

Unofficial Translation

MACHINERY REGISTRATION ACT,
B.E. 2514 (1971)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 14th Day of April B.E. 2514 (A.D. 1971)

Being the 26th 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 machinery registration in order that machinery can be mortgageable movable property and subject to other juristic acts under the Civil and Commercial Code;

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

Section 1. This Act shall be called the "Machinery Registration Act, B.E. 2514 (1971)".

Section 2. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.²

¹ Translated by Center for Translation and Language Services, Research Institute for Languages and Cultures of Asia, Mahidol University under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette Vol. 88, Part 44, Page 246, dated 27th April B.E. 2514 (1971)

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Section 3. In this Act:

"Machinery" means objects consisting of several parts designed to generate, convert, transform or transmit energy, whether by means of hydropower, steam, fuel, wind, gas, electricity, or other energy, jointly or individually, and includes equipment, flywheel, pulley, belt, shaft, gear or any other thing arranged for reciprocating performance of work.

"Owner" means a person who holds the right of ownership.

"Machinery Registration" means registration of ownership of machinery and/or subsequent registration of other juristic acts concerning machinery.

"Registrar" means a Central Machinery Registrar or a Changwat Machinery Registrar, as the case may be.

"Competent Official" means the Registrar and officials appointed by the Minister for the execution of this Act.

"Minister" means the Minister who has charge and control of the execution of this Act.

Section 4. Any machinery registerable for ownership under this Act shall be in accordance with Ministerial Regulations.

Section 5. Machinery already registered under this Act shall be deemed as movable property which may be mortgageable under section 703 (4) of the Civil and Commercial Code, and the provisions of section 1299, section 1300 and section 1301 of the Civil and Commercial Code shall apply *mutatis mutandis*.

Section 6. An owner of machinery wishing to register the machinery shall file an application with the Registrar under this Act in accordance with the criteria, procedure and formats as prescribed in Ministerial Regulations.

Section 7. There shall be a Central Machinery Registration Office under the Ministry of Industry with powers and duties to register machinery for every Changwat and to

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control the Changwat Machinery Registration Offices to be set up to carry out the operation under this Act.

The Minister shall have the power to issue Notifications by publication in the Government Gazette to establish Changwat Machinery Registration Offices with powers and duties to register machinery in that Changwat, or in any other Changwats.

There shall be a Central Machinery Registrar in the Central Machinery Registration Office and Changwat Machinery Registrars in the Changwat Machinery Registration Offices. The Central Machinery Registrar shall also have the duty to control the Changwat Machinery Registration Offices.

The Central Machinery Registrar and the Changwat Machinery Registrars shall have the power and duty in the registration of machinery.

Section 8. The criteria, procedure, and formats of machinery registration as well as the affixing or making of registration marks on the machinery, and the issuance of machinery registration certificate shall be as prescribed in the Ministerial Regulations.

Section 9. In carrying out machinery registration, the competent official shall be empowered to inquire into facts, and to require the applicant to submit pertinent document or evidence, or to call upon any person concerned to appear to give statement as may be necessary. If there is a reason to believe that such application for registration is not accurate, the Registrar may deny such registration by informing the applicant of the inaccuracy in writing.

If the application for the registration is accurate, the Registrar shall issue a machinery registration certificate.

Section 9 bis.³ In case where the Registrar denies the machinery ownership registration application under section 9, the owner of the machinery shall be entitled to appeal

³ Section 9 bis as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

in writing to the Minister within sixty days from the day the notice of registration refusal has been received. The appeal shall be made in accordance with the Rules prescribed by the Minister.

Section 9 ter.⁴ When it appears that the issuance of the machinery registration certificate has been made by material mistake, or it later appears that the facts in the accompanying documents for the consideration of registration are not accurate or the substantive facts of the registration have been changed, the Registrar shall have the power to revoke that machinery registration certificate.

Before issuing the order revoking the machinery registration certificate, the Registrar shall notify the owner of the machinery and/or the parties of interest in writing for an opportunity to make objection. If no objection has been made from said persons within sixty days from the day the notice of the Registrar has been received, it shall be deemed that there is no objection.

In the case where an objection is made within the period of time specified in paragraph two, the Registrar shall complete the consideration within fifteen days from the day the objection has been received. If the Registrar does not agree with the objection, the Registrar shall revoke the machinery registration certificate of such machinery and notify the objector in writing.

In the case where the objector does not agree with the order revoking the machinery registration certificate according to paragraph three, the objector shall be entitled to appeal to the Minister within sixty days from the day the notice from the Registrar has been received. The appeal shall be made in accordance with the Rules prescribed by the Minister.

Section 9 quarter.⁵ In the case where there is an appeal to the Minister under section 9 bis or section 9 ter, the Minister shall complete the consideration of the appeal within

⁴ Section 9 ter as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

⁵ Section 9 quarter as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

thirty days from the day the appeal has been received, unless it is necessary, the appeal consideration time may be extended for another thirty days. If the Minister does not make any decision within the said period of time, the appeal shall be deemed upheld.

The Minister's decision shall be final.

Section 10.⁶ If the machinery registration certificate is lost, destroyed or materially defected, the holder of such certificate shall file an application for a substitute thereof with the Registrar who issued such machinery registration certificate.

An application for and the issuance of the machinery registration certificate shall be in accordance with the criteria, procedure, and conditions prescribed in the Ministerial Regulations.

The form of the substitute of the machinery registration certificate shall be that of the machinery registration certificate but with a red marking stamp indicating the word "Substitute" on the front side of the machinery registration certificate.

When the substitute of the machinery registration certificate has been issued, the original machinery registration certificate shall be cancelled.

Section 11.⁷ The owner of the machinery registered under this Act wishing to relocate the machinery from the industrial business establishment area as indicated in the machinery registration certificate to be reinstalled at a new industrial business establishment or stored in another place shall submit a written notification to the Registrar for not less than fifteen days prior to the relocation of the said machinery indicating the desire to relocate the same and the date on which the relocation will be finished. In this regard, the machinery registration certificate and the layout list of machinery to be relocated for reinstallation or storage shall also be submitted to the Registrar for examination. When the Registrar has given approval to the layout list of the machinery to be relocated for reinstallation or storage, the

⁶ Section 10 as amended by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

⁷ Section 11 as amended by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

owner of the machinery shall relocate the machinery exactly as stated in the said layout list of the machinery. When the relocation is finished, the Registrar shall amend the register accordingly.

In case where the machinery is relocated for reinstallation at a new industrial business establishment or for storage in another place under the jurisdiction of a different registration office, the owner of the machinery shall proceed in accordance with paragraph one and the Registrar of the locality in which the said machinery is registered shall forward the relocation application to the Registrar of the locality in which the said machinery is to be reinstalled or stored. When the Registrar of such new locality has given approval to the layout list of the machinery to be relocated for reinstallation or storage, the owner of the machinery shall relocate the machinery exactly as stated in the said layout list of machinery. And when the relocation is completed, the Registrar of the new locality shall issue a new machinery registration certificate for the relocated machinery.

For the relocation of machinery registered under mortgage, the owner of the machinery shall also present the letter of consent from the mortgagee to the Registrar and the relocated machinery shall also be regarded as being continually bound by the right of mortgage.

In the case where the owner of the machinery wishes to temporarily relocate the machinery away from the industrial business establishment for not more than a period of thirty days, a written notification shall be made to the Registrar for not less than seven days prior to the relocating date of the said machinery and the place to which or at which said machinery is to be temporarily relocated or stored shall also be provided. If it is necessary to temporarily relocate the machinery away from the area for more than the period of thirty days, a written notification requesting for time extension shall be made to the Registrar for not less than seven days prior to the lapse of the period. The Registrar shall have the power to permit time extension as deemed fit but it shall not be more than thirty days at a time.

In case where the owner of the machinery has relocated the machinery from the former location to be reinstalled at a new location within the premises of the industrial

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business establishment, a written notification accompanied by the layout list of the relocated machinery shall be made to the Registrar within a period of thirty days from the day of the relocation of said machinery.

The provisions of this section shall not apply to the relocation of machinery required to move back and forth in the normal course of performance.

Section 12. If the machinery registered under this Act is substantially changed from registered particulars, the holder of the machinery registration certificate shall produce the certificate thereof to the Registrar who issued such certificate for re-registration within thirty days from the date of such change.

In the case where the change under paragraph one happened to the machinery under mortgage registration, the owner of the machinery shall present a letter of consent of the mortgagee to the Registrar, and the machinery so changed shall be deemed as a mortgaged property in place of the former property.

Section 13. In case of removal of mortgage or sale with right of redemption from machinery registered under this Act, the owner or the seller with right of redemption of the machinery shall present evidence indicating such removal of the mortgage or sale with right of redemption of the mortgagee or the buyer with right of redemption together with the machinery registration certificate to the Registrar who issued such registration certificate for registration of the removal of mortgage or sale with right of redemption.

When the Registrar finds the evidence to be accurate, he or she shall make a record to reflect such removal or redemption in the registration certificate.

Section 13 bis.⁸ In the event any of the machinery registered under this Act is lost, the owner of the machinery shall notify the Registrar in writing within fifteen days from the day he or she has learned or ought to have learned of such event. The Registrar shall have the

⁸ Section 13 bis as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

power to order the revocation of the machinery registration certificate for such machinery. But if the said machinery has been registered under mortgage, the Registrar shall notify the mortgagee of such loss. Such being the case, the Registrar shall be able to order the revocation of the machinery registration certificate for such machinery only after the consent of the mortgagee has been obtained.

In the case where the machinery referred to in paragraph one is destroyed or damaged to the point that it can no longer be used, the owner of the machinery shall notify the Registrar in writing within fifteen days from the day he or she has learned or ought to have learned of such event. The Registrar shall have the power to revoke the machinery registration certificate for the said machinery. But if the said machinery has been registered as mortgage is destroyed or damaged, the Registrar shall make note of the conditions of the said machinery and inform the mortgagee of such destruction or damage in writing. Such being the case, the Registrar shall be able to order the revocation of the machinery registration certificate for such machinery only after the consent of the mortgagee has been obtained.

Section 13 ter.⁹ The competent official shall have the power to enter the building which is the location of the machinery registered under this Act between sunrise and sunset for inspection regarding compliance with this Act.

While performing duties, the competent official shall present the identification card upon request by the owner of the machinery, the owner of the building, or the person concerned.

The identification card of the competent official shall be in accordance with the form prescribed in the Ministerial Regulation.

Section 14. Upon payment of fees, any person may verify documents retained by the Registrar, or request for a certified correct copy of any of such documents.

⁹ Section 13 ter as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

Section 15.¹⁰ Any machinery owner who relocates the registered machinery away from the industrial business establishment area to be installed at a new industrial business establishment or stored in another place without notifying the Registrar or fails to relocate the machinery in accordance with the layout list of machinery approved by the Registrar under section 11 paragraph one or paragraph two shall be liable to a fine not exceeding ten thousand baht or to a fine at a daily rate of five hundred baht from the day of non-compliance, whichever amount is larger.

Section 15 bis.¹¹ Any machinery owner who temporarily relocates the registered machinery away from the industrial business establishment area without notifying the Registrar or relocates the machinery away from the original location to be reinstalled at a new location within the industrial business establishment area without notifying the Registrar in accordance with section 11 paragraph five shall be liable to a fine not exceeding two thousand baht.

Section 15 ter.¹² Any persons who fails to comply with section 12 shall be liable to a fine of not exceeding five thousand baht.

Section 15 quarter.¹³ Any machinery owner who fails to notify the Registrar in accordance with section 13 bis shall be liable to a fine not exceeding five thousand baht and the Registrar shall have the power to order a revocation of the machinery registration certificate of the said machinery. Such being the case, the provisions of section 9 and section 13 bis shall apply *mutatis mutandis*.

¹⁰ Section 15 as amended by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

¹¹ Section 15 bis as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

¹² Section 15 ter as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

¹³ Section 15 quarter as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

Section 15 quinque.¹⁴ Any person who obstructs or fails to provide convenience to the competent official in the course of performance of the duty under this Act shall be liable to a fine not exceeding five thousand baht.

Section 16.¹⁵ For the commission of offences under section 15, section 15 bis, section 15 ter, or section 15 quarter, if the machinery is registered under mortgage and the commission of offence is likely to cause damage to the mortgagee, the offender is liable to imprisonment for a term of not exceeding one year or a fine not exceeding ten thousand baht, or to both.

Section 17. The Minister of Industry shall be have charge and control of the execution of this Act, and shall have the power to appoint Registrars and competent officials, and to issue Ministerial Regulations prescribing fees not exceeding the rates in the schedule annexed hereto, and to prescribe other matters for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Counter-signed by:

Field Marshal THANOM KITTIKACHORN,
Prime Minister

¹⁴ Section 15 quinque as added by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

¹⁵ Section 16 as amended by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

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Fee Schedule¹⁶

No.	Fee Descriptions	Fee not exceeding
1.	Machinery ownership registration, each machine	500 baht or not more than 10,000 baht for several machines to be registered in the same factory and at the same time
2.	Issuance of a substitute for machinery registration certificate, each copy	50 baht
3.	Registration mark affixed or made on the machinery, each mark	100 baht or not exceeding 1,000 baht for marks affixed or made on several machines in the same factory and at the same time
4.	New registration under section 11 or section 12, each time	250 baht
5.	Registration of machinery for mortgage or sale with right of redemption	1 baht for each 1,000 baht of the amount for mortgage or sale with right of redemption but not exceeding the maximum of 100,000 baht
6.	Registration of rights and juristic acts on registered machinery other than registration for mortgage or sale with right of redemption, each time	100 baht
7.	Application forms or printed forms, each copy	2 baht
8.	Verification of documents retained by the Registrar, each time	20 baht
9.	Obtaining document duplicates with correct copy certification, each page	5 baht

¹⁶ Fee Schedule as amended by the Machinery Registration Act (No. 2), B.E. 2530 (1987)

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