

**RULE OF THE GENERAL ASSEMBLY OF JUDGES
OF THE SUPREME ADMINISTRATIVE COURT
ON ADMINISTRATIVE COURT PROCEDURE,
B.E. 2543 (2000)***

Whereas Section 44 and Section 66 of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999) provide that all actions in connection with the filing of a case ; the interpleading ; the summoning of a person, administrative agency or State official to become a party to a case in relation to the proceedings ; the admissibility of evidence, the adjudication of an administrative case and the prescription of provisional relief measures or means before delivery of a judgment other than those already provided in the said Act will be in accordance with the rules and procedure prescribed by the rule of the General Assembly of Judges of the Supreme Administrative Court ;

* The provision is amended by Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No.6), B.E. 2560 (2017) published in the Government Gazette Vol. 134, Part 73a dated 12th July B.E. 2560 (2017) (page 1).

The General Assembly of Judges of the Supreme Administrative Court, by virtue of the provisions of Section 44 and Section 66 of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999), hereby issues the Rule, as follows :

Clause 1. This Rule is called the “Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000)”

Clause 2. This Rule will come into force as from the day following the date of its publication in the Government Gazette¹

Clause 3. In this Rule, unless the context otherwise indicates :

“Court” means an Administrative Court or an administrative judge ;

“Administrative Court” means an Administrative Court of First Instance or the Supreme Administrative Court ;

¹ Published in the Government Gazette, Vol. 117, Part 108a, dated 17th November, B.E. 2543 (2000), (pages 30-59).

“President of a Chamber” means the president of a chamber of the Administrative Court of First Instance or the president of a chamber of the Supreme Administrative Court ;

“Judge-Rapporteur” means an administrative judge who is appointed to be a judge-rapporteur ;

“Judge-Commissioner of Justice” means an administrative judge who is appointed to be a judge-commissioner of justice ;

“Statement” means a summary of facts, law and opinion of the judge-commissioner of justice submitted to the chamber for trial and adjudication.

Clause 4. The President of the Supreme Administrative Court will have charge and control of the execution of this Rule and will have powers to make the determination of issues in connection with the execution of this Rule and issue notifications or orders for the purpose of the execution thereof.

DIVISION I

General Provisions

Clause 5. The Administrative Court procedure will be based upon the inquisitorial system as prescribed in the law

on establishment of Administrative Courts and Administrative Court Procedure and this Rule.

In the case where any particular matter has not been specifically provided for by the law or the Rule under paragraph one, the general principles of law relating to Administrative Court procedure will apply thereto.

Clause 6. The period of time as prescribed in this Rule or by the Court may be, in the interest of justice, diminished or extended at the discretion of the Court as is necessary when the Court thinks fit or upon an application by a party.

Clause 7. In the case of non-compliance with the provisions of law on establishment of Administrative Courts and Administrative Court Procedure or with this Rule in respect of the proceedings in connection with the submission and examination of a plaint, the inquiry of facts, the summary of a case, the admissibility of evidence or other proceedings prior to the delivery of a judgment or an order disposing of the case, the Court, when it thinks fit or upon an application by a party injured by such noncompliance, will have power to revoke, in whole or part, the irregular proceeding or order it to be amended or otherwise dealt with as the Court deems appropriate.

A plea of irregularity, under paragraph one, may be made by the injured party at any time prior to the delivery of a judgment or an order disposing of the case, but not later than eight days as from the date of the knowledge of such ground, provided that the party submitting the application has not taken any other fresh step, subsequent to the knowledge of the irregularities or has not ratified it.

The Court's order revoking any irregular proceeding, other than that regarding the party's failure to take any particular proceeding within the period of time prescribed by the law, will not preclude the party's right from taking such proceeding anew in a correct manner.

Clause 8. The Court will have power to issue any stipulation for application to the parties or any person present in Court as it deems necessary for the maintenance of order within the precinct of the Court or for the fair and expeditious proceeding of an administrative case. Such power includes the power to prohibit the parties from pursuing frivolous, dilatory or superfluous proceedings.

Violation of the stipulations under paragraph one will constitute contempt of court and the Court will have power to inflict a punishment under Section 64.

Clause 9. All proceedings and the delivery of a judgment or the issuance of an order conducted by the Court in an administrative case will be in Thai language.

All documents and evidence of the parties or other person, or prepared by the Court or a competent official of the Court which are included in the case file will be in the Thai language.

In the case where the document or evidence submitted to the Court has been prepared in a foreign language, the Court will order the party or the person submitting it to prepare its certified translation, in whole or in part, and attach the same to the foreign language documents or evidence.

In the case where the party or person who is present in the Court is unable to understand Thai language, or is deaf or dumb and unable to read and write, the service of an interpreter will be provided by the party concerned.

Clause 10. Applications or motions submitted to the Court in proceedings will be in writing, unless the Court allows them to be made orally, in which case the Court will write down the statement in the memorandum of proceedings.

Clause 11. The Court will, on every occasion, write down in the memorandum of proceedings the inquiry,

the hearing or any proceedings and gather the same in the file of the case.

Such memorandum of proceedings will contain particulars as to the case reference number, the name of the Court, the names of the parties, the place, the date and time of the proceedings, a brief statement of the matter dealt with and the signatures of the judges of the Administrative Courts. In the case where any proceedings are conducted in the presence of any of the parties or witnesses, such parties or witnesses will also affix their signatures in the memorandum of proceedings.

Clause 12. If a party, a witness or any person affixes a finger print, a cross or other mark in lieu of the affixing of a signature in the memorandum of proceedings, a record or any document acknowledging such memorandum or record or in order to attest the reading or service of the document, it will, if duly attested by the signatures of two witnesses, be deemed as equivalent to the affixing of a signature itself. But, the affixing which is done in the presence of the Court needs no attestation by signatures of two witnesses.

If a party, witness or person who has to affix a signature in the memorandum, record or document is unable or refuses to do so, the Court will write down the reason for the absence of such signature.

Clause 13. The filing of a document or evidence with the Court may be made by handing it, by the party in person or the party's designated representative, to the Court or a competent official of the Court, or by delivering it by registered post. In the case where it is delivered by registered post, the date such document or evidence is handed to a postal officer will be deemed as the date of its filing with the Court.

The authorization of another person to file a document or evidence will be made in writing bearing signatures of the person making the authorisation, the authorised person and a witness.

Clause 14. In the case where the Court or a competent official of the Court has to notify a party or serve any document on a party or person concerned, if such a person or his or her designated representative has not been notified of such information or has not received such document from the Court or a competent official of the Court, such written notification or such document will be served by registered post requiring acknowledgement of receipt thereof, unless the Court orders notification or serving by other means.

In the case where the party or the person concerned files an application with the Court that information be notified or a document be served by other means, the party or the

person filing the application will bear the costs incurred by the notification of the information or the service of the document by such means.

Clause 15. In the case of notification in writing or the service of a document by registered post requiring acknowledgement of receipt thereof, the date specified in the receipt slip will be deemed as the date of receipt of the notification. If no such date appears in the receipt slip, seven days from the date of service will be deemed as the date of receipt of the notification unless it is proved that the receipt has occurred before or after such date, or has not occurred.

The Court will, in notifying information or serving a document by other means as ordered by it, also specify the date on which the addressee is deemed to have received the notification.

Clause 16. In the case of notification in writing or the serving of a document by a competent official of the Court or other person, if the addressee refuses to accept it or if the addressee is not met at the time of the service, such writing or document will be left or posted at a conspicuous place on the spot in the presence of a police officer, other government official, official of a local government organisation,

Kamnan, Tambon Medical Official, Kamnan Inspector, Poo Yai Ban or Assistant Poo Yai Ban, and it will be deemed that the addressee has been duly notified on the date of the leaving or the posting of such notification or document.

In the case where the addressee is not met, the written message or document may be served on another person who has become sui juris and resides or works at that place, and it will be deemed that the addressee has been duly notified on the date of the service of that document on such person.

The serving, leaving or posting of a notification or document under paragraph one and paragraph two will be conducted in the daytime between sunrise and sunset. A competent official of the Court or the person performing the service will submit to the Court, for inclusion in the file of the case, a receipt slip signed by the addressee or a report on the service of the notification or document signed by a competent official of the Court or the person performing the service, as the case may be.

The receipt slip or report under paragraph three will specify the method of the service and the time, date, month and year of the service of the notification or document, as well as the name of the competent official of the Court or the person performing the service. Such receipt slip or report

may be made by recording a statement on the original of the notification or the document being submitted to the Court.

Clause 17. Documents or evidence submitted to the Court by a party or obtained by the Court will be open to a party's knowledge and inspection. Copies may be requested and certified and the Court may furnish a copy thereof to a party in accordance with this Rule, unless it is protected by law from disclosure or the Court is of the opinion that compelling necessity warrants its non-disclosure for the purpose of preventing loss to the administration of State affairs.

In the case where a document or evidence is subject to official confidentiality or contains improper information or contains information which may amount to an insult or defamation against any person, the Court may, at its discretion, refuse a party's opportunity to inspect, know, copy or request for a certified copy of it or may refrain from furnishing a copy thereof to a party, without prejudice to the Court's power to order the preparation of a summary and allow a party's opportunity to inspect, know or copy the summary or request for a certified copy thereof or furnish the summary to a party.

Clause 18. A witness, in respect of his or her testimony in the case, or a third person who is interested in the matter may file an application with the Court for permission to inspect all or certain documents contained in the case file or to copy them or have a certified copy thereof, provided that no such permission will be granted to :

(1) a third person, in a case tried in camera ;

(2) a witness or a third person in a case in which the Court prohibits the inspection or copying of all or certain documents contained in the case file, for the purpose of protecting public order or public interest ;

(3) a witness or a third person in a case where a particular law affords protection from disclosure or in the case where the Court is of the opinion that the compelling necessity warrants its non-disclosure for the purpose of preventing loss to the administration of State affairs.

Clause 19. A party, a witness and a third person may not inspect or take copies of a document which a competent official of the Court, administrative case official, judge-rapporteur, judge-commissioner of justice or the Court has prepared for internal use, and may not request for a certified copy thereof.

Clause 20. The inspection or the making of copies of a document in a case file will be carried out by the applicant under Clause 17 or Clause 18 or the person duly authorised by the applicant, in accordance with the rules, procedures and conditions prescribed by the President of the Administrative Court of First Instance or the President of the Supreme Administrative Court, as the case may be, for the convenience of the Court or the safety of such document.

No copy of a judgment or order will be taken before such judgment or order has been pronounced and registered in the Judgment-List.

The certification of a copy of a document will be made by a competent official of the Court as designated by the President of the Administrative Court of First Instance or the President of the Supreme Administrative Court, as the case may be.

Clause 21. If a document, evidence, memorandum of proceedings, judgment, order or any other document kept in a case file which is pending trial or pending execution is wholly or partly lost or damaged resulting in the trial and adjudication, issuance of an order or execution of a case is thereby obstructed ; the Court will, when it thinks fit or upon application by a party concerned, issue an order demanding the party or person holding the document to

furnish to the Court a certified copy of such document. If the whole or any part of such copy is not forthcoming, the Court may order a retrial of the case or issue other orders as it thinks fit in the interest of justice.

Clause 22. The Court may, in order to expedite speedy and fair proceedings, order that communications amongst the Courts be carried out by facsimile, electronic means or other means of information technology in lieu of, or in supplement to, communication by post. Consideration will be given to necessity, urgency and suitability to the content of the matter to be communicated as well as the quantity and nature of the documents or other relevant objects.

The Court may, for the convenience of a party, witness or the person concerned, order that the notification of information or the service of a document between the Court and a party, witness or person concerned be carried out by a means under paragraph one, provided that the Court will also specify the date on which the notification of the information or the document is deemed to have been received.

Clause 23. The Court, if it thinks fit, may order that the file of a case, documents of the party, evidence, memorandum of the proceedings, judgment, order or any

other document kept in the case file, whether the original or duplicate, be retained or presented in electronic format.

Clause 24. The Court will have power to collect fees for expenses incurred in the notification of information, the service of a document, the making of copies or the certification of documents under this Rule, in accordance with the rules and at the rates prescribed by the President of the Supreme Administrative Court.

DIVISION II

Administrative Court Procedure in the Administrative Court of First Instance

CHAPTER I

Submission and Examination of a Plaintiff

Clause 25. The plaintiff will be a person who has the right to file an administrative case with the Administrative Courts as provided in the Constitution of the Kingdom of Thailand and in Section 42.

Clause 26. An incompetent person may file an administrative case only upon compliance with the provisions of the Civil and Commercial Code.

In the case where it is required by law that permission or consent be first obtained, the plaint will also be accompanied by a letter of permission or a letter of consent.

Clause 27. In the case where a minor who is not below fifteen years of age wishes to file an administrative case, the Court may, if it thinks fit, permit the minor to file an administrative case on his or her own motion. In such a case, a competent official of the Court will notify that minor's legal representative and the Court may issue an order instructing such legal representative or other person concerned to give factual statements to the Court for supplementing its consideration.

Clause 28. A referral by an Ombudsman, together with opinions thereon, to the Court in the case where the Ombudsman is of the opinion that any by-law or act of an administrative agency or State official is unlawful as provided in Section 43 will be in the form of a plaint containing such particulars as provided in Section 45.

In proceeding under paragraph one, the Ombudsman may authorise an official of the Office of Ombudsmen to file

an administrative case and carry out administrative proceedings on its behalf.

Clause 29. An administrative case will be filed with the Court having jurisdiction as provided in Section 47.

A plaint which may be submitted to two or more Courts, whether on the grounds of the domiciles of the plaintiff, the places where the cause of action arose or a plurality of claims, may, if the cause of action is connected, be submitted by the plaintiff to any of such Courts.

An administrative case in which the cause of action did not arise within the Kingdom will, if the plaintiff is of Thai nationality and is not domiciled within the Kingdom, be filed with the Central Administrative Court.

Clause 30. A case will be filed with the Administrative Courts within the period of time and in accordance with the rules provided in Section 49, Section 51 and Section 52.

In the case where a plaint is submitted at the expiration of the period of time fixed for the submission thereof, the Court will issue an order rejecting it and striking the case out of the Case-List, except if the Court is of the opinion that the case is of public interest or there is another necessary cause, the Court may, either at its own initiative

or upon an application by the party, accept it for trial. The order accepting the plaint for trial will be final.

Clause 31. In the case where an administrative case is filed with a court other than the Administrative Courts, and if that court refuses to accept the plaint for trial on the ground that it does not have jurisdiction for trial or the plaintiff withdraws the plaint from that court in order to file the case anew with the Administrative Courts, it will be deemed that the period of time for filing the case is suspended as from the date of the submission of the plaint to the date on which the case in that other court becomes final.

Clause 32. A plaint must be in writing with particulars as provided in Section 45 and be accompanied by relevant evidence. In the case where it cannot be accompanied by relevant evidence because the evidence is in the possession of an administrative agency, State official or other person or for any other reason, the reason for inability to provide the evidence will also be specified therein.

In the case where the defendant is not an administrative agency or State official, the name and address of the defendant will also be specified therein.

Clause 33. The plaintiff will prepare certified copies of the plaint and certified copies of evidence for each defendant and submit them together with the plaint.

In the case where the plaintiff fails to prepare copies of the plaint and/or copies of evidence in the correct manner or in the case where there occurs an increase in the number of defendants, the Court has the power to notify the plaintiff to prepare additional copies within the specified time. If the plaintiff fails to take action within the specified time, the Court may issue an order refusing to accept the case for trial and striking the case from the Case-List.

Clause 34. A plaint requesting the Court to issue an order demanding the payment of money or the delivery of property in connection with the circumstance under section 9 paragraph one (3) or (4) will be subject to the payment by the plaintiff of Court fees in accordance with the amount in dispute. Such payment will be made in cash or by cheque and a competent official of the Court will issue a receipt slip²

² The provision of Clause 34 paragraph one is amended by Clause 3 of Rule of the General Assembly of Judges of the Supreme

In the case, under paragraph one, where several plaintiffs jointly submit a single plaint, each of the plaintiffs will, if the exact amount in dispute of an individual plaintiff can be ascertained, be liable to pay Court fees in proportion to his or her own amount in dispute.

In the computation of the amount in dispute, an amount of less than fifty baht, will be disregarded ; any amount more than fifty baht but less than 100 baht will be reckoned as one hundred baht.

If, after Court fees have been paid, the amount in dispute increases, be it by reason of the submission of a supplementary plaint or otherwise, the Court will issue an order instructing the plaintiff to pay the additional Court fees within the specified period of time. If the plaintiff fails to comply with the order of the Court within the specified period of time, the Court will issue an order refusing to accept the plaint for trial.

Clause 35. A competent official of the Court will register the plaint submitted to the Court in the Case-List, issue the plaintiff with a receipt and conduct an examination of the plaint. A plaint which, in the opinion of the competent

official of the Court, is complete and contains full particulars will be submitted to the President of the Administrative Court of First Instance for further proceedings. If the competent official of the Court is of the opinion that the plaint is, for any reason, incomplete or the plaintiff has failed to make correct payment of Court fees, the competent official of the Court will advise the plaintiff to make correction or make correct payment of Court fees within the specified period of time. If the competent official of the Court is of the opinion that the plaint cannot be corrected or the case does not fall within the jurisdiction of the Administrative Court or the plaintiff has failed to correct the plaint or to pay Court fees correctly within the period of time so specified, it will be recorded and the plaint will then be submitted to the President of the Administrative Court of First Instance for further proceedings.

Clause 36. As from the time the plaint is submitted to the Court, the case is pending trial. Therefore:

(1) the plaintiff will not submit the same plaint to the same Court or other Courts; and

(2) if there is any change in the circumstances relevant to the filing of the case with the Court having jurisdiction over it, such as a change of jurisdiction of the Court or a change of domicile of the plaintiff, then, such change

will not deprive the Court that has accepted the plaint of its competence to try and adjudicate the case.

Clause 37. Upon receipt of the plaint from a competent official of the Court, the President of the Administrative Court of First Instance will, without delay, distribute the file of the case to a chamber for trial and adjudication in accordance with the rules provided in Section 56.

The President of the chamber will appoint a judge in that chamber as a judge-rapporteur, and the judge-rapporteur will then examine the plaint. If the judge-rapporteur is of the opinion that the plaint is incomplete but capable of correction or the plaintiff has failed to make correct payment of Court fees, the judge-rapporteur will order the plaintiff to make the needed corrections or make correct payment of Court fees within the specified period of time. If the corrections or a correct payment of Court fees is not made within the period of time so specified or the incompleteness of the plaint cannot be corrected or the case is not within the jurisdiction of the Administrative Courts, the judge-rapporteur will make a recommendation to the chamber that the plaint be rejected and the case be struck out of the Case-List.

Clause 38. In the case where the Court has issued an order rejecting the whole or any part of the plaint, the Court will have the power to refund Court fees, in whole or in part, to the plaintiff.

Clause 39. In a case where the chamber is of the opinion that the case filed with the Administrative Court of First Instance is within the jurisdiction of the Supreme Administrative Court, the case will be referred to the President of the Administrative Court of First Instance to order that the plaint be referred to the President of the Supreme Administrative Court for consideration and further proceedings.

If the President of the Supreme Administrative Court does not agree with the order of the President of the Administrative Court of First Instance, the plaint will be referred back to the Administrative Court of First Instance, and that Administrative Court of First Instance will proceed with the trial and adjudication of such case.

If the President of the Supreme Administrative Court agrees with such order and the Supreme Administrative Court has already accepted the plaint for trial, the President of the Administrative Court of First Instance will issue an order striking the case out of the Case-List, and it will be deemed that the case has been filed with

the Supreme Administrative Court as from the date of the submission of the plaint to the Administrative Court of First Instance.

Clause 40. In the case where the chamber is of the opinion that the case filed with the Administrative Court of First Instance is within the jurisdiction of another Administrative Court of First Instance, the case will be referred to the President of the Administrative Court of First Instance to issue an order referring the plaint to the other Administrative Court of First Instance which has jurisdiction for consideration and further proceedings. When the other Administrative Court of First Instance has accepted the plaint for trial, the President of the Administrative Court of First Instance making the referral will issue an order striking the case out of the Case-List and it will be deemed that the case has been filed with the other Administrative Court of First Instance as from the date of the submission of the plaint to the first Administrative Court of First Instance.

In the case where the Administrative Court of First Instance which accepts the plaint believes that the case is within the jurisdiction of the Administrative Court of First Instance making the referral or of another Administrative Court of First Instance, the President of the Administrative Court of First Instance will submit an opinion to the President

of the Supreme Administrative Court requesting a determination of the jurisdiction of the Court.

In the case where the President of the Supreme Administrative Court is of the opinion that such case is not within the jurisdiction of the first Administrative Court of First Instance, the President of the Administrative Court of First Instance will issue an order striking the case out of the Case-List and the Administrative Court of First Instance which, in the opinion of the President of the Supreme Administrative Court, has jurisdiction over the case will register the case in the Case-List, and it will be deemed that the case has been filed with that Administrative Court of First Instance as from the date of the submission of the plaint to the first Administrative Court of First Instance.

Clause 41. In the case where the chamber is of the opinion that the case filed with the Administrative Court of First Instance involves several allegations, if any of the allegations is not within the competence or jurisdiction of that Administrative Court of First Instance, such as the allegation is within the competence or jurisdiction of another Administrative Court of First Instance, the Supreme Administrative Court or another Court which is not an Administrative Court ; then, an order will be issued that the allegation be rejected and further proceedings be taken only in respect of any

allegation which is within its competence or jurisdiction. However, in the case where the chamber is of the opinion that the allegation so rejected will affect the trial and adjudication of such Administrative Court of First Instance, the chamber may issue an order staying the trial and adjudication of the case until a judgment or order has been delivered for the rejected allegation by the court having competence or jurisdiction and the case has become final.

In the case where an allegation in a case filed with an Administrative Court of First Instance has several connected issues and it appears that a particular issue which needs to be first determined in order that the determination of the main issue of the case can be made is within the competence or jurisdiction of another Administrative Court of First Instance or another Court which is not the Administrative Court, then, the Administrative Court of First Instance accepting the case has the competence to determine such connected issue which must be first determined in order that the Court may make the determination of the main issue of the case.

In the case where an allegation in a case filed with an Administrative Court of First Instance has several connected issues and it appears that a particular issue which needs to be first determined in order that the determination of the main issue of the case can be made is within the competence of the Supreme Administrative Court and the

issue which must be first determined is an issue in regard to which the Administrative Court of First Instance is of the opinion that a by-law or an administrative order is likely to be unlawful, the Administrative Court of First Instance will issue an order that such issue be rejected and further proceedings be taken only in respect of the issue which is within its jurisdiction. But, in the case where the chamber is of the opinion that the issue so rejected will affect the trial and adjudication of the Administrative Court of First Instance, the chamber may issue an order staying the trial and adjudication of the case until a judgment or order has been delivered for the rejected issue by the Supreme Administrative Court.

CHAPTER I/I
Application for Exemption from Court Fees³

Clause 41/1. In the case where a party alleges that he or she does not have sufficient property to pay Court

³ This chapter is amended by Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 3 and No. 4), B.E. 2548 (2005).

fees, or would incur undue difficulty without the exception of Court fees, the Court will make enquiry as it thinks fit and will issue an order granting the case to proceed with exemption from Court fees, provided that the applicant satisfies the Court that his or her case has sufficient pretext or facts to be accepted as the plaint for a trial or in the case of an appeal, the Court is of the opinion that the applicant has reasonable grounds for an appeal.

Clause 41/2. The party who intends to proceed with a case with the exemption from Court fees has to file a motion to the Administrative Court of First Instance concurrent with the plaint or the appeal. The party who files an application will be sworn to make an affirmation to the official that he or she is unable or does not have sufficient property to pay Court fees or without the exception of Court fees will incur undue difficulties.

If the party fails to file an application concurrent with the plaint or the appeal under paragraph one, that party may later file an application for the exemption from Court fees to the Administrative Court of First Instance.

After the report upon oath from the party who requests for the exemption from Court fees, the Court that accepts the application will enquire into that application. In a case where the party has no allegation or does not have sufficient

facts, or does not have due reason to appeal, the Court will issue an order to revoke the application without enquiry.

In a case where the Court is of the opinion that the party who files the application has sufficient pretexts or has sufficient facts to be accepted as a plaint for trial or the party has due reason for appeal, the Court will serve the copy of the report upon oath for the opposing party together with a copy of the application for the exemption from Court fees including a copy of the plaint or the appeal.

Clause 41/3. If, after the Administrative Court of First Instance hears all parties and makes a proper enquiry, deems that the application has reasonable grounds, the Court will allow the party to proceed with the case and grant exemption from Court fees, in whole or in part. If the Court is of the opinion that there is no reasonable ground, the Court will revoke the application.

In a case where the party who does not file an application for exemption from Court fees is not domiciled within the Kingdom, the Court has power to enquire of the applicant who files an application for the exemption from Court fees in ex parte and issue an order under paragraph one.

The order for the exemption from the whole of Court fees is final.

Clause 41/4. If the Administrative Court of First Instance issues an order to exempt a party from part of Court fees or to revoke an application, within fifteen days after the date of receiving the notification of the order, the applicant has the right to proceed with the case as follows :

(1) File an application for permission to adduce further evidence that he or she does not have sufficient property to pay Court fees or that without the exception of Court fees, the party will incur undue difficulties. But these only for cases that the Court thinks there is sufficient pretexts or facts to be accepted as a plaint for a trial or that there is reasonable grounds to appeal by filing an application to the Administrative Court of First Instance which issued that order. When the Court issues any further order, it will be final; or

(2) Appeal the order to the Supreme Administrative Court by filing an application to appeal with the Administrative Court of First Instance which issued that order.

In a case where the party has applied under either (1) or (2), that will debar the party from using another right.

Clause 41/5. In a case where the party has been allowed to proceed with a case in the Administrative Court of First Instance with exemption from Court fees, if he or she later files an application for the exemption from Court

fees for an appeal, that party will be deemed a person who does not have sufficient property to pay Court fees or that without exemption of Court fees, the party will incur undue difficulties, unless facts appear to contradict this to the Court.

Clause 41/6. In a case where the Court permits the party to sue or appeal the case with the exemption from Court fees, that party does not have to pay Court fees in the carrying out of proceedings of that Court.

Where a party sues or appeals a case with exemption from Court fees but is found by the Court to have sufficient property to pay Court fees or would not incur undue difficulties by paying Court fees, the Court will suspend the trial and order that party to pay Court fees within the time specified by the Court, if payment is not made, the Court will issue an order to strike the case off the Case-List.⁴

⁴ Provisions of paragraph two of Clause 41/6 are amended by Clause 3 of Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 4), B.E. 2548 (2005).

CHAPTER II
Inquiry of Facts
Part 1

Inquiry of Facts from the Plaintiff, the Answer,
the Objection to the Answer and
the Supplementary Answer

Clause 42. When the judge-rapporteur is of the opinion that a plaintiff is complete and correct, he or she will issue an order accepting it and instructing the defendant to prepare an answer. In this instance, a copy of the plaintiff and copies of evidence will also be served to the defendant. In a case where it is considered appropriate, the issues on which the defendant must answer may also be determined or the service may also be made of evidence relevant to, or useful for, the trial by the Court, except for the case prescribed under clause 61.

In a case where the evidence supporting the plaintiff is voluminous and the serving of which would create a burden on the Court, the plaintiff will be served together with a list of evidence which may be inspected or obtained at the Court by the defendant.

Clause 43. The defendant will submit a clear answer with indications of denial or admittance of the allegations in the plaint, a response to the relief sought in a request attached to the plaint and will furnish evidence as determined by the judge-rapporteur. The defendant will prepare and furnish together with the answer one certified copy, or such number of certified copies as determined by the judge-rapporteur, of the said answer or evidence. This will be done within thirty days as from the date of receipt of the copy of the plaint or within the period of time specified by the Court.

Clause 44. The defendant may make a counterclaim in the answer. Such counter-claim will be deemed as a new plaint.

In a case where the counter-claim refers to other matters having no connection with the original plaint, the judge-rapporteur will issue an order rejecting the counter-claim. Such order will be final.

Clause 45. In a case where the judge-rapporteur is of the opinion that the answer filed by the defendant is not complete or sufficiently clear, the judge-rapporteur may order the defendant to amend it or prepare and submit a new answer.

Clause 46. In the case where the defendant fails to prepare and submit to the Court an answer as well as evidence within the specified period of time, it will be deemed that the defendant has admitted the facts as stated in the allegation by the plaintiff, and the Court will proceed with the trial and adjudication of the case as it deems just.

Clause 47. Upon submission by the defendant of an answer, the Court will furnish a copy of the answer together with a copy of evidence to the plaintiff for the purpose of the plaintiff's objection to, or admittance of, the answer and the evidence submitted to the Court by the defendant. In this connection, the judge-rapporteur may designate a particular issue on which the plaintiff must give any explanation or furnish any evidence.

If the plaintiff wishes to raise an objection to the answer, an objection to the answer will be prepared and submitted to the Court together with one copy, or such number of copies as determined by the Court, of the objection, within thirty days as from the date of receipt of the copy of the answer or within the period of time specified by the Court.

If the plaintiff does not wish to prepare an objection to the answer but wishes the Court to proceed with the trial and adjudication of the case, the plaintiff will notify the Court in writing within the period of time under paragraph two.

If the plaintiff fails to take action under paragraph two or paragraph three, the Court may issue an order striking the case off of the Case-List.

Clause 48. The objection to the answer submitted by the plaintiff may be made only in respect of the issues as invoked in the plaint or the answer or as determined by the Court.

If the objection to the answer prepared by the plaintiff has new issues or requests for relief other than those set out in the plaint or the answer or as determined by the Court, the Court will issue an order refusing to accept such new issues or requests.

Clause 49. The Court will serve on the defendant a copy of the plaintiff's objection to the answer, for the purpose of submitting to the Court a supplementary answer together with one copy, or such number of copies as determined by the Court, of the supplementary answer, within fifteen days as from the date of receipt of the copy of the objection or within the period of time specified by the Court. Upon

receipt by the Court of the supplementary answer from the defendant, a copy of such supplementary answer will be served on the plaintiff.

Upon the lapse of the period of time under paragraph one or upon the submission of the supplementary answer by the defendant, if the judge-rapporteur is of the opinion that the facts of the case are sufficient for the Court's trial and adjudication or issuance of an order disposing of the case, the judge-rapporteur will prepare a memorandum under Clause 60 and submit it to the chamber for consideration and carrying out further proceedings.

Clause 49/1.⁵ The interested person has the right to submit a motion lodging an appeal against an order of the Administrative Court of First Instance refusing to accept a plaint for trial, striking the case off of the Case-List without any adjudication of the case or imposing punishment for contempt of court under Section 64 or any other order against which the appeal is not prohibited to be lodged during the trial under Clause 100 paragraph two to the

⁵ Provisions of Clause 49/1 are amended by Clause 3 of Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 2), B.E. 2544 (2001).

Supreme Administrative Court within a period of thirty days as from the date such person has been notified of such Administrative Court of First Instance's order.

The motion under paragraph one will be submitted to the Administrative Court of First Instance having issued such order and a competent official of the Secretariat General of the Administrative Courts will, without delay, forward it to the Supreme Administrative Court together with the order of the Administrative Court of First Instance and documents or copies of documents concerned.

The President of the Supreme Administrative Court will forward the motion to the Supreme Administrative Court's chamber for consideration and issuance of order affirming the order of the Administrative Court of First Instance or any other order and forward such order to the Administrative Court of First Instance for announcement.

Upon the announcement of the order of the Supreme Administrative Court, the Administrative Court of First Instance will give the parties a reasonable advance notice of the announcement date. If, on the announcement date, none of the parties is present before the Court, the announcement will be cancelled, such circumstance will be reported and the Administrative Court of First Instance will notify all, or any of, the parties who have been absent on the announcement date of such order via registered mail.

In the case the Supreme Administrative Court has issued any other order which is different from the order of the Administrative Court of First Instance, the Administrative Court of First Instance will further proceed in accordance with the procedure prescribed in the law or this Rule.

Part 2
Inquiry of Facts by the Court

Clause 50. In the trial and adjudication, the Court has power to inquire into facts as is appropriate. For this purpose, the Court may inquire into facts by hearing oral evidence, documentary evidence or experts or evidence other than that adduced by the parties as apparent from the plaint, the answer, the objection to the answer or the supplementary answer. In conducting such inquiry of facts, the Court may pursue the proceedings as prescribed in this Title or as it thinks fit.

In conducting the inquiry into facts by the Court, if a statement must be given by a party, witness or any person, an examination will be conducted by the Court.

Clause 51. The Court has power to issue an order summoning the party or the person concerned to give statements as it thinks fit.

The order of the Court under paragraph one may specify issues of facts in regard to which an inquiry will be conducted.

The Court will give the parties concerned advance notice of the schedule of an inquiry in order to afford them an opportunity to present an objection or give explanations of facts. But, if the facts to be inquired into have no effect on the trial and adjudication of the case or on the knowledge of the parties concerned, the Court may omit the giving of a notice of the schedule of the inquiry to such parties.

The witness summoned by the Court to give a statement may present any evidence in support of the witness's statements provided that such evidence relates to the issue in respect of which the Court orders the inquiry.

Clause 52. In a case where the Court deems it appropriate to hear a statement of any person and such case requires the service of an interpreter, the Court will provide an interpreter and, in this instance, the interpreter will be entitled to the same allowance as that payable for an expert's presence for giving statements.

Clause 53. Prior to giving a statement to the Court, the party or the witness must swear an oath according to his or her religious belief or national custom or make a solemn affirmation that true statements will be given.

The party or the witness will indicate his or her name, surname, address, age and occupation, and in the case where the witness is related to any of the parties, an indication will also be made as to how they are related.

At the time when a witness is giving a statement, the parties may be present or absent but other witnesses will not be present at that place, unless the Court orders otherwise or it is the case under paragraph four.

The witness who has already given statements may be summoned to give statements again on the same day or on a different day and may be summoned to give statements at the same time as other witnesses on the same matter.

When the party or the witness has completed the statements, the Court will read out a memorandum of such statements to the party or witness and will have it signed by such person. In the case where the party or the witness is unable or refuses to enter a signature, the Court will note down the reason for such absence of a signature.

Clause 54. The Court, if it thinks fit or upon an application by a party, has power to issue an order summoning a party,

an administrative agency, a State official or the person concerned to furnish any document or evidence to the Court.

Clause 55. The Court, if it thinks fit or upon an application by a party, may issue an order appointing an expert to study, examine or analyze any matter in connection with the case, provided that it is not a determination of a point of law. The expert will then prepare a report or give a statement to the Court.

A copy of a report or a memorandum of statements given by an expert will be furnished to the party concerned for the purpose of preparing comments for submission to the Court within the period of time specified by the Court.

The Court may issue an order instructing the expert to give oral statements supplementing the expert's report.

The Court will give the parties concerned advance notice of the time the expert will give a statement in order to afford the parties an opportunity to present objections or explain facts.

Clause 56. The Court or a person entrusted by the Court has power to inspect a place, person or any object to supplement their consideration of the case.

The Court will give the parties advance notice of the date, time and place of an inspection in order to afford the parties an opportunity to present objections or explain facts. In this instance, the parties will be at liberty to attend such inspection.

The Court or the person entrusted by the Court will make a written note on inspections and statements given by persons or witnesses and include the note in the case file.

Clause 57. If any person believes that evidence on which he or she may have to rely in the future will be lost or become difficult to access, or if any party to the case believes that evidence on which he or she intends to rely may be lost before an inquiry takes place or become difficult to access in an inquiry at a later stage, such person or such party may apply to the Court for an order directing that an inquiry of such evidence be conducted at once.

Upon receipt of such application, the Court will issue an order summoning the applicant and the other party or the third person concerned to appear before the Court, and will, after having heard such persons, decide on the application as it thinks fit. If the Court issues an order approving it, an inquiry will be conducted into the evidence in accordance with this Rule, and any memorandum

or other documents connected therewith will be kept by the Court.

In the case where the other party or the third person concerned does not have a domicile in the Kingdom or has not entered an appearance in the case, the Court will, upon receipt of the application under paragraph one, decide on the application as it thinks fit. If the Court issues an order approving it, an inquiry of evidence will be conducted ex parte.

Clause 58. The Court may, in the best interest of the trial of the case, appoint another Administrative Court of First Instance to render assistance in the inquiry of facts in any particular issue and request the Administrative Court so appointed to furnish a report on the result of the inquiry of facts, a memorandum of statements given by witnesses and documents or evidence to the Court making the appointment.

Clause 59. In conducting an inquiry into facts in accordance with this Part, the Court may issue an order that an audio, visual or audio-visual recording be made throughout the currency of, or in any part of, the proceedings in order that it can be used as evidence supplementing the case file.

CHAPTER III
Summary of the Case File

Clause 60. When the judge-rapporteur has considered the facts from a plaint, the explanations of the parties and other facts obtained by the Court under Chapter 2, and is of the opinion that the facts are sufficient for the Court to deliver a judgment or an order disposing of the case, the judge-rapporteur will prepare the judge's memorandum and submit it, together with the file of the case, to the chamber for further consideration and proceedings.

The memorandum of the judge-rapporteur consists of :

(1) a summary of facts obtained from the plaint and other documents of the parties as well as evidence appearing in the file of the case and the summary of the relief sought by the plaintiff ;

(2) the issues on which decisions must be given, consisting of the issue concerning the jurisdiction of the Court, the issue concerning conditions for filing an administrative case and the issues establishing the essence of the case, respectively ;

(3) the opinion of the judge-rapporteur with respect to the issues on which decisions must be given and the relief sought by the plaintiff.

The summary of facts prepared by the judge-rapporteur under (1) will be furnished to the parties, as provided in Section 59 paragraph two.

Clause 61. If, when the Court has issued an order accepting the plaint under Clause 42, the judge-rapporteur is of the opinion that such case can be adjudicated on the basis of the facts in the plaint without the need for any subsequent facts inquiry, or is of the opinion that the facts subsequently obtained from the explanations of the parties and/or from the inquiry of facts by the Court at any time are sufficient for delivering a judgment or issuing an order disposing of the case without the need to complete every procedure of the facts inquiry as prescribed in Clause 47 to Clause 49, then, the judge-rapporteur will have power to prepare a memorandum of the judge-rapporteur for submission to the chamber for consideration and further proceedings.

Clause 62. If, upon receipt of the file of the case from the judge-rapporteur, the chamber is of the opinion that there exists no circumstance under which an inquiry of additional facts is necessary, the President of the chamber will issue an order designating a particular day as the ending date of the facts inquiry in such case.

The Court will, not less than ten days in advance, give the parties a notice of the date of facts inquiry termination.

All supplementary complaints, answers, objections to answers, supplementary answers as well as other evidence submitted to the Court subsequent to the date of facts inquiry termination will not be accepted by the Court as an integral part of the file of the case and copies thereof need not be furnished to the party concerned.

Clause 63. When the date of facts inquiry termination has been designated, the President of the chamber will refer the file of the case to the President of the Administrative Court of First Instance for consideration. If the President of the Administrative Court of First Instance does not otherwise direct, the file of such case will be referred to the judge-commissioner of justice for the purpose of preparing a statement without delay.

The statement will be in writing except in cases of urgency, cases without complicated questions of facts or questions of law, or where the statement involves provisional remedial measures before delivery of a judgment under Clause 72 or Clause 76. The judge-commissioner of justice may, after consultation with the President of an Administrative Court of First Instance and the President of the chamber,

present an oral statement in lieu of statement in writing. In making the oral statement, the judge-commissioner of justice will, whether before or after the presentation of the oral statement, prepare, for inclusion in the file of the case, a written memorandum of such statement detailing its main points.

When the judge-commissioner of justice prepares the statement in writing or is able to present the oral statement, the chamber will, after consultation with the President of the Administrative Court of First Instance, designate the date of the first hearing.

CHAPTER IV

Hearing of Evidence

Clause 64. A party who alleges any facts in support of his or her allegation has the duty to present evidence to the Court as preliminary proof of such facts, unless such facts are generally known or that are indisputable or such facts have already been admitted to by the opposing party or that such evidence is under the possession of an administrative agency, State official or other person.

If there is a presumption in law favourable to any party, such party will be required to prove only that he or she

has already completely fulfilled the conditions predetermined for the benefits to be derived from such presumption.

Clause 65. The Court has discretion to hear evidence obtained in pursuit of the proceedings, without limitation to that presented by the parties, provided that the interested party must be afforded an opportunity for inspection or knowledge thereof or to produce evidence in affirmation or rebuttal thereof.

Clause 66. Original documents only will be admissible into evidence. If an original cannot be obtained, a certified copy or oral evidence from a person possessing knowledge of the information thereof may also be admissible into evidence.

A copy, certified by an official, of an official document may be produced as evidence unless the Court orders otherwise.

Clause 67. The Court may admit as evidence in the case computer-recorded or computer-processed data, provided that the recording and processing have been properly carried out and accompanied by a certification by the person concerned or the person who carried it out.

The provisions of paragraph one will apply mutatis mutandis to the admissibility into evidence of data recorded or obtained by any other type of electronic means or information technology.

Clause 68. The Court may accept hearsay into evidence in collaboration with other evidence when the Court is of the opinion that :

(1) such hearsay is reliable, in the light of its nature, description, origin and surrounding facts; or

(2) there arises a necessity on account of inability to have the presence, for the purpose of testimony, of the person who saw, heard or knew the information of the matter for which testimony is to be given and it is reasonable, in the interest of justice, to take such hearsay as admissible in evidence.

CHAPTER V
Provisional Remedial Measures
before Delivery of Judgment
Part 1
Suspension of Execution of By-Laws
or Administrative Orders

Clause 69. The filing of a case to the Administrative Court for the purpose of the revocation of a by-law or an administrative order does not constitute grounds for suspending the execution of such by-law or administrative order, unless the Court orders otherwise.

The plaintiff may make a request, in the plaint or by submitting an application at any time before the Court delivers a judgment or issues an order disposing of the case, that the Court issue an order suspending the execution of a by-law or an administrative order, with the consequence that the execution thereof will be provisionally deferred or terminated.

The application by the plaintiff under paragraph two will clearly indicate which by-law or administrative order the execution of which is intended to be suspended and how the continued applicability of such by-law or administrative order will subsequently result in injury which is difficult to be remedied.

Clause 70. In the case where the Court is of the opinion that an application to suspend the execution of any by-law or administrative order is submitted without sufficient allegations or facts or without reasons or essence justifying its consideration, or that it is apparently unreasonable to issue an order suspending the execution of the by-law or

administrative order, or that it is a circumstance under which the Court will nonetheless refuse to accept the plaint for trial and issue an order striking the case off of the Case-List, then, the Court will have power to order a rejection of the application to suspend the execution of such by-law or administrative order. Such order will be final.

Clause 71. Upon receipt of the application under Clause 69 paragraph two and provided that it is the case in which the Court has not issued an order under Clause 70, the Court shall furnish a copy of application to the party for preparing explanations and presenting evidence without delay, and, if the Court, as it thinks fit, will conduct a hearing or any inquiry in order that an order can be issued in connection with the application, but for any case, the Court will issue the order in connection with the application without delay.⁶

In the case where there is no application under Clause 69 but the Court is of the opinion that it is reasonable to suspend the execution of a by-law or an

⁶ The provision of paragraph one was amended by Clause 3 of the Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 5) B.E. 2559 (2016).

administrative order which gives rise to the filing of the case, the Court shall, with or without a prior inquiry, have the power to order the suspension of the execution of such by-law or administrative order.

Clause 72. An order suspending the execution of a by-law or an administrative order shall be issued by the chamber after the judge-commissioner of justice has presented his or her statement. In the case where the chamber considers it necessary to issue an order suspending the execution of a by-law or an administrative order without delay, the chamber may issue such order without having the statement from the judge-commissioner of justice. In such case, the chamber shall also record the necessary reason for not having the statement from the judge-commissioner of justice.⁷

The statement under this Clause may be made orally.

In a case where the Court is of the opinion that a by-law or an administrative order which gave rise to the filing of a case is possibly unlawful, and the continued application of such by-law or administrative order will

⁷ The provision of paragraph one was amended by Clause 4 of the Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 5) B.E. 2559 (2016).

subsequently result in grave injury which is difficult to remedy and the suspension of the execution thereof does not constitute any barrier to the administration of the State affairs or to public services, the Court has power to order the suspension of the execution of the by-law or administrative order as the Court thinks fit.

The Court will forthwith notify the order suspending the execution of the by-law or administrative order to the parties and the person who issued such by-law or order, and the order of the Court will become effective when the person who issued such by-law or order has already been notified thereof.

Clause 72/1.⁸ In the case of an application under Clause 69 paragraph two, submitted together with a motion for the Court to consider the application and issue an order rapidly and the Court does not dismiss the motion accompanying such application, the Court shall consider the application rapidly. If the Court is satisfied that the application should be issued rapidly after considering application and evidence thereof, or the applicant's statement or evidence or by

⁸ The provision of Clause 72/1 was amended by Clause 5 of the Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 5) B.E. 2559 (2016).

an inquiry of the Court and there are sufficient facts for the Court, the Court shall issue an order suspending the execution of a by-law or an administrative order or issue a rejecting order, as the Court thinks fit and possibly without any statement from a judge-commissioner of justice. The Court's order to reject the application under Clause 69 paragraph two shall be final.

An interested person may forthwith file a motion with the Court to revoke the order suspending the execution of a by-law or an administrative order and the provision in the prior paragraph shall be applied *mutatis mutandis*. If the Court revokes the order suspending the execution of a by-law or an administrative order, this Court's order shall be final. In the case where the Court dismisses the motion, the interested person has the right to appeal against dismissal of the order to the Supreme Administrative Court by applying the provision of Clause 73 *mutatis mutandis*, but when the interested person exercises his or her rights under this paragraph, he or she shall not be entitled to appeal under Clause 73.

If the Court dismisses the motion accompanying the application requesting the Court to issue the order upon Clause 69 paragraph two rapidly, the Court shall further consider the application and issue an order relevant to the application.

Clause 73. An interested person has the right to appeal against an order to suspend the execution of a by-law or an administrative order to the Supreme Administrative Court within thirty days as from the date such person has been notified or known of the Court's order. In this instance, the appellant may, before a decision on the appeal is made, submit an application to the Supreme Administrative Court for an order provisionally withholding the Administrative Court of First Instance's order suspending the execution of the by-law or administrative order.

An order dismissing an application to suspend the execution of a by-law or an administrative order will be final

⁹An appeal against an order under paragraph one can be lodged with the Administrative Court of First Instance that issued such order and a competent official of the Secretariat General of the Administrative Courts will, without delay, forward it to the Supreme Administrative Court together with the order of the Administrative Court of First Instance, the application to suspend the execution of the by-law or

⁹ Provisions of paragraphs 3, 4 and 5 are amended by Clause 4 of the Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 2), B.E. 2544 (2001).

the administrative order, the file of inquiry of the application, the statement or report on the statement of the judge-commissioner of justice, and documents or copies of documents concerned.

The President of the Supreme Administrative Court will forward the motion to the Supreme Administrative Court's chamber for consideration and the provisions of Clause 71 paragraph one and Clause 72 will apply *mutatis mutandis*. The chamber may not provide for an inquiry and then issue an order confirming the order of the Administrative Court of First Instance or any other order and forward it to be announced by the Administrative Court of First Instance.

Upon the announcement of the order of the Supreme Administrative Court, the Administrative Court of First Instance will give the parties a reasonable period advance notice of the announcement date. If, on the announcement date, none of the parties is present before the Court, the announcement will be cancelled, such circumstance will be reported and the Administrative Court of First Instance will notify all, or any of, the parties who have been absent on the announcement date of such order via registered mail.

Clause 74. In the case where the Court's judgment or order disposing of the case makes no mention of the order issued by the Court during the trial for suspending

the execution of a by-law or an administrative order, the order so issued will remain in force until, in the case where no appeal is made, the time-limit for an appeal has elapsed or, in the case where an appeal is made, until the Court has given a final order rejecting the appeal. If the Court has given an order accepting the appeal, such order suspending the execution will remain in force until the Supreme Administrative Court orders otherwise.

Part 2

Provisional Remedy

Clause 75. In any case other than that specified in Clause 69, the plaintiff may, at any time before the delivery of a judgment or an order disposing of the case, submit an application to the Court for an order prescribing any provisional remedial measure or means before the delivery of a judgment, or the party may submit an application to the Court for an order prescribing a means for the protection of the applicant's benefits during the trial or for the execution of a judgment.

Clause 76. An order of the Court prescribing any provisional remedial measure or means before the delivery

of a judgment or a means for the protection of the applicant's benefits during the trial or for the execution of a judgment will be made by the chamber but need not be made upon a statement of the judge-commissioner of justice of the case unless the chamber deems it appropriate to require the statement, in which case such statement may be made orally.

An order refusing to accept or dismissing the application of the plaintiff or the party will be final.

An interested person has the right to appeal to the Supreme Administrative Court against an order prescribing any provisional remedial measure or means before the delivery of a judgment or a means for the protection of the applicant's benefits during the trial or for the execution of a judgment, within thirty days as from the date such person has been notified or known of the Court's order.

¹⁰The appeal against the order under paragraph one will be made by the submission of a motion lodging an appeal to the Administrative Court of First Instance having issued such order and the competent official of the Secretariat General of the Administrative Courts will, without delay, forward it to the Supreme Administrative Court together with the order of the Administrative Court of First Instance, the application for the provisional remedial measure or means before the delivery of a judgment or means for

the protection of the applicant's benefits during the trial or for the execution of a judgment, the file of inquiry of the application, the report on the statement of the judge-commissioner of justice, and documents or copies of documents concerned.

¹⁰ Provisions of paragraphs 4, 5, and 6 are amended by Clause 5 of the Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 5) B.E. 2559 (2016).

The President of the Supreme Administrative Court will forward the motion to the Supreme Administrative Court's chamber for consideration. The provisions of Clause 71 paragraph one and paragraph one of this Clause will apply *mutatis mutandis*. The chamber may not provide for an inquiry and issue an order confirming the order of the Administrative Court of First Instance or any other order and forward it to be announced by the Administrative Court of First Instance.

Upon the announcement of the order of the Supreme Administrative Court, the Administrative Court of First Instance will give the parties a reasonable period advance notice of the announcement date. If, on the announcement date, none of the parties is present before the Court, the announcement will be cancelled, such circumstance will be reported and the Administrative Court of First Instance will notify all, or any of, the parties who have been absent on the announcement date of such order via registered mail.

Clause 76/1.¹¹ In the case of an application under Clause 75 submitted together with a motion for the Court

¹¹ Provisions of Clause 76/1 was amended by Clause 6 of the Rule of the General Assembly of Judges of the Supreme

to consider the application and issue an order upon the application rapidly and the Court does not dismiss the motion accompanying such application, the Court shall consider the application rapidly. If the Court is satisfied that the application should be issued rapidly after considering the application and evidence thereof, or the applicant's statement or evidence, or by an inquiry of the Court and there are sufficient facts for the Court ; the Court shall issue an order prescribing any provisional remedial measure or means before the delivery of a judgment, or means for the protection of the applicant's benefits during the trial or for the execution of a judgment, or dismiss the motion as the Court thinks fits and possibly without any statement of a judge-commissioner of justice. The Court's order to reject the application under Clause 75 shall be final.

An interested person may forthwith file a motion with the Court to revoke any provisional remedial measure or means before the delivery of a judgment, or a means for the protection of the applicant's benefits during the trial or for the execution of a judgment, and the provision in the prior paragraph shall be applied *mutatis mutandis*. If the Court revokes the order prescribing any provisional remedial

measure or means before the delivery of a judgment, or a means for the protection of the applicant's benefits during the trial or for the execution of a judgment, this Court's order shall be final. In the case where the Court dismisses the motion, the interested person has a right to appeal against such dismissal order to the Supreme Administrative Court, and the provision of Clause 76 shall be applied *mutatis mutandis*, but when the interested person exercises his or her rights under this paragraph, he or she shall not be entitled to appeal under Clause 73.

If the Court dismisses the motion accompanying the application requesting the Court to issue an order under Clause 75 rapidly, the Court shall further consider the application and issue an order relevant to the application.

Clause 77. The provisions of Title 1 of Chapter 4 of the Civil Procedure Code will apply *mutatis mutandis* to the rules with regard to the consideration of an application for an order, conditions to be observed by the Court in issuing the order, and the consequences of the order prescribing any provisional remedial measure or means before the delivery of a judgment or a means for the protection of the applicant's benefits during the trial or for the execution of a judgment, in so far as the nature of the matter so allows and provided

that it is not inconsistent with this Rule and general principles of law on Administrative Court procedure.

CHAPTER VI
**Interpleading, Merger of Cases, Separation of
Cases, Transfer of Cases and Withdrawal of Plaints**

Clause 78. A third person who is not a party to the case may become a party by way of interpleading and, in this instance, the provisions of Section 57 and Section 58 of the Civil Procedure Code will apply mutatis mutandis.

Clause 79. If two or more cases have the same or closely connected allegations or have the same or joint parties, if the judge-rapporteur deems it advantageous to the trial of the case, the judge-rapporteur may submit an opinion to the chamber for further submission to the President of the Administrative Court of First Instance for an order that the cases be merged for trial and adjudication in combination.

Where such cases are within the jurisdiction of a different Administrative Court of First Instance, the cases will be transferred to the Court designated by agreement of President of the Administrative Court of First Instance. Failing such agreement, the determination will be made by the President

of the Supreme Administrative Court. Upon such transfer of cases, the President of the Administrative Court of First Instance from which the case has been transferred, will issue an order striking the case off of the Case-List.

Clause 80. Where a case has several allegations and a particular allegation has no connection with other allegations, if the judge-rapporteur deems it advantageous to the trial of the case, the judge-rapporteur may submit an opinion to the chamber for further submission to the President of the Administrative Court of First Instance for an order that a separation be made of such case into several cases and each of these cases be tried and adjudicated separately.

In cases with several plaintiffs or defendants, if the judge-rapporteur deems it advantageous to the trial of the case, the judge-rapporteur may submit an opinion to the chamber for further submission to the President of the Administrative Court of First Instance for an order that a separation will be made of such case into several cases and each of these cases be tried and adjudicated separately.

Clause 81. If, before the delivery by the Court of a judgment or an order disposing of a case, the defendant considers that a further trial in that Court will cause inconvenience or injustice to the defendant, the defendant may submit to

the Court an application with reasons being indicated therein, for a transfer of the case to another Administrative Court having jurisdiction. When the President of the Administrative Court of First Instance thinks fit, the President may issue an order approving the application.

The President of the Administrative Court of First Instance will not issue an order granting approval under paragraph one except upon consent of the President of the Administrative Court of First Instance supervising the Court to which the case is intended to be transferred. If the President of the Administrative Court of First Instance supervising the Court to which the case is intended to be transferred does not give consent thereto, the President of the Administrative Court of First Instance will refer the matter to the President of the Supreme Administrative Court to make a determination.

Upon the transfer of the case under paragraph one or paragraph two, the President of the Administrative Court of First Instance supervising the Court from which the case has been transferred will issue an order striking the case off the Case-List.

Clause 82. The plaintiff may, at any time before the delivery of a judgment or an order disposing of the case, withdraw the plaintiff. The withdrawal of a plaintiff only in respect

of certain allegations or certain parts of an allegation is also permissible.

The withdrawal of a plaint must be in writing bearing the signature of the plaintiff. However, if the withdrawal of a plaint is made orally by the plaintiff in the presence of the Court during the inquiry or the trial of the case, the Court will record such withdrawal and, in witness whereof, have it signed by the plaintiff.

In a case where there are several plaintiffs, each plaintiff may withdraw his or her plaint. The withdrawal of the plaint by such plaintiff will have effect only with respect to the plaintiff who makes the withdrawal, except that in the case where the person withdrawing the plaint is the representative of all plaintiffs, the withdrawal of the plaint will have the effect of withdrawing the entire case *in toto*. In this instance, the Court may, prior to its issuance of an order granting permission to a withdrawal of the plaint, conduct an inquiry in order to be satisfied that the withdrawal by such representative is in accordance with the intention of every plaintiff.

When a withdrawal of a case is made, the Court will grant permission thereto and issue an order striking the case off of the Case-List as well as return to the plaintiff the whole or part of Court fees. However, in a case which is concerned with the protection of public interest or in

which further trial would be of value to the public or in which the withdrawal of the plaint results from an inappropriate collusion, the Court may issue an order rejecting the withdrawal. The order rejecting the withdrawal is final.

CHAPTER VII
Hearing and Adjudication
Part 1
Hearing

Clause 83. In the trial of a case, the Court will, with the exception of a case which is struck from the Case-List, have at least one hearing in order to afford the parties the opportunity to make oral statements before the Court. The Court will give not less than seven days advance notice to the parties of the date of the first hearing.

Clause 84. On the date of the first hearing, the party who wishes to submit a written statement under Section 59 paragraph two, will submit it to the Court before the date of the hearing or, at the latest, during the hearing.

The statement under paragraph one will not refer to facts which have never been invoked unless it is a fact

which constitutes an issue of central importance in the case in respect of which the party submitting it can prove the necessity or special circumstance preventing its earlier submission, provided that the Court will admit such facts only upon affording the opposing party an opportunity to present evidence in affirmation or rebuttal thereof.

The party has the right to adduce evidence for supplementing the statement submitted under paragraph one and, in this connection, the Court will grant permission only insofar as it is concerned with the statement and necessary for the case. Such order is final.

On the date of the hearing, the party may be absent therefrom, provided that this provision does not preclude the Court's power to issue an order summoning the party, an administrative agency, a State official or a person concerned to give a statement or an opinion in writing or furnish any document or evidence to the Court.

Clause 85. The judge-rapporteur will, upon the commencement of the first hearing, present a summary of facts and issues of the case and instruct the parties to present oral statements in supplement of the written statement submitted under Clause 84. For this purpose, the plaintiff will first present such statement.

An oral statement of the party will be concise and limited to the issue in question. Facts or issues of law other than those in the written statement will not be invoked.

In the case where either party has failed to submit a written statement and subsequently enters an appearance before the Court on the date of first hearing, such party may present an oral statement only upon permission by the Court or being ordered by the Court.

Clause 86. In a trial of a case, the Court will make inquiries of the parties and witnesses and the provisions of Clause 52, Clause 53 and Clause 59 will apply *mutatis mutandis*.

Clause 87. In a trial of a case, if any of the parties violates stipulations prescribed by the Court for maintaining order in the Court's precinct and the Court orders such party to leave the Court's precinct, the Court may proceed with the trial in the absence of such party.

Part 2**Statement of the Judge-Commissioner of Justice**

Clause 88. On the date of the hearing, the judge-commissioner of justice will, upon completion of the parties' statements and adducing of evidence supplementing the statements, present an oral statement to the chamber in supplement of the written statement previously presented or present an oral statement as provided under Clause 63 paragraph two. In this instance, the person who is not granted permission by the Court may not be present in the courtroom at the time the judge-commissioner of justice is making the statement or presenting an oral statement.

In the case where the judge-commissioner of justice is of the opinion that the parties' statements and adducing of evidence supplementing the statements have led to a change in the facts in the trial of the case and have effects on the written statement previously presented or on the oral statement to be presented, the judge-commissioner of justice may prepare a fresh written statement or present an oral statement to the chamber for consideration on a later date.

Part 3
Preparation of a Judgment and an Order

Clause 89. The President of the Chamber will, upon completion of the statement by the judge-commissioner of justice, summon a meeting for delivering a judgment or an order on the same or different day.

Clause 90. A judgment or an order disposing of the case will, apart from the particulars provided under Section 69 paragraph one and an amount of Court fees to be returned to the parties, also specify the names of the judge-rapporteur and the judge-commissioner of justice.

Clause 91. In the Court's delivery of a judgment or an order disposing of the case in which the Court has issued an order suspending the execution of a rule or an administrative order or an order in connection with provisional relief, the Court will also specify whether, and to what extent, such order will continue to be in effect.

Clause 92. In delivering a judgment or an order disposing of the case, the Court may invoke an issue of law concerning public order and deliver a judgment or an order.

Clause 93. In the case where two or more cases have been jointly tried in the interest of convenience, the Court may deliver a judgment or an order for any matter the trial of which is complete and later deliver a judgment or an order for other matters.

Clause 94. In any of the following cases, the President of the Administrative Court of First Instance may order the determination of any issue or case by the General Assembly of Judges of the Administrative Court of First Instance :

(1) a case involving a large number of people or an important public interest ;

(2) a case having issues needing the determination with regard to a significant principle of administrative law ;

(3) a case likely to have the effect of reversing or varying precedents of an Administrative Court of First Instance or of the Supreme Administrative Court ;

(4) a case in which the amount of dispute is high.

The General Assembly of Judges of the Administrative Court of First Instance will consist of every judge of that Administrative Court of First Instance who is present to perform duties and who has not been challenged or has to withdraw by reason of the circumstance providing a ground for a challenge under Section 63, provided that the number of the judges will not be less than one half of that of

judges of such Administrative Court of First Instance, and the President of the Administrative Court of First Instance will preside over the General Assembly.

The decision of the General Assembly will be by the majority of votes. In the case of an equal number of votes, the person presiding over the meeting will have an additional vote as casting vote.

Clause 95. If a judgment or an order disposing of the case contains an insignificant error or mistake, the Court may, either when it appears to the Court itself or upon an application by the party and provided that no appeal is made against such judgment or order, issue an order amending such insignificant error or mistake. But, if an appeal has been lodged, the power to make amendment will be vested in the Supreme Administrative Court.

The issuance of an order making the amendment under this Clause will not reverse or amend the original judgment or order.

When such order has been delivered, no copies will be made of the original judgment or order. Only the amendment order will be copied and attached thereto.

Clause 96. When the Court has delivered a judgment or an order disposing of a case or any issue of the case, no proceeding will be carried out in such Court in connection with the case or issue so disposed of, except :

(1) the amendment of an insignificant error or mistake under Clause 95 ;

(2) a re-trial and re-adjudication or an issuance of a new order disposing of the case under Section 75 ;

(3) a re-trial of the case in which the file of the case or document has been lost or damaged under Clause 21;

(4) the submission, the acceptance or refusal to accept an appeal under Section 73 ;

(5) the proceedings in connection with provisional relief during the submission of an appeal, where the appeal is pending the consideration of an Administrative Court of First Instance under Clause 104 or Clause 106 ;

(6) the referral by the Supreme Administrative Court of a case back to the Administrative Court of First Instance which has delivered the judgment or an order in that case for the purpose of re-adjudication or delivering a new order, or a re-trial and re-adjudication, or an issuance of a new order under Clause 112 ; or

(7) the execution of a judgment or an order.

Clause 97. In the case where a judgment or order has become final, no further proceedings may, between the same parties, be taken on the same issue as that already decided upon.

DIVISION III
Administrative Procedure
in the Supreme Administrative Court

Clause 98. The filing of a case under Section 11 (1), (2) and (3) will be made by submitting a plaint to the Supreme Administrative Court, and the administrative court procedure in the Administrative Court of First Instance as provided in Part II will apply to the cases filed under this Clause *mutatis mutandis*.

Clause 99. In the case where the Supreme Administrative Court's chamber for trial and adjudication is of the opinion that the case filed with the Supreme Administrative Court is within the jurisdiction of an Administrative Court of First Instance, a referral will be made to the President of the Supreme Administrative Court to consider and order that the plaint be referred to the Administrative Court of First Instance within the jurisdiction of which such case falls,

and the chamber in the Supreme Administrative Court will then issue an order striking the case out of the Case-List. In this instance, it will be deemed that the case has been filed with the Administrative Court of First Instance as from the date the plaint has been submitted to the Supreme Administrative Court.

Clause 100. An appeal against a judgment or an order of an Administrative Court of First Instance which is not prescribed to be final under the law or this Rule will be lodged to the Supreme Administrative Court.

An order issued during the trial which is not prescribed by this Rule to be capable of an appeal during the trial will be appealed against together with an appeal of a judgment or an order disposing of the case.

Clause 101. An appeal will be in writing and will, at the minimum, contain of the following :

- (1) the names of the appellant and the parties to the appeal ;
- (2) objections to the judgment or the order of the Administrative Court of First Instance ;
- (3) the relief sought by the appellant ;
- (4) the signature of the appellant.

The questions of facts and law intended to be invoked, in lodging an appeal, will be clearly stated by the appellant in the appeal and will be those already duly invoked in the Administrative Court of First Instance. But, if any question is concerned with public order or related to public interest, the appellant may invoke such question in an appeal itself or at any time during the currency of the appeal.

Clause 102. An appeal will be submitted to an Administrative Court of First Instance. A competent official of the Court will issue the appellant with a document acknowledging receipt thereof and conduct a preliminary examination of the appeal. If the competent official of the Court is of the opinion that the appeal is complete, the appeal will be submitted to the President of the Administrative Court of First Instance for further proceedings under Clause 104. If the competent official of the Court is of the opinion that such appeal is incomplete for any reason whatsoever or by reason that the appellant has failed to make correct payment of Court fees, the competent official of the Court will advise the appellant to make correction or make correct payment of Court fees within the prescribed period of time. If the competent official of the Court is of the opinion that the incompleteness is incapable of correction, or that such appeal is prohibited by law or is submitted in

contravention of this Rule, or that the appellant has failed to make correction of the appeal or to make correct payment of Court fees within the prescribed period of time, such circumstance will be recorded and the appeal will be submitted to the President of the Administrative Court of First Instance for further proceedings.

Clause 103. If the amount in dispute at the appellate stage is identical to that paid to the Administrative Court of First Instance, the appellant will pay Court fees at the appellate stage in the same amount as that paid to the Administrative Court of First Instance. But, if the appellant is partly satisfied with the judgment or order of the Administrative Court of First Instance and, as a consequence, the amount in dispute at the appellate stage becomes lower than that paid to the Administrative Court of First Instance, the appellant will be liable to pay Court fees in accordance with such lower amount in dispute.

Clause 104. Upon receipt of an appeal from the competent official of the Court, the President of the Administrative Court of First Instance will refer such appeal to the chamber for further proceedings.

The President of the chamber will appoint a judge in such chamber as a judge-rapporteur, and the judge-rapporteur

will then examine the appeal. If the judge-rapporteur is of the opinion that the appeal is complete, the appeal will be proceeded with in accordance with Clause 106. If the judge-rapporteur is of the opinion that such appeal has some incompleteness that is capable of correction by the appellant or the appellant has failed to make correct payment of Court fees, the judge-rapporteur will order the appellant to make correction or make correct payment of Court fees within the prescribed period of time. If the appellant fails to make correction or make correct payment of Court fees within the prescribed period of time, or the incompleteness is incapable of correction, or the appeal is prohibited by law or is submitted in contravention of this Rule, the judge-rapporteur will make a recommendation to the chamber that such appeal be rejected.

Clause 105. The appellant has the right to submit to the Supreme Administrative Court a motion lodging an appeal against the order of the Administrative Court of First Instance refusing to accept an appeal under Clause 104 within the period of thirty days as from the date of receipt of the notification of the order of the Administrative Court of First Instance.

The motion under paragraph one will be submitted to the Administrative Court of First Instance having issued

such order and a competent official of the Court will, without delay, forward it to the Supreme Administrative Court together with the judgment or the order of the Administrative Court of First Instance, the appeal and the order rejecting the appeal.

The President of the Supreme Administrative Court will refer the motion to a chamber for consideration and either issue an order affirming the Administrative Court of First Instance's order rejecting the appeal or issue an order accepting the appeal and then forward it to be read by the Administrative Court of First Instance. The Administrative Court of First Instance will, after having read such order, notify the Supreme Administrative Court. In the case where the Supreme Administrative Court issues an order accepting the appeal, the date of receipt of the notification thereof will be deemed as the date the Supreme Administrative Court received the appeal from the Administrative Court of First Instance for further proceedings under Clause 107.

In consideration of the motion of the chamber under paragraph three, if the chamber considers it necessary to examine the file of the case, the chamber may issue an order instructing the Administrative Court of First Instance to forward the file of the case to the Supreme Administrative Court.

Clause 106. In the case where the judge-rapporteur is of the opinion that an appeal is complete, the judge-rapporteur will make a recommendation to the chamber that an order accepting the appeal be issued and will make a recommendation to the President of the Administrative Court of First Instance that the appeal be referred to the Supreme Administrative Court for further consideration.

Clause 107. A competent official of the Court will, after having received an appeal from the Administrative Court of First Instance, register the case in the Case-List and submit an appeal to the President of the Supreme Administrative Court for distribution to the chamber.

Clause 108. The President of the chamber of the Supreme Administrative Court will appoint a judge in such chamber as a judge-rapporteur, and the judge-rapporteur will then examine the appeal. If the judge-rapporteur is of the opinion that the appeal as accepted by the Administrative Court of First Instance has some incompleteness that is capable of correction by the appellant or the appellant has failed to make correct payment of Court fees, the judge-rapporteur will order the appellant to make correction or make correct payment of Court fees within the prescribed period of time. If the appellant fails to make correction or

make correct payment of Court fees within the prescribed period of time, or the incompleteness is incapable of correction, or the appeal is prohibited by law or is submitted in contravention of this Rule, the judge-rapporteur will make a recommendation to the chamber that such appeal be rejected.

In the case where the judge-rapporteur is of the opinion that such appeal refers to a question of facts or question of law which is too immaterial to make a determination on, the judge-rapporteur will recommend to the chamber that an order be issued to reject the appeal and strike the case off the Case-List.

Clause 109. When the judge-rapporteur is of the opinion that such appeal is complete, the judge-rapporteur will furnish a copy of the appeal to the opposing party to the appeal for preparing an answer to the appeal within thirty days as from the date of receipt of the appeal or within such time as prescribed by the Court.

The questions of facts or questions of law intended to be invoked in the answer to the appeal will be those already duly invoked in the Administrative Court of First Instance. But, if any question is concerned with public order or related to public interest, the party to the appeal may invoke such question in the answer to the appeal itself or at any time during the currency of the appeal.

Clause 110. If, upon the lapse of the period of time under Clause 109 paragraph one or upon the submission of the answer to the appeal by the opposing party to the appeal, the judge-rapporteur is of the opinion that the facts of the case are sufficient for the Court's trial and adjudication or issuance of an order disposing of the appeal, the judge-rapporteur will prepare a memorandum to be submitted to the chamber for consideration and carrying out further proceedings. In the case where the judge-rapporteur is of the opinion that the facts from the file of the case, the appeal and the answer to the appeal remain insufficient for the trial and adjudication or issuance of an order disposing of the appeal, the judge-rapporteur will have the power to carry out further proceedings.

Clause 111. In considering an appeal against a judgment or an order of the Administrative Court of First Instance, the Supreme Administrative Court will have the power to deliver the following judgments or issue the following orders :

(1) if it is of the opinion that the appeal is incomplete and it is incapable of correction or the appeal is prohibited by law or has been submitted in contravention of this Rule, it will deliver a judgment dismissing such appeal without making the determination of issues in the appeal ;

(2) if it is of the opinion that a judgment or an order of the Administrative Court of First Instance is correct, whether on the same ground or on other grounds, it will deliver a judgment or an order affirming the judgment or the order of the Administrative Court of First Instance ;

(3) if it is of the opinion that a judgment or an order of the Administrative Court of First Instance is incorrect, it will deliver a judgment or an order reversing the judgment or the order of the Administrative Court of First Instance and deliver a new judgment or order ; or

(4) if it is of the opinion that a judgment or an order of the Administrative Court of First Instance is partly correct and partly incorrect, it will deliver a judgment or an order amending the judgment or the order of the Administrative Court of First Instance by way of partial affirmation and partial reversal and deliver of a new judgment or order in respect of the reversed part.

Clause 112. The Supreme Administrative Court's competence to consider an appeal against a judgment or an order of the Administrative Court of First Instance will include the following :

(1) in the case where there appears noncompliance with the provisions of law or this Rule insofar as they are concerned with the delivery of a judgment and an order,

the Supreme Administrative Court will, if it is deemed appropriate, have the power to dismiss the judgment or the order of the Administrative Court of First Instance and return the file of the case to the Administrative Court of First Instance for delivering a new judgment or order. In this case, the Administrative Court of First Instance may consist of administrative judges other than those who have delivered the judgment or order, and the new judgment or order may be concluded otherwise than the conclusions arrived at in the judgment or order so dismissed ;

(2) in the case where there appears non-compliance with the provisions of law or this Rule insofar as they are concerned with the inquiry into facts or there occurs the Court's refusal to conduct an inquiry into facts as requested by the appellant, the Supreme Administrative Court will, if it deems it appropriate, have the power to dismiss the judgment or order of the Administrative Court of First Instance and direct the Administrative Court of First Instance, which may consist of the administrative judges of the same chamber or other administrative judges, or any other Administrative Court of First Instance as it thinks fit to retry the case in whole or in part and deliver a new judgment or order ;

(3) in the case where there appears that the facts heard by the Administrative Court of First Instance are insufficient for adjudication, the Supreme Administrative Court will, if it deems it appropriate, have the power to dismiss the judgment or order of the Administrative Court of First Instance and direct the Administrative Court of First Instance, which may consist of the administrative judges of the same chamber or other administrative judges, to retry the case in the whole or part in accordance with the determination by the Supreme Administrative Court and deliver a judgment or an order in accordance with the nature of the case.

In all cases in which the Administrative Court of First Instance issues a new judgment or order under this Clause, such new judgment or order may be appealed against.

Clause 113. If the Supreme Administrative Court has issued an order referring the file of the case back to the Administrative Court of First Instance for new proceedings or delivery of a new judgment or order in whole or in part as prescribed in clause 112, the Supreme Administrative Court has the power to exempt payment of Court fees for lodging an appeal against the new judgment or order of the Administrative Court of First Instance, as it thinks fit.

Clause 114. The Supreme Administrative Court may, after having delivered a judgment or an order disposing of an appeal, pronounce the judgment or order by itself or forward such judgment or order to be pronounced by the Administrative Court of First Instance.

Clause 115. In the case where an appeal is made against the Administrative Court of First Instance's order suspending the execution of a by-law or an administrative order under clause 73 and the appellant has requested the Supreme Administrative Court for an order terminating the Administrative Court of First Instance's order suspending the execution of that by-law or administrative order provisionally ; if the Supreme Administrative Court is of the opinion that the order suspending the execution of that by-law or administrative order results in, or will result in, serious injury to public interest or the rights of the appellant, the Supreme Administrative Court will have the power to issue an order terminating the Administrative Court of First Instance's order suspending the execution of the by-law or administrative order provisionally until the Supreme Administrative Court has issued an order making a determination on such appeal.

Clause 116. Apart from the administrative court procedure for the Supreme Administrative Court specifically provided in this Part, the administrative court procedure for an Administrative Court of First Instance will apply mutatis mutandis.

Given on the 17th Day of November B.E. 2543 (2000)

Ackaratorn Chularat

(Professor Dr. Ackaratorn Chularat)
President of the Supreme Administrative Court

Remarks : -

1. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, B.E. 2543 (2000) published in the Government Gazette, Vol. 117, Part 108a, dated 17th November B.E. 2543 (2000) (pages 30-59).

2. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 2), B.E. 2544 (2001) published in the Government Gazette Vol. 118, Part 17a dated 22nd March B.E. 2543 (2001) (pages 6-8).

3. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 3), B.E. 2548 (2005) published in the Government Gazette Vol. 122, Part 15a dated 9th February B.E. 2548 (2005) (pages 2-4).

4. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 4), B.E. 2548 (2005) published in the Government Gazette Vol. 122, Part 43a dated 31st May B.E. 2548 (2005) (page 10).

5. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No. 5), B.E. 2559 (2016) published in the Government Gazette Vol. 133, Part 27a dated 28th March B.E. 2559 (2016) (pages 1-3).

6. Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure (No.6), B.E. 2560 (2017) published in the Government Gazette Vol. 134, Part 73a dated 12th July B.E. 2560 (2017) (pages 1).