

**CONSUMER CASE PROCEDURE ACT,  
B.E. 2551 (2008)\*\***

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BHUMIBOL ADULYADEJ, REX.

Given on the 17th Day of February B.E. 2551;  
Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:  
Whereas it is expedient to have a law on consumer case procedure;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 32, section 41, and section 43 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

**Section 1.** This Act is called the “Consumer Case Procedure Act, B.E. 2551 (2008)”.

**Section 2.<sup>1</sup>** This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

**Section 3.** In this Act:  
“Consumer Case” means

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\* Translated by Ms. Vipatboon Klaosontorn, and reviewed by Professor Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project.  
– Initial Version – pending review and approval by the Office of the Council of State.

\*\* As amended up to the Consumer Case Procedure Act (No.2) B.E. 2556 (2013).

<sup>1</sup> Published in Government Gazette Vol. 125, Part 38a, Page 32, dated 25<sup>th</sup> February B.E. 2551.

(1) a case between a consumer or a person having the power to file a lawsuit on the consumer's behalf under section 19 or as per other law and an entrepreneur having a dispute in relation to a legal right or obligation related to consumption of goods or service;

(2) a civil case under the law relating to liability for damage arising from unsafe goods;

(3) a civil case relating to case under (1) or (2);

(4) a civil case which a registration prescribing to apply the procedure under this Act;

“Consumer” means a consumer under the law on consumer protection, and shall also include an injured person under the law relating to liability for damage arising from unsafe goods;

“Business Operator” means a Business Operator under the law on consumer protection, and shall also include operator under the law relating to liability for damage arising from unsafe goods;

“CJS” means Commission for Judicial Service under the law on the administration of the Court of Justice;

“Case Official” means a person appointed by the Secretary-General of the Office of the Judiciary to discharge the duties under this Act.

**Section 4.** There shall be Case Officials with duty to assist the court in the undertaking of Consumer Case as the Court may entrust as follows:

(1) to conciliate consumer cases;

(2) to inspect and gather evidences;

(3) to record testimonies of witnesses;

(4) to undertake to protect rights of the parties, prior to or between the hearing;

(5) to discharge other duties inquired under this Act, or the Rules of the President of the Supreme Court in the discharge of assistance duties.

In the discharge of duties under this Act, a Case Official shall be an official under the Criminal Code, and shall have the power to issue summons any person to give information, or to submit documents to be taken into consideration on any matter under his or her duties.

Rules and procedures on the discharge of duty of a Case Official shall be as prescribed in the Rules of the President of the Supreme Court.

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**Section 5.** A person who is to be appointed as a Case Official shall have one of the following qualifications:

- (1) having acquired a master of laws degree or a doctor of laws degree;
- (2) having acquired a bachelor of laws degree, being an ordinary member of the Thai Bar Association, and having practiced legal profession as required by the CJS for not less than one year;
- (3) having acquired a bachelor of law degree and a degree of other field as required by the CJS which is not lower than a bachelor degree, and having practiced a profession required by the CJS for not less than four years.

The Secretary-General of the Office of the Judiciary shall have the power to consider appointing persons having qualifications under paragraph one as Case Officials, provided that it shall be under the rules prescribed by the CJS.

**Section 6.** The President of the Supreme Court shall have charge and control of the execution of this Act, and shall have the power to prescribe Rules in order to allow the proceeding of Consumer Case to proceed on conveniently, swiftly, and fairly; however, such Rules must not impair rights of the parties to defense the case.

The Rules of the President of the Supreme Court shall come into force upon approval from the general meeting of the Supreme Court and its publication in the Government Gazette.

## CHAPTER I GENERAL PROVISIONS

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**Section 7.** Consumer Case proceeding shall be under the provisions of this Act and Rules of the President of the Supreme Court under section 6. In case of inexistence of such provision or rule, the provisions of the Civil Procedure Code shall apply mutatis mutandis.

**Section 8.** In the case where there is a question whether or not a case is a Consumer Case, the President of the Appellate Court shall decide thereupon. The decision of the President of the Appellate Court shall be final, provided that it shall not affect any proceedings undertaken prior to such decision.

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The request to have the President of the Appellate Court to decide on the question under paragraph one, made either by a party or as the Court thinks fit, it shall, in a Consumer Case, be made at latest on the day fixed for hearing; however, the request in other case shall be made at latest on the day of settlement of the issues, or the day of taking evidence in the case where there is no such day of settlement of the issues. If such period has passed, the request to have the question considered shall not be made, and, upon receiving the request from the Court of First Instance, the President of the Appellate Court shall make a decision and inform the result to the Court of First Instance promptly.

In order to have the case proceeded swiftly, any undertakings between the Court of First Instance and the Appellate Court under this section may be made via facsimile or any other information technology media.

**Section 9.** In the case where there appears an irregularity or mistake in the proceedings of any party, the Court shall order the party having undertaken irregular or mistaken proceedings to correct it within the period and under the condition which the Court thinks fit to impose, unless such irregularity or mistake arises from the dishonesty of such party.

**Section 10.** The provisions of law requiring any juristic act to have written evidence signed by the party liable so as to be enforceable by action shall not apply to consumers in the action enforcing the Business Operator to fulfill his or her obligation.

In the case where the provisions of law require the contract made between a Consumer and a Business Operator be in a form, even if such contract is not in such form, if the Consumer has made a deposit or has honoured a part of obligation, the Consumer is entitled to enforce the Business Operator to prepare a contract in the form prescribed by law or to perform his or her synallagmatic obligation.

In the proceedings under paragraph one and paragraph two, the provisions of section 94 of the Civil Procedure Code shall not apply to the Consumer in the action of Consumer Case, and the prove of juristic act or contract made between the Consumer and the Business Operator.

**Section 11.** Announcements, advertisements, testimonies, or acts in any manner of the Business Operator which lead Consumer to perceive at the moment of entering into the contract that the Business Operator agrees to give, or make available any item, services, or any other public utility, or will do anything to the Consumer as a

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repayment for entering into the contract, or any agreement which the Business Operator offer additional benefit on top of the agreed contract, such message, act, or agreement shall be deemed an integral part of the contract between the Consumer and the Business Operator which the Consumer may adduce witness or evidence relating to such agreement, even if the formation of such contract is required by law to be in writing, or have some written evidence and such agreement is absent from the written evidence made.

**Section 12.** In the exercise of his or her own right, or in the performance of obligation, the Business Operator shall act in good faith, taking into account the appropriate trade standard under fair business system.

**Section 13.** In the case of damage to life, body, health, sanitary as a result of the substance cumulated in the body of a Consumer, or in the case where it takes time for the symptom to appear, the Consumer or the person having the power to file a lawsuit on the Consumer's behalf must exercise the right to claim within three years as from the date of knowing of such damage and the liable Business Operator, but not exceeding ten years as from the date of knowing of the damage.

**Section 14.** If there is a negotiation relating to damages payable between a Business Operator and a Consumer or person having the power to file a lawsuit on the Consumer's behalf, the prescription shall stay uncounted during such period until a party has terminated the negotiation.

**Section 15.** In regards to the period of time provided in this Act or other law which the provisions of this Act prescribed to apply, or the period of time imposed by the Court, when the Court thinks fit, or upon a petition of a party, the Court may shorten or extend the period of time as necessary, and for the sake of justice.

**Section 16.** In the service of pleadings or other documents, or the notification of appointment date, court order or other message to the party or any other person in a Consumer Case which is normally undertaken by a court official, The Court, having taken into consideration the necessity, urgency, swiftness, appropriateness to the conditions of the subject matter to be communicated, may order the undertaking be via registered mail, telephone, facsimile, electronic mail, or any other information technology

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media, provided that it shall be in accordance with the rules and procedures prescribed in the Rules of the President of the Supreme Court.

**CHAPTER II**  
**CONSUMER CASE PROCEDURE IN THE COURT OF FIRST INSTANCE**

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**Part I**  
**Legal Action**

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**Section 17.** In the case where a Business Operator is going to take a legal action against a Consumer as a Consumer Case, and the former is entitled to submit a case to the Court within the territorial jurisdiction of which the Consumer is domiciled or to other court as well, the Business Operator shall submit the case only to the Court within the territorial jurisdiction of which the Consumer is domiciled.

**Section 18.** Subject to the law on liability for damage arising from unsafe goods, the submission of case, as well as any proceedings in a consumer case undertaken by a Consumer or person having the power to file a lawsuit on the Consumer's behalf shall be exempted from all fees, excluding liability for fee in the final class.

If it appears to the Court that the Consumer or person having the power to file a lawsuit on the Consumer's behalf submits the case without a reasonable cause, claiming excessive damages, behave improperly, undertake delaying or unnecessary proceeding, or has other behaviour and the Court thinks fit, the Court may order such person to wholly or partly pay the exempted fee to the Court within the period the court see it is fit to impose. Failing to comply with the orders entitles the Court to issue an order striking the case out of the case list.

In the case under paragraph one and paragraph two, if the court is of an opinion that the opposing party has to be liable for paying whole or part of the fee of both parties, the Court shall give a decision as to the fee by ordering the opposing party to pay to the court, whole or a part of Court fees exempted for the consumer or person having the power to file a lawsuit on the consumer's behalf, as the Court think fit, on behalf of the Consumer or person having the power to file a lawsuit on the Consumer's behalf.

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**Section 19.**<sup>2</sup> The consumer protection commission, association, or foundation approved by the Consumer Protection Commission in accordance with the law on consumer protection shall have the power to take a legal action and proceed Consumer Cases on Consumer's behalf by clearly specifying the name and address of the Consumer, and the provisions relating to legal action and proceeding on Consumer's behalf under such law shall apply mutatis mutandis.

The withdrawal of plaint or compromise in the case under paragraph one must have a written consent from relevant Consumer to present before the Court, and in the case of withdrawal, the Court may give permission only if it is of an opinion that such withdrawal does not negatively affect consumer protection in general.

If, after the case is submitted to the Court, the approval of submitting association or foundation is revoked under the law on consumer protection, or is unable to proceed the case on any other ground, the relevant Consumer shall step in to proceed on the case. If the Court is of an opinion that such Consumer is unable to know such cause, the Court may issue an order to notify such person, by specifying a period to join the case as well. All proceedings undertaken before entering into the case shall bind such Consumer. Also, if such person fails to enter the case within the time specified, the Court shall have the power to order the strike of the case in the part relevant to such person from the case-list.

In the case under paragraph three, the Consumer may request the Consumer Protection Commission or other association or foundation approved by the Consumer Protection Commission under the law on consumer protection to proceed the case on its behalf.

**Section 20.** In regards to taking legal action in a consumer case, the plaintiff may do so orally or in writing. In the case where the plaintiff wishes to take legal action orally, a Case Official shall provide a recording of details of the plaint, and let the plaintiff to signify it.

A plaint must contain facts which is the cause of the action, including the petition for relief clear enough to be understandable, if the court is of an opinion that such plaint is incorrect or lacks certain essential element, the Court may issue an order requiring the plaintiff to correct the plaint in such part to be correct or clearer.

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<sup>2</sup> Section 19 amended by the Consumer Case Procedure Act (No.2) B.E. 2556

**Section 21.** After the submission of Consumer Case, if there is a submission of case into such case, whether by supplementary, counterclaim, or interpleading, or if the Court has an order directing any other civil case to be tried together with the Consumer Case. The case in the part relating to the complaints submitted thereafter and the case the Court order directing to be tried together shall be deemed Consumer Case under this Act.

**Part II**  
**Trial**

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**Section 22.** If a person is of concern that evidence on which he or she may have to rely in the future will be lost or become difficult to produce, or where a party to a Consumer Case is concerned that evidence on which he or she intends to rely will be lost before he or she can adduce it in the Court or become difficult to adduce at a later stage, such person or party may apply to the Court by a motion for an order directing such evidence to be taken promptly.

Upon receipt of such motion, the Court shall summon the applicant and the opposing party or relevant third person to the Court, and, after having heard them, shall decide on the motion as it thinks fit. If the Court grant the permission as per the motion, the evidence shall be taken in accordance with this Act. The memorandum and other documents pertaining thereto shall be maintained by the Court.

In the case where the opposing party or relevant person is not domiciled in the Kingdom and does not appear in the case yet, upon receiving the motion under paragraph one, the Court shall order such motion as an ex parte motion, and if the court grant the permission as per the motion it shall take evidence ex parte.

**Section 23.** In the case of emergency, upon the submission of motion under section 22, the applicant may submit a petition together so as to have the court order or issue a warrant as applied without delay, and, if necessary, he or she may request the Court to issue an order confiscating or sequestering documents or item to be used as evidence requested to be taken therefore, together with any condition as the Court thinks fit.

The provisions of section 261, section 262, section 263, section 267, section 268, and section 269 of the Civil Procedure Code shall apply to the case under paragraph one mutatis mutandis.

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**Section 24.** Upon the acceptance of plaint, the Court shall fix the trial date promptly, and shall issue a summon requiring the defendant to come to the Court in accordance with the appointment for mediating, testifying, and taking evidence in the same day, provided that the Court shall send a copy of plaint or copy of plaint memorandum to the defendant, and order the plaintiff to come to the Court in the trial date.

The defendant may submit a written answer before the trial date under paragraph one.

**Section 25.** On the trial date, when the plaintiff and defendant are present, a Case Official or the person imposed by the Court or agreed by the parties to mediate to make the parties agree or compromise first. In the mediation, of a party request or as the mediator thinks fit, the mediation may order the mediation to proceed in camera before all the parties or any party.

Rules, procedures, and period of time in the mediation shall be as per the Rules of the President of the Supreme Court.

**Section 26.** If the parties are unable to agree or compromise, and the defendant has not yet submitted the answer, the court shall provide an enquiry of the defendant's testimony. The defendant may submit a written answer or testify orally. In the case of written answer, if the court is of an opinion that such answer is incorrect or lacks certain essential elements, the Court may issue an order requiring the defendant to correct the answer in such part to be correct or clearer. In the case of oral testimony, the Court shall provide a recording of details of the answer, and let the defendant to signify it.

If the defendant fails to submit an answer under paragraph one, without permission from the Court to extend the answer submission period, the defendant shall be deemed in default of answer.

**Section 27.** When the plaintiff is acknowledged of the order to come to the Court under section 24, and fails to be present on the trial date without permission from the Court to postpone the case, regardless of the presence of the defendant, it shall be deemed that the plaintiff does not desire to proceed with the case. The court shall issue an order striking the case out of the case-list, unless in the circumstance of the case the court thinks fit to try and decide such case ex parte, deeming that the plaintiff is in default of trial appointment.

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If the defendant received the summon to the court under section 24, and fails to be present on the Trial date without permission from the Court to postpone the case, if the defendant has not submitted the answer, it shall be deemed that the defendant is in default of answer only; however, if the defendant has submitted the answer prior to or on such appointment, it shall be deemed that the defendant is in default of trial appointment.

**Section 28.** If any party fails to appear on any other day in the Court except the Trial date under section 24, such party shall be deemed to renounce his or her right to proceed the case on that day, and to have already known any proceedings carried out by the Court on such day.

**Section 29.** Any point in dispute needs to be proved as to fact relating to the manufacture, assembly, design, or component of the goods, services, or any undertaking which the court is of an opinion that such fact is known to the party who is the Business Operator only, the burden of proof in such point in the dispute shall fall on the party who is the Business Operator.

**Section 30.** If after the final judgement in the Consumer Case appears the Consumer Case legal action against the same Business Operator whereas the disputing facts are the same as those in the former case, and the Court has already had a judgement in the former case, the Court in the latter case may has an order considering the facts in such point settled similar to those of the former case without having to take evidence, unless the Court is of an opinion that the facts in the former case are not sufficient for making a decision, or to allow the disadvantaged party to defend the case, the Court may by itself summon evidence to be taken or may permit the parties to adduce additional evidence as the Court think fit.

**Section 31.** In the case where the Court has an order to take evidence, the Court shall ask the party having to adduce the evidence as to the evidence it wishes to refer, and record it, or order the parties to prepare and submit their evidence lists to the Court within the period of time it thinks fit.

**Section 32.** Before taking evidence, the Court shall inform the parties of the points in dispute, and shall require any party to adduce evidence first or afterwards.

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**Section 33.** In the interest of justice so as to have the clear fact of the case, the Court shall have the power to summon evidence to be taken as it thinks fit. In this regard, the Court shall have the power to order the Case Official to check and gather necessary evidence, and then report to the Court, including the power to summon Office of the Consumer Protection Commission, relevant agencies or persons to give information, or to submit evidence for consideration.

Evidence acquired under paragraph one shall be acknowledged by all parties, and shall not deprive the parties' right to object such evidence.

**Section 34.** In taking evidence, whether adduced by any party or summoned by the Court, the Court shall examine the witness itself. A party or its lawyer may examine the witness upon permission granted by the Court.

The Court shall have the power to examine witness as to any fact relating to the case even though no party raises the issue.

**Section 35.** In an evidence-taking hearing, the Court shall proceed with the hearing without adjournment until the trial is over, unless there is an unavoidable necessity, the Court may adjourn the case for not exceeding fifteen days each time.

**Section 36.** The Court may request a qualified person or an expert to give an opinion in support of the judgement, but it shall be acknowledged by all parties, and shall allow the parties appropriate opportunity to request its qualified person or expert to give dissenting opinion or supporting opinion of such qualified person or expert.

The qualified person or expert requested by the Court is entitled to remunerations, travelling and accommodation expenses in accordance with the Rules imposed by the Judicial Administration Commission under the law on the administration of the Court of Justice.

**Section 37.** Upon completion of taking evidence, and the parties has delivered its statement, if applicable, the proceedings shall be deemed final, and the Court shall give a judgement or order promptly; however, before the Court give the judgement or decision, if the court is of an opinion that it is necessary to take additional evidence in the interest of justice, it shall continue to take evidence, which may include summoning of already-taken evidence to be retaken, without a request from any party.

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**Part III**  
**Judgement and Order Disposing of Case**

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**Section 38.** A judgement or an order disposing of a case shall at least contain a summary of accepted fact, and decision on the point in dispute together with the grounds upon which the decision is based.

**Section 39.** In a case which a Consumer or person having the power to file a lawsuit on the Consumer's behalf is a plaintiff, if it appears to the Court that the damages the plaintiff claim is incorrect, or the execution of the relief is insufficient for compensating the damage as per the plaint, the Court shall have the power to correct it, or impose an appropriate execution even though it exceeds that in the relief sought by the plaintiff; however, the point the Court take into consideration must relate to the legitimately raised fact.

**Section 40.** In the case of damage to body, health, or sanitary, and it is, at the time of the judgement, impossible to calculate the damage, the Court may state in the judgement or order that it reserves the right to amend such judgement or order within the period of time imposed by the Court, provided that it shall not exceed ten years as from the date the Court has given the judgement or order; however, before amending, it shall allow the opposing party to make an objection.

**Section 41.** In a case which a Consumer or person having the power to file a lawsuit on the Consumer's behalf is a plaintiff take an action against the Business Operator to be liable for the defect of goods, if the Court believes that such defect exists at the time of delivery of such goods and is unable to be restored to normal condition, or even if it is restored, if it is used, it may cause harm to body, health, or sanitary of the Consumer using such goods, the Court shall have the power to adjudicate that the Business Operator replace the goods instead of restoring or repairing such defect goods, provided that it shall take into account the nature of goods which may be replaced, behaviour of the Business Operator, as well as good faith of the Consumer; also, if it appears that the Consumer has an interest from using the goods, or cause the damage to such goods, the Court shall order the Consumer to pay the goods or damages as the case may be to such Business Operator as it thinks fit.

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In regards to the legal action under paragraph one, if the defendant is not the manufacturer or the importer of such goods, the Court shall summon such manufacturer or importer into the case under section 57 (3) of the Civil Procedure Code, and shall have the power to adjudicate that such person jointly be liable for the obligation the Business Operator under paragraph one owe to the Consumer as well.

**Section 42.** If the act upon which the plaint is based arises from the fact that the Business Operator intentionally takes advantage from the Consumer unfairly, or willingly causes damage to customer, or grossly negligent without considering the damage caused to Consumer, or act in a manner which contravenes the responsibility as a person having occupation or business which is trusted by the public, upon the judgement that the Business Operator pay the damages to the Consumer, the Court shall have the power to order the Business Operator to pay punitive damages in addition to the actual damages imposed by the Court as it thinks fit, provided that it shall take into account behaviours such as the damage to the Consumer, the interest received by the Business Operator, financial status of the Business Operator, the fact that the Business Operator has relieved the incurred damage, as well as the fact that the Consumer has partly caused the damage.

In regards to the imposition of punitive damages under paragraph one, the Court shall have the power to impose not exceeding two times of the actual damages imposed by the Court, but if the actual damage is not exceeding fifty thousand baht, the Court shall have the power to impose punitive damages not exceeding five times the actual damages imposed by the Court.

**Section 43.** In a Consumer Case, when the Court decides on the case, or strikes the case out of the case-list, if it appears to the Court that there are goods sold or remained in the market which may be harmful to life, body, health, or sanitary of the Consumer as a whole, and no other protective method may be used, the Court shall have the power to order the followings:

(1) that the Business Operator make an announcement and accept return of such potentially harmful goods from Consumers for correction or replacement within the imposed time at the Business Operator's expenses; however, if it is the case where it cannot be corrected or undertaken as said above, it shall repay the price as the Court, taking into account the nature and condition of the goods at the time it is returned as well as the good faith of the Business Operator, thinks fit;

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(2) prohibiting the Business Operator from distributing the remaining goods and requiring he or she to recall unsold goods until it corrects such goods to be safe; however, if it is the case where it cannot be corrected or undertaken as said above, the Court may issue an order prohibiting the Business Operator from manufacturing or importing such goods, and if it is suspicious that the Business Operator may keep the remaining goods for later distribution, the Court shall have the power to order the Business Operator to destroy such remaining goods.

If it appears later that the Business Operator fails to comply with the Court order, the Court shall have the power to order the capture and confinement of the Business Operator or person acting on behalf of the Business Operator in the case where the Business Operator is a juristic person until he or she complies with such order, or order a Case Official or any person to act at the Business Operator's expense, and if the Business Operator fails to satisfy, such person shall have the power to execute the case against the Business Operator as if the person was a judgement creditor. The Business Operator or the person acting on the Business Operator's behalf in the case where the Business Operator is a juristic person who is captured on the ground of willingly contravening of the order must be detained until he or she has a bail, or a bail and security of the amount the Court thinks fit to impose that he or she consent to fully comply with the order, provided that it shall not confine the Business Operator or person acting on behalf of the Business Operator in the case where the Business Operator is a juristic person for more than six months each time as from the date of capture or confinement as the case may be.

**Section 44.** In a case which a Business Operator against whom the legal action is brought is a juristic person, if it appears that such juristic person is incorporated or acts in bad faith, or has a deceitful behaviour against Consumers, or there is an embezzlement of the juristic person's property to become beneficial to any person, and the juristic person's property is insufficient to satisfy the obligation as per the plaint, upon the request of a party, or if the court thinks fit, the Court shall have the power to summon partners, shareholders, or person having the power to control the operation of the juristic person, or the person receiving property from such juristic person to be the joint defendant, and shall have the power to adjudicate that such persons be jointly liable for the obligation owed to the Consumer, unless such person proves his or her innocence in such act, or in case of person receiving property from such juristic person, proves that he or she acquires the property in good faith and for value.

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The person receiving property from the juristic person under paragraph one shall be jointly liable for not exceeding the property such person acquired from such juristic person.

### CHAPTER III APPEAL

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**Section 45.** There shall be established a Consumer Case division within the Appellate Court and Regional Appellate Court with the power to try and adjudicate cases which the judgement or order of the Court of First Instance in the Consumer case is appealed.

**Section 46.** The appeal of judgement or order of the Court of First Instance in the Consumer Case shall be appealed to the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court within one month as from the date of the pronouncement of such judgement or order.

**Section 47.** In a Consumer Case which the value of property or the amount in dispute in the Appellate Court does not exceed fifty thousand baht or does not exceed the amount prescribed in the Royal Decree, no party shall appeal on question of fact.

**Section 48.** In the case where the appellant is of an opinion that the case is under prohibition for appealing under section 47, the appellant may submit a request in form of motion to inquire permission to appeal from the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court together with the appeal. In such case, when the Court of First Instance examines and be of an opinion that the appeal is under prohibition, it shall send such appeal and request to the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court for consideration; however, if the Court of First Instance is of an opinion that the appeal is not forbidden, it shall have an order accepting such appeal for further proceeding.

In the case where the Court of First Instance has an order not accepting the appeal on the ground of being under prohibition under section 47, the appellant may submit a request in form of motion to inquire permission to appeal from the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court

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within fifteen days as from the date the Court of First Instance has the order. If the party submits such request, it shall not appeal the order not accepting the appeal.

Rules and procedures on submission of request and the consideration of request of the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court under paragraph one and paragraph two shall be in accordance with the Rules of the President of the Supreme Court.

**Section 49.** The trial and adjudication of a Consumer Case in the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court shall be proceed to completion promptly, provided that it shall be in accordance with the Rules of the President of the Supreme Court.

Subject to section 52, the judgement or order of the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court shall be final

**Section 50.** The provisions of Chapter II Consumer Case Procedure in the Court of First Instance shall apply to appeal and the trial and adjudication of the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court mutatis mutandis.

#### CHAPTER IV DIKA (SUPREME COURT) APPEAL

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**Section 51.** In regards to cases which the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court already has a judgement or order, a party may submit a motion to the Supreme Court to inquire permission to appeal to Dika a question of fact in a case which the value of property or the amount in dispute in the Supreme Court exceeds two hundred thousand baht, or a question of law within one month as from the date of the pronouncement of judgement or order of the Consumer Case Division of the Appellate Court or Consumer Case Division of the Regional Appellate Court.

The submission of motion under paragraph one, the party shall also submit a Dika appeal together with such request by submitting it to the Court of First Instance which has a judgement or order of such case, then the Court of First Instance shall promptly send the request along with the Dika appeal to the Supreme Court for consideration promptly.

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**Section 52.** The Supreme Court may consider granting the Dika appeal under section 51 if it is of an opinion that the question in such Dika appeal is the question relating to public interest or other important question which the Supreme Court should decide upon.

**Section 53.** Rules and procedures of the submission of motion under section 51, consideration of request, acceptance examination of Dika appeal, answer to Dika appeal, as well as the trial and adjudication of the Supreme Court under section 52 shall follow the Rules of the President of the Supreme Court.

**Section 54.** In a case which the question of law alone is granted the permission to appeal to the Supreme Court, if the Supreme Court is of an opinion that the judgement or order of the Appellate Court or Regional Appellate Court is incorrect, whether wholly or partly, the Supreme Court may adjudicate only the question of law, and revoke the judgement or order of the Appellate Court or Regional Appellate Court or Court of First Instance, and then order the Appellate Court or Regional Appellate Court or Court of First Instance, as the case may be, to make a new judgment or order within the scope of the judgement of the Supreme Court.

**Section 55.** The provisions of Chapter II Consumer Case Procedure in the Court of First Instance shall apply to trial and adjudication of the Supreme Court mutatis mutandis.

## CHAPTER V

### PROVISIONAL MEASURES BEFORE JUDGEMENT

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**Section 56.** Before taking a Consumer Case legal action, if there is the same ground as that of the case which entitles the plaintiff to request the Court to order preventive provisional measure before judgement under section 254 (2) of the Civil Procedure Code, or there is a necessity to request the court to order a temporary injunction restraining the defendant from any act or omission to act to protect the interest of Consumer as a whole, the plaintiff may submit an ex parte request in form of motion requesting such provisional measures before judgement.

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The request under paragraph one shall contain fact demonstrating the ground to take a legal action against the Business Operator, and sufficient ground to persuade that it is appropriate for the Court to grant the permission as per the request, including a statement record of the person knowing the ground for such request to support such allegation.

**Section 57.** In the consideration of request under section 56, the Court shall have an order granting such request if it considers that:

(1) the request submitted and at the time of the submission are on a reasonable ground, and there is a sufficient ground upon which the court may grant the permission as per requested; and,

(2) the nature of the damage of the applicant may not be compensated in cash or any other item, or the defendant is not in the position to redress or compensate to the applicant, or it is difficult to later execute against the person to be sued as the defendant, or there shall arise damage to Consumer as a whole which is difficult to be remedied later.

Provided that it shall essentially take into account as to how far the damage has been caused to one or the other party.

If the Court has an order rejecting such request, such order shall be final.

**Section 58.** The Court shall notify the order granted under section 57 to the person to be sued as the defendant without delay.

The Court order under paragraph one shall immediately be executable against the person to be sued as the defendant.

**Section 59.** In the case where the Court has a grant order under 57, the Court shall take into account the damage which may occur to the person to be sued as defendant, and may order the applicant under section 56 to deposit money or furnish security in the amount within the time, and impose any condition for the damage which may incur as the Court thinks fit.

**Section 60.** The person to be sued as defendant may request the court to revoke or alter the grant order under section 57, if the Court has an order revoking or altering the original order, such order shall be final.

In the case under paragraph one, the person to be sued as defendant may request the Court to order the applicant under section 56 to pay compensation to him or

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her by requesting together with the request to revoke or amend such order, or submit the request to the Court within thirty days as from the date the Court has an order revoking or altering the original order, and if the Court, after inquiry, is of an opinion that the original revoked or altered order is caused by mistake or negligence of the applicant misleading the Court to believe that there is a ground to take an action against such person to be sued as defendant, or there is a sufficient ground to grant the request under section 57, the Court shall order the applicant to pay compensation to the person to be sued as defendant in the amount the Court thinks fit, and if the applicant fails to comply with the order, the Court shall have the power to execute against the applicant as though he or she was the judgement debtor.

**Section 61.** In the case where the applicant under section 57 fails to take a legal action relating to the request the Court granted under section 57 within fifteen days as from the date the Court issue the order, or within the period of time imposed by the Court, the order shall be deemed revoked at the end of such period.

In the case under paragraph one the person to be sued as defendant may submit a request to the Court within thirty days as from the date the order deemed revoked requesting the Court to order the applicant under section 56 pay compensation to him or her, and the Court shall order the applicant to pay compensation to the person to be sued as defendant in the amount the Court thinks fit, and if the applicant fails to comply with the Court order, the Court shall have the power to execute against the applicant as though he or she was a judgement debtor.

**Section 62.** In the case where the applicant under section 56 take a legal action relating to the request granted by the Court under section 57 within fifteen days as from the date the Court issue the order or within the time imposed by the Court, for the grant order, or the grant order that the Court altered under section 60 paragraph one shall continue to be enforceable, unless the Court has an order as per the request of the defendant to revoke or alter it, and the provisions of section 260, section 261, and section 263 of the Civil Procedure Code shall apply mutatis mutandis.

**Section 63.** If, during the trial, there is a necessity to impose measures or any means to relieve damage or to prevent the cause of damage to the parties or Consumer as a whole temporarily before the judgement, when the Court thinks fit, or upon a request by a party, or it appears in the report of the Case Official, the Court shall have the power to

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impose measures, or means as is necessary and appropriate to the case for the sake of justice, provided that it shall be in accordance with the rules and procedures imposed by the Rules of the President of the Supreme Court.

For the Purpose of the undertaking under paragraph one, the Court shall have the power to order, as appropriate, relevant persons to give information, or summon such person to be inquired in relation to damage, cause of damage, including business and property of the defendant.

#### CHAPTER IV EXECUTION OF JUDGEMENTS OR ORDERS

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**Section 64.** In an execution, if the issuance of a court decree to the judgement debtor before the issuance of a writ of execution will cause damage to the judgement creditor, and in case of delay, the case may not be executed, the judgement creditor may submit an ex parte request to the Court to have the Court issued a writ of execution promptly without the issuance of a court decree.

**Section 65.** After the final judgement in a Consumer Case, if it appears to the Court that there be difficulties causing the inability to execute the judgement or order, or there is a necessity to impose a mean to execute the judgement, the Court shall have the power to issue, for the sake of justice, an order to solve such difficulties as is necessary and appropriate to the case.

#### TRANSITORY PROVISION

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**Section 66.** The Court shall have the power to try and adjudicate all Consumer Cases pending in the Court prior to the date this Act comes into force, and shall be under the law which is in force before this Act comes into force until such case is final.

Countersigned by

General Surayud Chulanont  
Prime Minister

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