative Courts and opinions of the judge-commissioner of justice under Section 58.

Section 70. A judgment of the Administrative Courts shall be binding on the parties. The decree shall be complied with as from the day specified in the judgment until the day such judgment is amended, varied, reversed or set aside.

In the case of a judgment of an Administrative Court of First Instance, the compliance with the decree shall be pending until the period of time for an appeal has elapsed, or in the case of an appeal, the execution of the judgment shall be suspended until the case becomes final. But in the case of an appeal and cases under the Rule of the General Assembly of Judges of the Supreme Administrative Court, the party who wins the case may file an application to the Administrative Court of First Instance or the Supreme Administrative Court, as the case

may be, giving reasonable explanation of the compliance with the decree. The Supreme Administrative Court shall try and give an order as is appropriate in accordance with the rules, procedure and conditions prescribed by the Rule of the General Assembly of Judges of the Supreme Administrative Court.⁶⁸

Section 71. Subject to the provisions governing appeals against a judgment or order, any judgment or order shall be binding on a third person in the following cases:

(1) a judgment for the eviction of any person from any place shall also be applicable to such person's dependents in such place unless they can prove their special titles;

(2) if any person has given a guarantee in Court for the purpose of any act as required by a judgment or order, the judgment or order shall be applicable to that guarantee without a case having to be brought against the guarantor;

(3) a judgment or order given with regard to the status or capacity of a person or juristic person may be relied on by or set up against a third person unless the third person has a better title;

(4) a judgment or order given with regard to rights in any property may be relied on by the parties concerned vis-à-vis a third person unless the third person has a better title.

Section 72. In delivering a judgment, the Administrative Courts have power to issue a decree for any of the following:

(1) ordering revocation of a by-law or order or restraining an act, in whole or part, in the case where it is alleged in the case filed that an administrative agency or State official has done an unlawful act under Section 9 paragraph one (1);

(2) ordering the head of an administrative agency or State official concerned to perform the duty within the time prescribed by the Administrative Courts, in the case where it is alleged in the case filed that the administrative agency or State official has neglected the duty or performed the duty with unreasonable delay;

(3) ordering the payment of money or the delivery of property or the performance or omission of an act with or without prescribing the time and other conditions, in the case where the case filed is in connection with a wrongful act or liability of an administrative agency or State official or in connection with an administrative contract;

⁶⁸ Section 70 paragraph two is amended by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

(4) ordering treatment according to the right or duty of the person concerned, in the case where it is requested in the case filed that the Court give a judgment declaring the existence of such right or duty;

(5) ordering a person to act or refrain from any act in compliance with the law.

In issuing the decree under paragraph one (1), the Administrative Courts may direct that its effect be retrospective or non-retrospective or prospective to any particular time or may prescribe any relevant condition as justice in a particular case shall require.

In the case where the Administrative Courts give a final judgment revoking a by-law, the result of the judgment shall be published in the Government Gazette and such publication shall be treated as the revocation of that by-law.

Paragraph four (repealed)⁶⁹

Paragraph five (repealed)⁷⁰

Paragraph six (repealed)⁷¹

Section 72/1.⁷² In passing a judgment, the Administrative Courts shall order the return of Court fees, in whole or in part, in proportion to the outcome of the case.

Section 73. An appeal against a judgment or order of an Administrative Court of First Instance shall be submitted to the Administrative Court of First Instance that has passed the judgment or issued the order within thirty days as from the date of passing the judgment or issuing the order. If no appeal is submitted within such period of time, that case shall be deemed final.

The judgment or order under paragraph one shall include an order in connection with contempt of court or any other order which has the effect of disposing of the case.

In the case where the Supreme Administrative Court is of the opinion that an appeal contains insignificant questions of facts or questions of law determination which are inappropriate, the Supreme Administrative Court may reject that appeal.

Such judgment or order of the Supreme Administrative Court shall become final.

⁶⁹ Section 72 paragraph four is repealed by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

⁷⁰ Section 72 paragraph five is repealed by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

⁷¹ Section 72 paragraph six is repealed by Section 5 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

⁷² Section 72/1 is added by Section 6 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

Section 74. When final judgments or orders of the Administrative Courts of different levels are passed or issued with respect to the same issue of the dispute and are in conflict, the judgment or order of the Supreme Administrative Court shall prevail.

If final judgments or orders of the Administrative Courts of First Instance are in conflict with respect to the same issue of a dispute, the party or a third person who is interested may submit an application to the Supreme Administrative Court to order which judgment or order shall prevail. Such an order of the Supreme Administrative Court shall become final.

Section 75. In the case where the Administrative Courts have passed a judgment or issued an order disposing of an administrative case, the party or third person who is interested or who may be affected by the result of the case may file an application to the Administrative Courts for a new trial and judgment or for issuing a new order disposing of the case in the following circumstances:

(1) the Administrative Courts erred in hearing facts or there appears fresh evidence which may result in material alteration of the facts of the case;

(2) the real party or the third person did not appear in the proceedings or appeared but was unreasonably refused an opportunity to participate in the proceedings;

(3) there occurred in the process of trial and judgment a material impropriety which results in an unfair result of the case;

(4) the judgment or order was passed or issued in reliance on facts or law and subsequent material alteration of such facts or law results in the judgment or order being contrary to the law then in force.

Applications under paragraph one may be submitted only when the party or third person has, without fault, no knowledge of such circumstance in the previous hearing.

The application for a new trial or for a new order shall be submitted within ninety days as from the day such person has known or should have known of the ground for the new trial and judgment or for the new order but not later than five years as from the date that the Administrative Courts made the judgment or order.

Section 75/1.⁷³ The provisions of Civil Procedure Code on the execution of a judgment or order as well as costs and fees for the officer executing the schedule of the said Code shall apply *mutatis mutandis* to the execution of a judgment or order of the Administrative Courts

⁷³ Section 75/1 is added by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

but shall not be contrary to, or inconsistent with, the provisions of this Act and general principles of law on Administrative Court Procedure.

The General Assembly of Judges of the Supreme Administrative Court shall have the authority to issue rules in regard to prescribing rules, procedure, and conditions under paragraph one for the execution of a judgment or order of the Administrative Courts.

Section 75/2.⁷⁴ Administrative court government officials who have the qualifications prescribed by the J.C.A.C. shall be appointed by the Administrative Courts as the executing officer performing duties in accordance with this Act and the Rule of the General Assembly of Judges of the Supreme Administrative Court during trial or for the execution of a judgment or order of the Administrative Courts.

In the execution under paragraph one, the executing officer may authorize the private sector or other persons to perform duties under the supervision of the executing officer, in accordance with the Rule of the General Assembly of Judges of the Supreme Administrative Court.

Section 75/3.⁷⁵ Where it appears to the Administrative Courts or the party files an application or the executing officer reports to the Court that the party has failed to comply with an decree of the Administrative Courts or where there are obstructions in compliance therewith, the Administrative Courts shall have the competence to try or inquire into the issue and order compliance with the judgment or order, or order the execution of a judgment to be carried out expediently and completely.

Section 75/4.⁷⁶ Where there appears that an administrative agency or State official fails to comply with the decree of the Administrative Courts correctly and completely, or performs thereof with unreasonable delay, the Administrative Courts shall inquire into the fact. Where the Court is of the opinion that the facts of the case are sufficient to be accepted that it is non-compliance with the decree of the Administrative Courts correctly and completely, or performance thereof with unreasonable delay, the Administrative Courts shall order

⁷⁴ Section 75/2 is added by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

⁷⁵ Section 75/3 is added by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

⁷⁶ Section 75/4 is added by Section 7 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2559 (2016).

the administrative agency or State official, who fails to comply with the decree, to pay the Court with reasonable amount of the administrative fine, not exceeding fifty thousand baht in each time; provided that the Administrative Courts may notify the superior, superintendent, supervisor, or Prime Minister of carrying out further proceedings within powers and duties, giving directions or imposing disciplinary penalties, and then notify the result to the Administrative Courts.

An order in connection with the administrative fine under paragraph one shall be issued by the chamber and such fine shall be remitted as the State revenue.

In the case where the State official fails to comply with the order to pay the fine under paragraph one, the Administrative Courts may issue an execution order against the State official's properties.

The provision of this Section shall apply *mutatis mutandis* in the case where an administrative agency or State official fails to comply with the order prescribing provisional remedial measures or means in favor of a party concerned before delivery of judgment under Section 66 or perform duties with unreasonable delay.

The General Assembly of Judges of the Supreme Administrative Court shall have power to issue the rules to prescribe the rules, procedure, and conditions in compliance with this Section.

CHAPTER V

Office of the Administrative Courts

Section 76. There shall be the Office of the Administrative Courts as an independent State agency under the Constitution, which shall be a juristic person.

Section 77. The Office of the Administrative Courts shall have powers and duties, as follows:

- (1) to be responsible for the Secretariat's work for the Administrative Courts;
- (2) to carry on activities with respect to administrative cases as directed by the Administrative Courts;
- (3) to conduct execution of decrees made by the Administrative Courts;
- (4) to study and compile information relevant to the Administrative Courts' performance;
- (5) to analyze the causes of filing administrative cases for the purpose of making suggestions to State agencies concerned in order to improve public administration;
- (6) to publish and disseminate judgments or orders of the Administrative Courts;

(7) to provide training and knowledge development for administrative judges, administrative court government officials and other State officials concerned as well as co-ordinate with other agencies concerned in order to develop the principles of public law, administration of State affairs, and personnel in the field of public law;

(8) to perform other acts under the provisions of this Act or as the law prescribes to be under the responsibility of the Office of the Administrative Courts.

Section 78. There shall be a Secretary-General of the Office of the Administrative Courts who shall be an administrative court government official directly answerable to the President of the Supreme Administrative Court, responsible for exercising general supervision of official affairs of the Office of the Administrative Courts, and shall be the superior of officials of the Office of the Administrative Courts. There shall be Deputy Secretary-Generals of the Administrative Courts to assist in directing and performing official duties.

In appointing a Secretary-General of the Office of the Administrative Courts, the President of the Supreme Administrative Court shall, with the approval of the J.C.A.C., select and nominate to the Prime Minister a person suitable for holding such office and the Prime Minister shall tender it to the King for further appointment.

In affairs of the Office of the Administrative Courts in connection with a third person, the Secretary-General of the Office of the Administrative Courts shall represent the Office. For this purpose, the Secretary-General of the Office of the Administrative Courts may entrust any person to perform specific official duties on his or her behalf, in accordance with the regulation prescribed and published in the Government Gazette by the Commission of Officials of the Office of the Administrative Courts.

The Secretary-General of the Office of the Administrative Courts shall hold office for a term of four years as from the date of appointment. This term of office may be extended by the President of the Supreme Administrative Court with the approval of the J.C.A.C. for not more than two terms of one year per term.⁷⁷

In the case where the Secretary-General of the Office of the Administrative Courts vacates office without having been discharged from office or having committed any gross breach of discipline or having been tainted in any way, and is not over at the age of sixty; the President of the Supreme Administrative Court with the approval of the C.O.A.C shall appoint him or her

⁷⁷ Section 78 paragraph four is amended by Section 29 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

as an administrative court government official in a position equivalent to the Secretary-General of the Office of the Administrative Courts.⁷⁸

Section 78/1.⁷⁹ The Secretary-General of the Office of the Administrative Courts may be appointed from a judge of the Administrative Courts with the approval of the J.C.A.C. The administrative judge will be held to have vacated office upon royal appointment as Secretary-General of the Office of the Administrative Courts.

The Secretary-General of the Office of the Administrative Courts appointed under paragraph one shall hold office for a term of two years as from the date of appointment and may be re-appointed but shall not serve for more than two consecutive terms, except in the case of vacating of office before the expiration of term by order of the President of the Supreme Administrative Court with the approval of the J.C.A.C.

The Secretary-General of the Office of the Administrative Courts appointed under paragraph one shall receive salary, emolument, and other benefits relevant to the position of Secretary-General of the Office of the Administrative Courts. In the case where salary or emolument received before appointment was higher than the highest salary or emolument scale of the Secretary-General of the Office of the Administrative Courts, it shall be adjusted to the highest salary or emolument scale of the Secretary-General of the Office of the Administrative Courts.

Section 78/2.⁸⁰ In the case where the Secretary-General of the Office of the Administrative Courts appointed under Section 78/1 has committed a disciplinary offence before transferring to hold the position of Secretary-General of the Office of the Administrative Courts, the C.O.A.C. shall determine such disciplinary action under the provisions on judicial discipline for administrative judges. In the case of committing such disciplinary offence while holding the position of Secretary-General of the Office of the Administrative Courts before being transferred back to be an administrative judge, the J.C.A.C. shall determine such disciplinary action in accordance with

⁷⁸ Section 78 paragraph five is amended by Section 29 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁷⁹ Section 78/1 is added by Section 30 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁸⁰ Section 78/2 is added by Section 30 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

provisions relating to the discipline on administrative court government officials. In the case where there is any issue relating to disciplinary penalties, it shall be decided by the J.C.A.C.

In considering disciplinary action under paragraph one, if such case is under investigation by a superior before transferring to hold the position of Secretary-General of the Office of the Administrative Courts or before returning to be an administrative judge, such case shall be dealt with in accordance with the law in force at the time of committing the offence. It shall then be submitted to the C.O.A.C. or J.C.A.C., whichever holds jurisdiction over the case, for consideration for further proceedings.

Section 79. There shall be an administrative case official to assist a judge-rapporteur in the Administrative Courts proceedings as entrusted by the judge-rapporteur and to perform other duties in the Office of the Administrative Courts as entrusted by the Secretary-General of the Office of the Administrative Courts.

In the performance of duties in relation to Administrative Courts proceedings as entrusted by the judge-rapporteur, the administrative case official shall be an official in the position of inquiry official under the Penal Code.

Section 80. Qualifications of the persons to be appointed as an administrative case official of each class shall be in accordance with the rules prescribed by the J.C.A.C.

The Secretary-General of the Office of the Administrative Courts shall have power to appoint officials of the Office of the Administrative Courts who have qualifications under paragraph one as administrative case officials.

Section 81.⁸¹ There shall be a Commission of Officials of the Secretariat General of the Administrative Courts called "C.O.A.C." which shall consist of the following persons:

(1) President of the Supreme Administrative Court or Vice President of the Supreme Administrative Court as entrusted by the President of the Supreme Administrative Court as Chairman;

(2) Secretary-General of the Office of the Administrative Courts and Secretary-General of the Office of the Civil Service Commission as members;

(3) four qualified members who are administrative judges: two judges of the Supreme Administrative Court elected by judges of the Supreme Administrative Court and two judges

⁸¹ Section 81 is amended by Section 31 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

of the Administrative Courts of First Instance elected by judges of the Administrative Courts of First Instance;

(4) four qualified members who are administrative court government officials of a level not lower than that prescribed by the J.C.A.C. elected by administrative court government officials;

(5) each qualified member having expertise in organizational development, and management who is not or has never been a government official of the Administrative Courts elected by Chairman and members under (2), (3), and (4).

The C.O.A.C. shall appoint administrative court government officials as secretary and assistant secretaries.

Section 81/1.⁸² Qualified members of the C.O.A.C. under Section 81 paragraph one (3), (4), and (5) shall not be qualified members of the J.C.A.C. under Section 35 paragraph one (2), or (3) at the same time.

Section 81/2.⁸³ Qualified members of the C.O.A.C. under Section 81 paragraph one shall meet the qualifications and not be prohibited under Section 41/4.

Section 81/3.⁸⁴ The election of qualified members of the C.O.A.C. under Section 81 paragraph one shall be proceed as follows:

(1) the provision of Section 41/5 shall apply *mutatis mutandis* to the election of qualified members of the C.O.A.C. under Section 81 paragraph one (3);

(2) the election of qualified members of the C.O.A.C. under Section 81 paragraph one (4) shall be in accordance with the procedure prescribed by the J.C.A.C. with the approval of the General Assembly of Judges of the Supreme Administrative Court.

⁸² Section 81/1 is added by Section 32 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁸³ Section 81/2 is added by Section 32 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

⁸⁴ Section 81/3 is added by Section 32 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

Section 82. A member of the Commission of Officials of the Secretariat General of the Administrative Courts under Section 81 paragraph one (3), (4), and (5) shall hold office for a term of two years and may be re-elected but shall not serve for more than two consecutive terms.⁸⁵

If the office becomes vacant before the expiration of term, there shall be held a replacement election within sixty days as from the date of the vacancy, except that in the case where less than ninety days remain in the term of office of that member, the replacement election may be omitted.

A replacing member of the Commission of Officials of the Secretariat General of the Administrative Courts shall hold office for the remaining term of the person replaced.

Section 83.⁸⁶ In addition to vacating office at the expiration of term, a qualified member of the C.O.A.C. under Section 81 paragraph one (3), (4), and (5) vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the C.O.A.C with the votes of not less than three quarters of the total number of its existing members, by reason of an inappropriate act or conduct in the performance of duties as member of the Commission of Administrative Court Government Officials;
- (4) vacating the office of judge of the Administrative Courts under Section 21, in the case of being a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts under Section 81 paragraph one (3);
- (5) being appointed as a judge of the Supreme Administrative Court, in the case of being a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts elected from a judge of an Administrative Courts of First Instance under Section 81 paragraph one (3);
- (6) being elected as a qualified member of the Judicial Commission of the Administrative Courts under Section 35 paragraph one or a qualified member of the Judicial Administration Commission of the Administrative Courts under Section 41/2 paragraph one, in the case of being a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts under Section 81 paragraph one (3), (4), and (5);

⁸⁵ Section 82 paragraph one is amended by Section 33 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017)

⁸⁶ Section 83 is amended by Section 34 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

(7) ceasing to be an administrative court government official, in the case of being a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts under Section 81 paragraph one (4);

(8) being disqualified or being prohibited under Section 81/2, in the case of being a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts under Section 81 paragraph one (5).

In the case where there is any question concerning the vacancy of office of a qualified member of the Commission of Officials of the Secretariat General of the Administrative Courts under paragraph one, the decision shall be made by the C.O.A.C.

Section 84.⁸⁷ The C.O.A.C. shall have power to issue regulations or notifications in regard to personnel administration and other activities of the Office of the Administrative Courts, as follows:

(1) prescription of qualifications, selection, recruitment, appointment, probationary performance of official duties, transfer, promotion, vacation from office, salary increments, resignation from government service, discipline, inquiry, suspension of official service, instruction for temporary resignation, and imposition of disciplinary penalty, complaint and appeal against the imposition of penalty on administrative court government officials;

(2) delegation of powers of administrative court government officials, be it for the purpose of acting for or acting as holders of such position;

(3) prescription of uniforms and dress of administrative court government officials;

(4) appointment of persons or groups of persons for performing any act as entrusted;

(5) maintenance of personnel records and the control of retirement of officials of the Office of the Administrative Courts;

(6) prescription of procedures and conditions for the employment of government employees and employees of the Office of the Administrative Courts, prescription of uniforms and dress, discipline, inquiry and the imposition of disciplinary penalty, complaint, appeal, maintenance of personnel records and other necessary acts of government employees and employees of the Office of the Administrative Courts;

(7) recommendation to the J.A.C.A.C. in issuing notifications for internal organization of the Office of the Administrative Courts and powers and duties of such internal agencies;

⁸⁷ Section 84 is amended by Section 34 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

(8) recommendation to the J.A.C.A.C. in issuing regulations for provisions of welfare or other assistance for officials, government employees and employees of the Office of the Administrative Courts;

(9) prescription of other acts within the powers and duties of the C.O.A.C.

Section 84/1.⁸⁸ The provision of Section 41 shall apply *mutatis mutandis* to meetings of the C.O.A.C.

Section 85. The law on civil service insofar as it deals with ordinary government officials shall apply *mutatis mutandis* to the prescription of positions and salaries, emoluments, and additional remuneration for special positions of administrative court government officials, and for this purpose, the expression “C.S.C.” shall mean the Commission of Officials of the Office of the Administrative Courts.

Section 86. The provisions applicable to government officials as provided in the law on civil service shall apply *mutatis mutandis* to salary scales, emolument scales, and eligibility for payment of salaries and emoluments of administrative court government officials.

Section 87. The recruitment of persons as administrative court government officials and the appointment to such office shall be under responsibility of the following competent persons:

(1) the recruitment and appointment of Deputy Secretary-General of the Office of the Administrative Courts shall be under the responsibility of the President of the Supreme Administrative Court, with the approval of the J.C.A.C., to select and nominate to the Prime Minister the person suitable for the office and the Prime Minister shall further tender the nomination to the King for royal appointment;

(2) the recruitment and appointment of positions other than (1) shall be under the responsibility of the Secretary-General of the Office of the Administrative Courts;

⁸⁸ Section 84/1 is amended by Section 35 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017).

Section 88. The transfer of an administrative court government official for recruitment and appointment as an official of another State agency or as an official of a local government organization or the transfer of a government official of another State agency or official of a local government organization for recruitment and appointment as an administrative court government official may be made upon the consent of the person to be transferred and upon an agreement between the person empowered to order the recruitment and the original agency, and in accordance with the regulations prescribed by the Commission of Officials of the Office of the Administrative Courts with the approval of the respective commission of officials or commission of local officials, as the case may be.

The recruitment and appointment of a government official or an official of a local government organization transferred to be an administrative court government official under paragraph one for any position and for any salary and emolument shall be determined by the Commission of Officials of the Secretariat General of the Administrative Courts, provided that the salary to be received shall not be higher than that of an administrative court government official with the same level of qualifications, competence and expertise.

For the purpose of computing the duration of official service, the duration of the official service or the working time of the person transferred to be an administrative court government official under paragraph one while being a government official or official of a local government organization shall also be deemed as the duration of the official service of the administrative court government official under this Act.

The transfer of a political official and government official under probationary performance of official duties to be an administrative court government official under this Act shall not be made.

Section 89. An administrative court government official shall be entitled to the same pension under the law on government pension fund as that is enjoyed by a civil official.

Section 90. When the Office of the Auditor General of Thailand has already audited and certified all types of accounts and finances of the Administrative Courts and the Office of the Administrative Courts, the result of the audit shall be submitted directly to the House of Representatives, Senate and Council of Ministers without delay.

Section 91. The Office of the Administrative Courts shall submit its budget to the Council of Ministers for the purpose of appropriating subsidies of the Administrative Courts and of the Office of the Administrative Courts in an annual appropriations bill or supplementary

appropriations bill, as the case may be. For this purpose, the Council of Ministers may also prepare its opinion on the appropriation of the budget of the Administrative Courts and the Office of the Administrative Courts to be included in the memorandum accompanying the introduction of the annual appropriations bill or the supplementary appropriations bill.

Section 92. In the matter concerning the introduction or consideration of the budgetary appropriation, the appointment of administrative judges or the consideration of any matter concerning the Office of the Administrative Courts or Administrative Courts, the joint sitting of the National Assembly, House of Representatives, Senate or Committee concerned may, if the Secretary-General of the Office of the Administrative Courts makes a request to the Council of Ministers, allow the Secretary-General of the Office of the Administrative Courts or a person entrusted by the Secretary-General of the Office of the Administrative Courts to give explanation.

Section 93. The Office of the Administrative Courts shall annually prepare a report on the work performance of the Administrative Courts and the Office of the Administrative Courts to be submitted to the Council of Ministers, House of Representatives and Senate.

Transitory Provisions

Section 94. In the initial period, there shall be established Regional Administrative Courts, as follows:

- (1) Khon Kaen Administrative Court, to be located in Khon Kaen Province, with the jurisdiction throughout the Provinces of Kalasin, Khon Kaen and Maha Sarakham;
- (2) Chumphon Administrative Court, to be located in Chumphon Province, with the jurisdiction throughout the Provinces of Chumphon, Prachuap Khiri Khan, Phetchaburi⁸⁹ and Ranong;
- (3) Chiang Mai Administrative Court, to be located in Chiang Mai Province, with the jurisdiction throughout the Provinces of Chiang Rai, Chiang Mai, Mae Hong Son, Lampang and Lamphun;
- (4) Nakhon Ratchasima Administrative Court, to be located in Nakhon Ratchasima Province, with the jurisdiction throughout the Provinces of Chaiyaphum and Nakhon Ratchasima;

⁸⁹ Act on the Establishment of the Phetchaburi Administrative Court B.E. 2555 (2012) is published in the Government Gazette Vol. 129, Part 34a, dated 12th April B.E. 2555 (2012), (pages 4-6), and Section 4 of the said Act prescribes that the Phetchaburi Administrative Court shall have the jurisdiction throughout the Provinces of Prachuap Khiri Khan, Phetchaburi, Ratchaburi and Samut Songkhram.

(5) Nakhon Si Thammarat Administrative Court, to be located in Nakhon Si Thammarat Province, with the jurisdiction throughout the Provinces of Krabi, Nakhon Si Thammarat, Phangnga, Phuket⁹⁰ and Surat Thani;

(6) Buri Ram Administrative Court, to be located in Buri Ram Province, with the jurisdiction throughout the Provinces of Buri Ram and Surin;

(7) Phitsanulok Administrative Court, to be located in Phitsanulok Province, with the jurisdiction throughout the Provinces of Kamphaeng Phet, Tak, Nakhon Sawan⁹¹, Phichit, Phitsanulok, Phetchabun and Sukhothai;

(8) Phrae Administrative Court, to be located in Phrae Province, with the jurisdiction throughout the Provinces of Nan, Phayao, Phrae and Uttaradit;

(9) Yala Administrative Court, to be located in Yala Province, with the jurisdiction throughout the Provinces of Narathiwat, Pattani and Yala;

(10) Rayong Administrative Court, to be located in Rayong Province, with the jurisdiction throughout the Provinces of Chanthaburi, Chachoengsao, Chon Buri, Trat, Prachin Buri, Rayong and Sa kaeo;

(11) Lop Buri Administrative Court, to be located in Lop Buri Province, with the jurisdiction throughout the Provinces of Nakhon Nayok, Phra Nakhon Si Ayutthaya, Lop Buri, Saraburi, Sing Buri and Ang Thong;

(12) Sakon Nakhon Administrative Court, to be located in Sakon Nakhon Province, with the jurisdiction throughout the Provinces of Nakhon Phanom, Mukdahan and Sakon Nakhon;

(13) Songkhla Administrative Court, to be located in Songkhla Province, with the jurisdiction throughout the Provinces of Trang, Phatthalung, Songkhla and Satun;

(14) Suphan Buri Administrative Court, to be located in Suphan Buri Province, with the jurisdiction throughout the Provinces of Kanchanaburi, Chai Nat, Suphan Buri and Uthai Thani;

(15) Udon Thani Administrative Court, to be located in Udon Thani Province, with the jurisdiction throughout the Provinces of Loei, Nong Khai, Nong Bua Lam Phu and Udon Thani;

⁹⁰ Act on the Establishment of the Phuket Administrative Court B.E. 2555 (2012) is published in the Government Gazette Vol. 129, Part 34a, dated 12th April B.E. 2555 (2012), (pages 1-3), and Section 4 of the said Act prescribes that Phuket Administrative Court shall have the jurisdiction throughout the Provinces of Krabi, Phangnga, Phuket and Ranong.

⁹¹ Act on the Establishment of the Nakhon Sawan Administrative Court B.E. 2555 (2012) is published in the Government Gazette Vol. 129, Part 34a, dated 12th April B.E. 2555 (2012), (pages 7-9) and, Section 4 of the said Act prescribes that Nakhon Sawan Administrative Court shall have the jurisdiction throughout the Provinces of Chai Nat, Nakhon Sawan, Phetchabun and Uthai Thani.

(16) Ubon Ratchathani Administrative Court, to be located in Ubon Ratchathani Province, with the jurisdiction throughout the Provinces of Yasothon, Roi Et, Si Sa Ket, Ubon Ratchathani and Amnat Charoen.

Section 95. In the case where an additional Regional Administrative Court under Section 8 is established and commences their operation in the jurisdiction of the Central Administrative Court or Regional Administrative Courts under Section 94, all cases in the jurisdiction of the newly established Regional Administrative Court pending in the Central Administrative Court or Regional Administrative Court under Section 94 shall continue to be tried and adjudicated in such Central Administrative Court or Regional Administrative Court.

Section 96. Within a period of five years as from the date of the entry into force of this Act, Section 21 paragraph one (3) shall not apply to the person appointed to be a judge of the Supreme Administrative Court during such period.

In the case where the person appointed to be the judge of the Supreme Administrative Court under paragraph one is the person receiving or entitled to receive the ordinary pension at the time of appointment, the provision of Section 32 shall apply *mutatis mutandis*.

Section 97. In appointing a judge of the Supreme Administrative Court for the first time upon this Act coming into force, there shall be a Committee for the Selection of Judges of the Supreme Administrative Court, consisting of two government officials of the Office of the Council of State elected by the General Assembly of the Council of State, two judges of the Supreme Court of Justice holding a position not lower than the judge of the Supreme Court of Justice and elected by the General Assembly of the Supreme Court of Justice, one representative of the Commission of Public Prosecutors, one representative of the Civil Service Commission, one representative of the Committee of the Lawyers Council, two representatives of the Faculties of Law or equivalent of all State Higher Education Institutions elected among themselves and one representative of the Faculties of Political Science or equivalent of all State Higher Education Institutions elected among themselves, as members; and such members shall elect one member among themselves as Chairman.

The Committee under paragraph one shall elect an administrative court government official as secretary.

Section 98. The Committee for the Selection of Judges of the Supreme Administrative Court shall select not more than twenty-three persons who have the qualifications under this Act and possess knowledge, competence and conduct suitable for appointment as a judge of the Supreme Administrative Court, and the provision of Section 15 paragraph one shall apply *mutatis mutandis*, provided that selection shall be completed within sixty days as from the date of the entry into force of this Act.

For the purpose of the selection of persons with the most suitable knowledge and competence in the number as specified in paragraph one, the Committee for the Selection of Judges of the Supreme Administrative Court shall prepare a list of persons to be selected from persons wishing to apply for candidacy and persons nominated by the institutions or organizations concerned with the persons who have the qualifications under Section 13 (4), and such persons shall produce evidence of academic or professional works indicating the suitable knowledge and competence for the office of judge of the Supreme Administrative Court. For this purpose, the list of the persons to be selected and the list of the selected persons shall be publicized and persons in the fields of law and public administration shall be invited to give opinions which shall be considered before the submission of the final list of the persons to the Prime Minister for further proceedings.

Upon the King's appointment of judges of the Supreme Administrative Court under paragraph one, the duty of the Committee for the Selection of Judges of the Supreme Administrative Court shall terminate. The judges of the Supreme Administrative Court shall elect one judge of the Supreme Administrative Court among themselves as President, two as Vice Presidents of the Supreme Administrative Court and four as Presidents of chambers of the Supreme Administrative Court and Section 15 paragraph two and paragraph three shall apply *mutatis mutandis*.

Section 99. In the initial period, the General Assembly of Judges of the Supreme Administrative Court appointed under Section 98 shall select one person having the qualifications and suitability for appointment as President of the Administrative Courts of First Instance and Vice President of the Administrative Courts of First Instance of each Court and not more than one hundred and thirty persons as judges of the Administrative Courts of First Instance, and the selection shall be taken under Section 98 paragraph two *mutatis mutandis* before the submission of the list of such persons to the Prime Minister for presentation to the King for royal appointment.

Section 100. When a judge of the Supreme Administrative Court has been appointed under Section 98 and judge of an Administrative Court of First Instance has been appointed under Section 99, the Senate, Council of Ministers and President of the Supreme Administrative Court shall proceed with an election of members of the J.C.A.C. to be held within ninety days.

Section 101. From the initial period up to 30th September B.E. 2544 (2001), Section 30 paragraph two shall not apply and a judge of an Administrative Court of First Instance, a President of a chamber of an Administrative Court of First Instance and a Vice President of an Administrative Court of First Instance shall be entitled to the minimum salaries prescribed for the respective office, provided that if the person transferred has received higher salaries than the minimum rate fixed for the office, the entitlement to any salary scale shall be as prescribed by the J.C.A.C.

Section 102. In the case where the person transferred to be an administrative judge or an administrative court government official is already a government official under the law on government gratuity and pension prior to the date of the entry into force of provisions of Chapter III of the Government Pension Fund Act, B.E. 2539 (1996) but has not applied to be a member of the Government Pension Fund, such person shall be entitled to the pension under the law on government gratuity and pension.

Section 103. When an administrative judge has been appointed under Section 98 and Section 99, the President of the Supreme Administrative Court shall publish in the Government Gazette the operation date of the Supreme Administrative Court, the Central Administrative Court and Regional Administrative Courts. The Supreme Administrative Court and the Central Administrative Court shall commence their operation not later than one hundred and eighty days as from the date of the entry into force of this Act. The operation of Regional Administrative Courts under Section 94 shall be in accordance with necessity, having regard to the selection of administrative judges possessing suitable knowledge and competence but shall be at the rate of not less than seven Courts per year.

While the operation of the Regional Administrative Courts under Section 94 does not cover all Courts specified thereunder, the General Assembly of the Supreme Administrative Court shall have the power to issue and publish in the Government Gazette, a Notification designating Regional Administrative Courts already in operation to have a jurisdiction over any Provinces nearby as is appropriate.

When the operation date of the Central Administrative Court has been published, all petitions submitted to the Petition Council pending its consideration or already adjudicated by the Petition Council but pending direction by the Prime Minister shall be transferred to the Central Administrative Court. If the Central Administrative Court considers it as the case under Section 9, it shall proceed with the trial and adjudication.

For convenience of a petitioner in proceeding with the administrative case, if the respective Regional Administrative Courts are in operation, the Central Administrative Court may, if it thinks fit, transfer that case to a competent Regional Administrative Court.

The proceedings of trial and adjudication of the case transferred under paragraph three shall be in accordance with the rule prescribed by the General Assembly of Judges of the Supreme Administrative Court but shall not be contrary to or inconsistent with the provisions of this Act.

Section 104. While the regulations or notifications governing personnel administration under Section 84 are not yet in existence, the law on civil service shall apply to an administrative court government official *mutatis mutandis*. For this purpose, the Commission of Officials of the Office of the Administrative Courts shall have powers and duties as the Civil Service Commission under such law.

In the initial period, administrative court government officials shall, without delay, select three persons among themselves as members of the Commission of Officials of the Office of the Administrative Courts. While the appointment has not yet been made for any office the holder of which sits as *ex officio* member of the Commission of Officials of the Office of the Administrative Courts, the Commission shall consist of its existing members.

Section 105. All cases already filed with or pending trial at any other Court on the date of the entry into force of this Act and exhibiting the characteristic of an administrative case under this Act shall be tried and adjudicated by that Court until the case becomes final.

Section 106. The right to lodge a complaint to the Petition Council under Section 11 of the Act on Liability for Wrongful Acts of Officials, B.E. 2539 (1996) in respect of the case not falling within the jurisdiction of the Administrative Courts under this Act shall be deemed to be the right to file a case with the Court of Justice.

Section 107. In the initial period prior to the appropriation of the annual budget to the Office of the Administrative Courts, the J.C.A.C. shall prepare a plan for the operation of the Administrative Courts and a plan for the establishment and administration of the Office of the Administrative Courts to be submitted to the Council of Ministers in order to obtain subsidies for funding operation and administration in accordance with such plans.

The Council of Ministers shall consider and allocate a budget as general subsidies for funding the work operated under the plans submitted by the J.C.A.C. in accordance with necessity.

Countersigned by:

Chuan Leekpai

Prime Minister

The Office of the Administrative Courts

List of Salary Scale and Emolument Scale of Administrative Judges⁹²

Court Level	Salary Level	Position	Salary (Baht/Month)	Emolument (Baht/Month)
Supreme Administrative Court	4	- President of the Supreme Administrative Court	83,090	55,000
	3	- Vice President of the Supreme Administrative Court - President of a Chamber of the Supreme Administrative Court - Judge of the Supreme Administrative Court	81,920	50,000
Administrative Court of First Instance		- President of an Administrative Court of First Instance - Vice President of an Administrative Court of First Instance - President of a Chamber of an Administrative Court of First Instance - Judge of an Administrative Court of First Instance	80,540	42,500
	2	- Vice President of an Administrative Court of First Instance - President of a Chamber of an Administrative Court of First Instance - Judge of an Administrative Court of First Instance	76,800	41,500
	1	- Judge of an Administrative Court of First Instance	74,360	30,000

The List shall come into force from 1st December B.E. 2557 (2013).

⁹² The previous list of salary and emolument scales for administrative judges is repealed by Section 4 of the Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 11), B.E. 2561 (2018) and is replaced by the new list of salary and emolument scales for administrative judges.

Remarks :- The reason for issuing this Act is that the Constitution of the Kingdom of Thailand provides that there shall be the Administrative Courts to try and adjudicate cases involving disputes of Administrative Law between a private individual and a State agency or State official, or between a State agency or State official and another such agency or official. The disputes are related to an act or omission of an act which a State agency or State official shall perform according to the law, or a consequence of an act or omission of an act which a State agency or State official shall perform according to the law. The competence of the Administrative Courts is concerned with the issuance of by-laws or administrative orders, wrongful administrative acts or administrative contracts which are a matter relating to Public Law. Another reason is that the system of trial and adjudication of administrative cases requires particular proceedings which are different from general cases since the outcome of the judgment may affect the administration of State affairs or may involve the use of funds from common taxes and duties as compensation or damages to a private individual. Concurrently, a private individual will be at a disadvantage for being unable to obtain information from State agencies. Accordingly, it is necessary to apply the inquisitorial system to conduct an inquiry into the facts and to have judges possessing special expertise, who are able to be scrutinized by the Executive Branch, Legislative Branch, and people who would be affected in any respect by a judgment of the Administrative Courts. It is also necessary to have an independent Secretariat of the Administrative Courts. In order to fulfill the purpose of the Constitution of the Kingdom of Thailand, it is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999), is published in the Government Gazette, Vol. 116, Part 94a, dated 10th October B.E. 2542 (1999), (pages 1-40).

Remarks :- The reason for issuing this Act is that the Act on Establishment of Administrative Courts and Administrative Procedure, B.E. 2542 (1999) prescribes administrative judges to receive salary and emolument for various positions by making a comparison with salary and emolument scales of judges of the Courts of Justice on the same level. As a result of the changes in salary and emolument scales of judges of the Courts of Justice according to the Act on Judicial Service of the Courts of Justice, B.E. 2543 (2000), it is deemed appropriate to revise salary and emolument scales of administrative judges commensurately. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 2), B.E. 2545 (2002), is published in the Government Gazette, Vol. 119, Part 29a, dated 31st March B.E. 2545 (2002), (pages 1-3).

Remarks :- The reason for issuing this Act is that at the present the filing of administrative cases requesting the Administrative Courts to order the payment of money or the delivery of property in the cases under Section 9 paragraph one (3) or (4) of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999), the parties shall pay the Court fees without any exemptions and this burdens the parties who have not sufficient property to pay the Court fees, or becomes too troublesome if the parties are not exempted from paying the Court fees. Consequently, the Administrative Courts shall have the power to consider whether or not the exemption of the payment of the Court fees should be permitted, and these cases are similar to civil cases which a relief applied for can be computed in terms of money under the Civil Procedure Code. It is deemed suitable to prescribe the payment scale of the Court fees for the filing of administrative cases to be in consistence. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 3), B.E. 2548 (2005), is published in the Government Gazette, Vol. 122, Part 14a, dated 8th February B.E. 2548 (2005), (pages 26-29).

Remarks :- The reason for issuing this Act is that it is deemed suitable to amend the list of salary and emolument scales of administrative judges in accordance with economic changing by increasing additional three percentage of the salary scale since 1st April B.E. 2547 (2004) and increasing additional five percentage of the salary scale since 1st October B.E. 2548 (2005), and providing administrative judges the right to receive temporary costs of living in accordance with economic changing and consistent with other kinds of government officials. In addition, in the event where the salary scale of administrative judges in every position increases by equal percentage and not more than ten percentage of the existing salary scale, it is deemed suitable to revise the salary scale by enacting a Royal decree. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 4), B.E. 2550 (2007), is published in the Government Gazette, Vol. 124, Part 46a, dated 24th August B.E. 2550 (2007), (pages 11-13).

Remarks :- The reason for issuing this Act is that the Administrative Courts are officially operated so an administrative contract is distinguished from a civil contract. It results in significant consequences in terms of the competence and jurisdiction of Courts, substantive law and procedural law applied in a case. The administrative contract thus is a newly-occurred principle which legal scholars still have had discussion in order to determine an appropriate or possible definition and direction. In each year, government agencies make a contract with private organizations or government agencies themselves in various activities from minor projects to mega projects such as procurement contracts for equipment and materials, contracts for the construction of buildings, roads or other structures, concession contracts, and so forth; and the total value of these contracts are concerned with a great amount of national budget. A case concerning a dispute in relation to an administrative contract pursuant to Section 9 paragraph one (4) of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999) shall be filed within one year as from the day the cause of action is known or should have been known but the filing shall not be later than ten years as from the date of such cause of action; however, such contract formerly has prescription for ten years under the Civil Code. In the event where the contract is filed to the Administrative Courts or the Committee on Determination of Powers and Duties among Courts to interpret the classification of contract, if such contract is interpreted to be an administrative contract, the time-limit for filing the case will be limited merely one year. The time-limit for filing such case is shortened as a consequence of Section 51 of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999); therefore, it is deemed suitable to lengthen the time-limit for filing such case. Moreover, currently, there still has had a problem about the interpretation of the definition of the common interest so it is deemed suitable to prescribe this issue in the definition provision for more accurate legal implementation. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 5), B.E. 2551 (2008), is published in the Government Gazette, Vol. 125, Part 39a, dated 27th February B.E. 2551 (2008), (pages 1-3).

Remarks :- The reason for issuing this Act is that there has been an increase in the number of administrative cases which require urgent proceedings to immediately remedy a grievance or injury of the parties or for the interest of State administration, such as cases involving an admission test to higher education and cases involving the appointment of a State official of a State agency. If these categories of administrative cases are conducted by the same proceedings and are handled by the same responsible persons as required for a general administrative case, the trial and adjudication of cases which requires special expertise and urgent proceedings may be delayed. Therefore, the establishment of divisions or departments called by other names in the Supreme Administrative Court or the Administrative Courts of First Instance shall be authorized, and the position of administrative judges called by other names shall be prescribed in order to try and adjudicate these specific types of administrative cases. Furthermore, this Act is promulgated in order to encourage more effective personnel administration in the Administrative Courts to provide justice to the people, and to amend provisions relating to the number of administrative judges in compliance with the principles and provisions of the Constitution. It is therefore necessary to issue this Act^{*}

^{*} Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 6), B.E. 2554 (2011), is published in the Government Gazette, Vol. 128, Part 29a, dated 27th April B.E. 2554 (2011), (pages 1-4).

Remarks :- The reason for issuing this Act is that the composition of the Judicial Commission of the Administrative Court (J.C.A.C) in the past was prescribed only in the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) and the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) but it was not prescribed in the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999). Thus, it is deemed appropriate that a provision relating to the composition of the J.C.A.C. shall be prescribed in the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999) and that the qualifications, prohibitions, selection, and discharge of qualified J.C.A.C. members should be amended to correspond with the abovementioned provision. It is therefore necessary to issue this Act^{*}

^{*} Act on Establishment of Administrative Courts and Administrative Court Procedure (No.7), B.E. 2557 (2014), is published in the Government Gazette, Vol. 131, Part 79a, dated 4th December B.E. 2557 (2014), (pages 4-10).

Remarks :- The reason for issuing this Act is that at present the execution of judgments in administrative cases still has problems since the law does not prescribe details in executing judgments in all types of administrative cases. Due to the distinctive features of administrative cases, the execution of judgments in civil cases cannot be applied to efficiently execute judgments in all administrative cases. In addition, there is no provision prescribing the powers and duties of an executing officer, including measures for mandating an administrative agency or State official to properly comply with the decree of the Administrative Court within a reasonable period. In the case where an appeal against the judgment of an Administrative Court of First Instance is filed, it shall be also prescribed that the party who wins the case may file an application with the Administrative Court of First Instance or the Supreme Administrative Court, as the case may be, for compliance with the decree so people shall not await the compliance of judgment pending an appellate trial. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No. 8), B.E. 2554 (2011), is published in the Government Gazette, Vol. 133, Part 36a, dated 26th April B.E. 2559 (2016), (pages 1-4).

Remarks :- The reason for issuing this Act is that it is deemed suitable to amend certain provisions of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999) to be more appropriate by amending provisions relating to the appointment of a judge of the Administrative Courts of First Instance, the promotion of a judge of the Administrative Courts of First Instance serving a position not lower than a President of a chamber of an Administrative Court of First Instance to be a judge of the Supreme Administrative Court in order to perform essential duties which require expertise or specialization in administrative cases proceedings, a term of four years for the President of the Supreme Administrative Court, and disciplinary actions on administrative judges. In addition, there shall be an Judicial Administration Commission of Administrative Courts (J.A.C.A.C.) responsible for supervision of the administration of the Administrative Courts, particularly the administration of general affairs, budget, finance, property, and other activities of the Administrative Courts, and including the general affairs of the Secretariat of the Administrative Courts in accordance with the law, rules, tradition, practices of the Administrative Courts in order to create a more orderly manner of the administration of the Administrative Courts. It also prescribes the revision of the composition and powers and duties of the C.O.A.C. to be more appropriate, as well as the holding a position of the Secretary-General of the Office of the Administrative Courts, and relevant disciplinary actions. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9) B.E. 2560 (2017), is published in the Government Gazette, Vol. 134, Part 98a, dated 26th September B.E. 2560 (2017), (pages 5-22).

Remarks:- The reason for issuing this Act is that the Constitution of the Kingdom of Thailand, Section 190 provides that the King appoints and removes judges and justices. In the case where an office is vacated due to death, retirement, expiration of term or being removed from office due to punishment, the matter shall be reported to the King. Section 198 provides that personnel administration relating to judges of the Administrative Courts shall be undertaken by the Judicial Commission of the Administrative Courts consisting of the President of the Supreme Administrative Court as Chairman, and qualified members who are judges of the Administrative Courts, and not more than two qualified persons who are not or have been judges of the Administrative Courts elected by judicial officers of the Administrative Courts, as provided by law; and Section 231 provides that the Ombudsman may refer a matter to the Administrative Courts upon finding that a by-law, order, or any other act of a State agency or a State official begs the question of the unconstitutionality or illegality. It is deemed suitable to amend related provisions of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999) in accordance with the provisions of the Constitution of the Kingdom of Thailand. Also, as Section 188 paragraph two provides that judges and justices are independent in the trial and adjudication of cases; it is deemed appropriate to give administrative judges protection in the trial and adjudication of cases conducted in good faith. In addition, it is deemed appropriate to improve the trial and adjudication of cases and case management of the Administrative Courts to be more effective by allowing a plaint to be filed by electronic mail, other digital media, or facsimile in order to make access to administrative justice easy, fast, and equally available. Also, by conducting proceedings through an electronic system or video conference system, as well as by amending the proceedings on consideration of exemption of Court fees, a hearing in case of urgent necessity, and the trial of a case in which an appeal is made against a judgment of an Administrative Court of First Instance without holding a hearing. It is therefore necessary to issue this Act. *

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018), is published in the Government Gazette, Vol. 135, Part 97a, dated 21st November B.E. 2561 (2018). (pages 6-16).

Remarks:- The reason for issuing this Act is that it is deemed suitable to amend the List of Salary Scale and Emolument Scale of Administrative Judges in accordance with economic conditions and an increase in cost of living. Temporary living allowance in response to changes in the economy in accordance with the Regulation of the J.C.A.C. on Payment of Temporary Living Allowance of Administrative Judges, B.E. 2557 (2014) which administrative judges received from 1st December B.E. 2557 (2014) until prior to the date when this Act comes into force, is deemed to be a part of salary and emolument increased by the List of Salary Scale and Emolument Scale of Administrative Judges; and the entitlement to the temporary living allowance shall terminate on the date of the entry into force of this Act. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No.11), B.E. 2561 (2018), is published in the Government Gazette, Vol. 135, Part 112a, dated 28th December B.E. 2561 (2018). (pages 8-10).

Remarks:- The reason for issuing this Act is that mediation is a process that makes case management more effective as it encourages and provides an opportunity for the parties an alternative means for settling administrative disputes. Hence, it is deemed appropriate to supplement provisions for an Administrative Court to have the competence to mediate disputes in administrative cases under principles of legality so that administrative disputes can be settled more expeditiously with the parties' consent. In addition, mediation also helps to preserve a good relationship between the parties as well as promote case management of the Administrative Court to be more efficient and effective. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No.12), B.E. 2562 (2019), is published in the Government Gazette, Vol. 136, Part 56a, dated 30th April, B.E. 2562 (2019), (pages 247-252).

Remarks:- The reason for issuing this Act is that it is deemed suitable to increase powers and duties of the J.A.C.A.C. to issue regulations in relation to the prescription of meeting allowance for administrative judges who attend the General Assembly of Judges of the Supreme Administrative Court, in accordance with Section 193 paragraph two of the Constitution of the Kingdom of Thailand which provides that the Administrative Court shall have its particular and appropriate salaries and remuneration system as provided by law. It is therefore necessary to issue this Act.*

* Act on Establishment of Administrative Courts and Administrative Court Procedure (No.13), B.E. 2564 (2021), is published in the Government Gazette, Vol. 138, Part 11a, dated 10th February, B.E. 2564 (2021), (pages 10-12).