

Unofficial Translation*

NOTIFICATION OF THE MINISTER OF LABOUR

RE: RULES ON INSPECTION OF FISHING VESSELS OR BUSINESS ESTABLISHMENT OF VESSEL OWNERS AND ISSUANCE OF WRITTEN ORDER TO PROHIBIT FISHING VESSELS FROM FISHING

As it is expedient to prescribe the rules on inspection of fishing vessels or business establishment of vessel owners and issuance of written order to prohibit fishing vessels from fishing under the Labour Protection in Fishing Work Act B.E. 2562 (2019) to be integrated in joint operation between related agencies in exercising powers of the competent officials and to ensure order and efficiency:

By virtue of section 16 paragraph four of the Labour Protection in Fishing Work Act B.E. 2562 (2019), the Minister of Labour hereby issues the Notification as follows:

Clause 1. In this Notification:

“fishing vessel” means fishing vessel of any size used or intended to be used for commercial fishing;

“inspection” means the competent official on board a fishing vessel or entering into the business establishment of the vessel owner to inspect the working conditions, employment conditions, and living conditions, to inquire fact and collect evidence and witness for the purpose of inspection or proving facts to execute under the Labour Protection in Fishing Work Act B.E. 2562 (2019).

Clause 2. For the purpose of integration of joint operation and reduction of overlapping in the exercising of powers of the competent officials, the competent officials shall jointly consult with the competent officials of relevant agencies and coordinate with Port In – Port Out Controlling Center in exercising the power of the competent officials in inspecting and issuing orders under this Notification.

*Translated by Mrs. Natthanicha Lephilibert under a translation service contract for Office of the permanent secretary, Ministry of labour.

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CHAPTER I

INSPECTION OF FISHING VESSELS OR BUSINESS ESTABLISHMENT OF VESSEL OWNERS

Clause 3. Competent officials shall have the power to inspect without prior notice.

Clause 4. The competent official shall present the identification card to the vessel owner or related persons and inform the purpose of such inspection and comply with the rules of the supervisory agency except in the case where there is a reasonable cause or for safety of the competent officials.

Clause 5. The competent official shall inspect working conditions, employment and living conditions, inquire fact and collect evidence and witness for the purpose of inspection or proving facts to execute under the Labour Protection in Fishing Work Act B.E. 2562 (2019). In the case where the violation or failure to comply with the Labour Protection in Fishing Work Act B.E. 2562 (2019) is found, an order shall be made in written to the vessel owner or fisher to rectify their action.

Clause 6. Except in the case under clause 5 when the competent official finds a violation or failure to comply with any law as prescribed under section 6 of the Labour Protection in Fishing Work Act B.E. 2562 (2019), the competent official of the agency responsible for such law shall continue to proceed under the powers and duties as prescribed by law.

CHAPTER II

ISSUANCE OF WRITTEN ORDER TO PROHIBIT VESSELS FROM FISHING

Clause 7. The competent officials under the Department of Fisheries or Marine Department may issue an order in writing to prohibit a vessel from fishing under action is rectified. In the case where the vessel owner fails to comply with the following criteria:

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(1) minimum age, period of rest, and employment contract under the law on labour protection;

(2) manned, crew list and accommodation under the law on navigation in the Thai waters;

(3) protection of occupational health and safety on board a fishing vessel under the law on fisheries;

(4) health and welfare benefits under section 12 of the Labour Protection in Fishing Work Act B.E. 2562 (2019).

Prior to the issuance of order, the competent official of the responsible agency under (1), (2), (3) and (4) shall collect all related evidence and notify the competent officials of the Department of Fisheries or Marine Department, as the case may be, to proceed further with the order.

In the case of issuance of order under paragraph one, the competent official shall specify clear reasons for such prohibition order and shall apply the law on administrative procedure *mutatis mutandis*.

Issued on the 18th of December B.E. 2562 (2019)

M.R. Chatu Mongol Sonakul

Minister of Labour

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