

Unofficial Translation*

NOTIFICATION OF THE MINISTRY OF LABOUR

RE: CRITERIA FOR SETTLEMENT BY FINE UNDER THE LABOUR PROTECTION IN FISHING WORK
ACT B.E. 2562 (2019)

As it is expedient to prescribe the criteria for settlement by fine of alleged offenders under the Labour Protection in Fishing Work Act B.E. 2562 (2019) to ensure that the settlement by fine of the Settlement Committee is in order and efficient:

By virtue of section 19 paragraph one and paragraph two 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:

“offence” means the offence under the Labour Protection in Fishing Work Act B.E. 2562 (2019);

“alleged offender” means alleged offender who has committed an offence under the Labour Protection in Fishing Work Act B.E. 2562 (2019);

“competent officials” means persons as appointed by the Minister for the execution of the Labour Protection in Fishing Work Act B.E. 2562 (2019);

“Settlement Committee” means the Settlement Committee under section 19 of the Labour Protection in Fishing Work Act B.E. 2562 (2019).

CHAPTER I

SETTLEMENT COMMITTEE

Clause 2. There shall be one Settlement Committee in Bangkok Metropolitan and for the region, there shall be one Settlement Committee in each province.

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

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Clause 3. In Bangkok Metropolitan, a representative from the Attorney General Office shall be Chairperson, a representative from the Royal Thai Police shall be member and a representative from the Department of Labour Protection and Welfare shall be member and secretary and the Legal Section or the Department of Labour Protection and Welfare shall be the secretariat of the Settlement Committee.

At the regional level, a representative from the Office of Provincial Public Prosecution shall be Chairperson, a representative from a provincial Police Superintendent Office shall be member and a representative from the Provincial Office of the Labour Protection and Welfare shall be member and secretary. The Provincial Office of the Labour Protection and Welfare shall be the secretariat of the Settlement Committee in the responsible jurisdiction.

The secretariat shall have the duties in coordinating, monitoring, collecting information from the competent official and submitting it to the Settlement Committee for consideration, notifying an alleged offender the result of the consideration, or undertaking any act as assigned by the Settlement Committee for the orderly execution of this Notification.

CHAPTER II

CRITERIA AND PROCEDURE FOR SETTLEMENT BY FINE

Clause 4. For all offences occurs, claimed, or believed to occur in Bangkok or outside of the Kingdom of Thailand, the Settlement Committee of Bangkok Metropolitan shall proceed to settle and demand the alleged offender to pay for the fine at the Department of Labour Protection and Welfare.

For all offences occurs, claimed, or believed to occur in a province, the Settlement Committee at the regional level shall proceed to settle by fine and demand the alleged offender to pay for the fine at such Provincial Office of the Labour Protection and Welfare.

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In the case where offences occurs in several jurisdictions, or a part of the offence is committed in one jurisdiction while another part is committed in another jurisdiction, or it is a continuous offence and continuously committed in several jurisdictions, the Settlement Committee of a related jurisdiction shall have the power to settle such case.

In the case where it is uncertain which jurisdiction is to settle the case, the Settlement Committee in Bangkok Metropolitan shall have the power to settle the case.

Clause 5. Upon the receipt of a case for settlement by fine from the competent official, the Settlement Committee shall complete the settlement by fine without delay.

Clause 6. Regarding the settlement by fine, the Settlement Committee shall consider from the evidence as follows:

- (1) note of the examination and report of the examination of the competent official;
- (2) affidavit of the related persons and note of the investigation of the competent official;
- (3) other related evidence.

The Settlement Committee shall have the power to inquire additional fact, summon witnesses or document from any person for consideration.

Clause 7. In the case where the Settlement Committee has considered the case and specify the fine, the secretary shall inform, in writing, the alleged offender within thirty days as from the date of receipt of the notification at the Department of Labour Protection and Welfare or at the Provincial Office of Labour Protection and Welfare.

Upon the payment of the fine within the specified period by the alleged offender, the receipt shall be issued to the alleged offender and it shall be deemed that the case is extinguished under the Criminal Procedure Code.

The secretariat shall submit the fine as the state revenue.

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Clause 8. In the case where the alleged offender fails to pay for the fine within the specified time period, the secretary shall submit such case to the responsible competent official within the jurisdiction to proceed the claim or accuse before an inquiry official to proceed such case further.

Clause 9. In the case where the alleged offender repeatedly commits an offence or in the case where the alleged offender accepts the accusation and agrees to pay the fine in the investigation proceeding or prosecution proceeding and the inquiry official or attorney general, as the case may be, shall submit the case for settlement by fine. The Settlement Committee may consider not to impose a fine on the alleged offender and assign the competent official to proceed further with the case by claim or accusation or return the case to the investigator.

Clause 10. Regarding the settlement by fine, the secretariat shall make the note of settlement by fine as evidence.

Clause 11. The secretariat shall record the history of the alleged offender with the case and maintain the case for settlement by fine as evidence under the rules on filing.

Clause 12. All documents and evidence related to the execution of this Notification shall be in accordance with the form as prescribed by the Director-General of Department of Labour Protection and Welfare.

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

M.R. Chatu Mongol Sonakul

Minister of Labour

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