

## Notification of the Ministry of Public Health

On Criteria, Procedures, and Conditions in Charging Penalties of the Case Settling  
Committee and a Local Official or a Body Entrusted by a Local Official  
B.E. 2561 (A.D. 2018)

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As it is deemed expedient to prescribe criteria, procedures, and conditions in charging penalties of the Case Settling Committee and a local official or a body entrusted by a local official in order to standardise fining procedures.

By virtue of the provisions of Section 85 paragraph four of the Public Health Act, B.E. 2535 (A.D. 1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017), the Minister of Public Health by advice of the Public Health Committee hereby issues this Notification as follows:

Clause 1. This Notification shall be referred to as “Notification of the Minister of Public Health on Criteria, Procedures, and Conditions in Charging Penalties of the Case Settling Committee and a Local Official or a Body Entrusted by a Local Official, B.E. 2561 (A.D. 2018).

Clause 2. This Notification shall come into force on the date immediately following that of its promulgation in the Government Gazette.

Clause 3. In this Notification,

“Offense” means an offense in accordance with the Public Health Act;

“Accused” means a person accused of violating the Public Health Act and shall include managing director or any person responsible for operations of a juristic person;

“Body entrusted by a local official” means a body entrusted by the Case Settling Committee or a body entrusted by a local official to be entitled to charging of penalties according to the Public Health Act;

“Case Settling Committee” means a Case Settling Committee in accordance with Section 85 paragraph one of the Public Health Act, B.E. 2535 (A.D.1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017);

“Body authorised to charge penalties” means

(1) The Case Settling Committee based in Bangkok Metropolis, consisting of a representative of Bangkok Metropolitan Administration, a representative of the Royal Thai

(Translation)

Police and a representative of the Office of the Attorney General as committee members; not exceeding two government officials under Bangkok Metropolitan Administration appointed by the Governor of Bangkok shall be a secretary and an assistant secretary;

(2) The Case Settling Committee of other provinces consists of provincial governor, provincial prosecutor, and the provincial police superintendent as committee members. It prescribes that a physician of provincial public health shall be the secretary and not exceeding two government officials under the Provincial Office of Public Health appointed by the physician of provincial public health shall be assistant secretaries;

(3) A local official or a body entrusted by a local official to be responsible for offenses that are punishable solely by fines, or offenses that are punished by imprisonment not exceeding three months, or a fine of not exceeding twenty-five thousand baht, or both.

Clause 4. It prescribes that the secretary shall be responsible for acknowledging concerns raised by a local official and shall forward them to the Case Settling Committee, as well as following up, and notifying a local official or a body entrusted by a local official of consideration results finalised by the Case Settling Committee.

Clause 5. When the Case Settling Committee acknowledges the concerns raised by a local official in regard to the charge of penalties, it prescribes that the Committee shall take such concerns into consideration in order to charge penalties without delay.

Clause 6. In charging penalties, it prescribes that the Case Settling Committee shall examine matters based on the following proof of evidence:

- (1) Investigation report;
- (2) Memorandum of arrestment (if any);
- (3) Statement of the accused;
- (4) Other relevant exhibits.

Clause 7. Provided the Case Settling Committee considers that the accused should not be subject to a lawsuit, the Case Settling Committee shall be required to charge penalties based on Penalty Form (PorTor. 1), and the secretary shall inform the accused of such penalties. When the penalties have been settled by the accused, a receipt shall be issued as a proof of payment and the fine shall be submitted to the local government as a revenue according to Section 64 of the Public Health Act, B.E. 2535 (A.D. 1992).

Provided that the accused does not settle the penalty payment within 30 days from the day of notice, it prescribes that the secretary shall ask a local official to forward the matter to an inquiry officer.

(Translation)

Clause 8. In the case where one possesses a property in dispute which is illegal to have in possession, or a property in dispute which can be employed as a tool to commit an offense, or a property in dispute which remains under possession so as to be employed to commit an offense, such person shall be penalised a fine. In such case, the accused shall agree for an impoundment or asset forfeiture. If the accused disagrees with such confiscation, it prescribes that a litigation shall be further proceeded.

In the case where it is not illegal to have a property in dispute in possession, or a property in dispute is not used to commit an offense, or a property in dispute remains under possession, yet not for committing an offense, subsequent to penalisation, such property in dispute shall be returned to the owner or the possessor.

Clause 9. In the case where an owner or a possessor of a building who is subject to a fine penalty according to Section 75, and a business operator who is subject to a fine penalty according to Section 80, and any licensee operate business while their licenses are suspended due to the fine penalty under Section 84, it prescribes that the Case Settling Committee shall also proceed to charge the penalty.

For the charge of penalty under paragraph one, it prescribes that such accused shall also be fined on a daily basis.

Clause 10. For the filing of complaints before an inquiry officer based on Complaint Letter Form (PorTor. 2), it prescribes that a local official, or a body entrusted by a local official, shall request for a duplicate of the daily report produced by the inquiry officer as a proof and for further litigation.

Clause 11. When the accused has been charged of penalties, or when his/her court case has been finalised, it prescribes that a body entrusted by a local official shall keep records of background of the accused in the Record of the Accused (PorTor. 3).

When the accused settles the fine payment based on the amount required, it shall be deemed that such case has already been dismissed according to the Criminal Procedure Code.

Clause 12. In the case where the Case Settling Committee entrusts a local official, or a body entrusted by a local official to charge penalties, to be responsible for offenses that are punishable solely by fines, or offenses that are subject to not exceeding three-month imprisonment, or not exceeding a fine of twenty-five thousand baht, or both, it prescribes that Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, and Clause 11 shall be applied *mutatis mutandis*.

(Translation)

Piyasakol Sakolsatayadorn

Public Health Minister

(Translation)

**Penalty Form (PorTor. 1)**  
(Official Emblem)

Case No...../.....

Office.....

Date.....

Name of Officer in Charge.....

Name of the Accused (1).....

(2).....

The incident takes place on the date of.....at.....hours  
at the establishment of.....

residing at House No.....Village No.....Alley/Lane.....Road.....

Sub-district.....District.....Province.....

Tel.....

For this case, the accused have committed an offense under the Public Health Act, B.E. 2535 (A.D. 1992), Section.....for the charge of.....

Subject to a penalty under Section....., which is a/an.....offense, the Case Settling Committee therefore.....

By virtue of Section 85 of the Public Health Act, B.E. 2535 (A.D. 1992), the Case Settling Committee therefore charges the accused a fine of.....baht (.....).

The officer in charge has read this record before the accused, and the accused thereby certify and affix their signatures hereunder.

(Signed).....The Accused

(Signed).....The Accused

(Signed).....Authorised Charging Body

(Signed).....Authorised Charging Body

(Signed).....Authorised Charging Body

(Signed).....Competent Officer

<b>Record of Payment</b>	
Receipt Book No.....	No.....
Date.....	Amount of Payment.....baht
Signed.....	Receiving Officer

(Translation)

**Complaint Letter of a Local official or a Body Entrusted by a Local official (PorTor. 2)**

(Official Emblem)

At...../.....

Office.....

Date.....

Subject: Request to file a lawsuit against.....(Mr. John Doe, the accused)

Attention: Inquiry Officer.....(of the locality) .....

- Attachments:
- (1) Investigation Report
  - (2) Statements of the accused
  - (3) Other relevant exhibits

As the local official of..... (Bangkok Metropolitan Administration/Pattaya City/Municipality/SAO).....has investigated and found that...( Mr. John Doe, the accused) ....residing at House No.....Alley/Lane.....Road..... Sub-district.....District.....Province.....has (for example, sold foods without approval from a local official, or violated local provisions or ministerial regulations, as the case may be)....which is an offense according to Section.....and is subject to a penalty according to Section.....of the Public Health Act, B.E. 2535 (A.D. 1992), as delineated in the proof of evidence attached hereto,

In this regard,.....(Local agency) .....is desirous to conduct legal proceedings against ...( Mr. John Doe, the accused)..who committed the offense under the law, and thereby authorising...(Mr. Richard Roe)...as the complainant before the inquiry officer in order to conduct the legal proceedings against the said party and provide information as well as coordinating with the inquiry officer until the investigation is completed.

Please consider this matter. Further action would be highly appreciated.

Yours sincerely,

(Signed).....

(.....)

Local Official

(Translation)

**Records of the Accused (PorTor.3)**

1. The Accused	Name.....Surname.....Aged.....Years Nationality.....Ethnicity.....Residing at..... ..... Licensee.....No...../.....
2. Date, Time, and Place of Incident	The incident takes place on the date of.....at.....hours Place of incident..... .....
3. Offense	Offense..... according to the Public Health Act, B.E. 2535 (A.D. 1992)
4. Numbers of Impounded Asset	Impounded asset (1) Confiscation..... (2) Forfeiture.....
5. Case Result	Commit an offense under the Public Health Act, B.E. 2535 (A.D. 1992), for.....Section..... [ ] 1. The accused agree to be charged of penalties and settle the fine payment at.....baht. The payment is settled on the date of..... The proof of payment is according to the Letter or Memorandum No...../.....dated..... [ ] 2. The court passes sentence to..... according to Red Case No.....
6. Financial Matters	Date.....Amount.....baht according to the receipt book no.....no.....

(Signed).....Recorder

(.....)

Position.....