

Unofficial Translation

ENTERTAINMENT PLACE ACT,
B.E. 2509 (1966)¹

In the Name of His Majesty King Bhumibol Adulyadej,
Sangwan,
Regent

Given on the 30th Day of August B.E. 2509;
Being the 21st Year of the Present Reign

Whereas it is expedient to have a law to control some particular entertainment places;

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

Section 1. This Act is called “Entertainment Place Act B.E. 2509 (1966)”

Section 2. This Act shall come into force in *changwat* Phra Nakhon and *changwat* Thonburi as from the day following the date of its publication in the Government Gazette; whereas the other locations subject to the application of this Act shall be as prescribed in a Royal Decree.²

¹ Translated by Mr. Tanongsak Mahakusol 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.83, Part 88, Page 626, dated 4th October B.E.2509.

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Section 3.³ In this Act:

“Entertainment place”⁴ means a place established for providing service with a purpose of commercial benefit as follows:

(1) a place for dancing, *ramwong*, or *ronggeng* as its regular business with or without a service partner;

(2) a place where food, liquor, tea or any other beverage is sold and serviced with a concubine for looking after a customer;

(3) a place for bathing, massaging, and steaming with a service provider to the customer except:

(a) a place where a service provider has registered and been licenced to be a practitioner of the art of healing in a field of Thai traditional medicine in type of Thai massage under the law on the practice of the art of healing, or a place exempted from registering and being licenced to be a practitioner of the art of healing in a field of Thai traditional medicine in type of Thai massage under such law or a clinic under the law on clinic;

(b) a place for health and beauty as prescribed by the Notification of the Ministry of Public Health with an approval of the Minister of Interior, which shall have characteristics of a place, service or service provider in accordance with the standard prescribed by the Notification of the Ministry of Public Health with the approval of the Minister of Interior. Such Notification may set out the criteria and inspection procedure for certifying to be in line with such standard; or

(c) other places as prescribed in the Ministerial Regulation.

³ Section 3 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

⁴ Section 3 the definition of “entertainment place” was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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(4) a place where food, liquor, or any other beverage is sold or serviced in one of the following forms:

(a) providing music, musical performance, or any other performance for entertainment and allowing or neglecting a singer, a performer, or any other employee to sit with the customer;

(b) providing musical instrument to the customer with a service provider who sings with the customer and allowing or neglecting any other employee to sit with the customer;

(c) providing a dance or allowing a dance or a dance performance such as dancing on a stage or dancing in the vicinity of food or beverage table;

(d) having a characteristic of a place, light or sound settings, or any other equipments as prescribed in the Ministerial Regulation;

(5) a place where food, liquor, or any other beverage is sold with a musical performance or any other performance for entertainment and is closed after 24.00 o'clock;

(6) other places as prescribed in the Ministerial Regulation.

“Offence relating to narcotics”⁵ means an offence under the law on narcotics, the law on psychotropic substances, the law on prevention against abuse using of volatile, and the law on measures for the suppression of offenders in an offence relating to narcotics.

“Competent official”, for Bangkok, means the Metropolitan Police Commissioner and, for other *changwats*, means the governor.

Section 4.⁶ No person shall establish an entertainment place unless granted a licence by a competent official.

⁵ Section 3 the definition of “offence relating to narcotics” was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

⁶ Section 4 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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In considering whether to grant a licence, the competent official shall take into account a criminal record of an applicant for an establishment of an entertainment place.

The criteria and procedure on an application and a grant of licence under paragraph one and the criteria relating to the criminal record of the applicant for an establishment of an entertainment place under paragraph two as well as the application for a licence renewal and a grant of licence renewal shall be in accordance with as prescribed in the Ministerial Regulation.

Section 4 bis⁷ (repealed)

Section 5. In order to maintain public order, upon the Minister of Interior deems appropriate to determine a confined area for granting or refraining from granting a permission to establish an entertainment place under section 4, it may do so by an enactment of the Royal Decree.

Section 6. An applicant for an establishment of entertainment place under section 4 shall have qualifications as follows:

- (1) being not less than twenty years of age;
- (2) not having disgraceful behavior or lacking of morality;
- (3) not being of unsound mind or of mental infirmity;
- (4) not being infected with contagious disease which is abhorrent to the society, with alcoholism or with serious narcotics addiction;

⁷ Section 4 bis was repealed by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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(5) not having been sentenced in a sex-related offence under the Criminal Code, in an offence of trafficking of women and girls under the law on suppression of further dissemination and commerce of obscene material or under the law on suppression of prostitution.

If a juristic person is an applicant for the establishment of the entertainment place, a representative of a juristic person shall have the qualifications stated in a previous paragraph.

Section 7. A building or a place applied for an establishment of an entertainment place under section 4 shall:

(1) not locate near a temple, a place for holding any religious ceremony, a school, an establishment of education, a hospital, a clinic which admits overnight patients, a youth club, or dormitory under the law on dormitory, to the extent that will cause disturbance to such place;

(2) not locate in a residential area which it will cause a disturbance to the people living in the vicinity;

(3) having good air ventilation.

Section 8. If a building or a place applied for an establishment of an entertainment place under section 4 belongs to other persons, in applying for a licence to establish an entertainment place, an applicant shall have a written permission from an owner of such building or place.

Section 9. Upon receiving an application to establish an entertainment place, a competent official shall consider and issue an order within ninety days.

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Section 10. A licence to establish an entertainment place shall be valid until the 31st of December in the year of licence issuance.

A licensee who intends to renew a licence shall submit an application before an expiration date of licence. Upon a submission of such application, a business may continue to be operated until a competent official issues an order not to grant a renewal of such licence.

Section 11.⁸ In case where a competent official does not grant a licence or refuses to renew a licence to establish an entertainment place in the Bangkok, an applicant for an establishment or an applicant for a renewal of the licence shall have the right to appeal to the Director-general of Thailand National Police Department. In other *changwats*, the applicant for an establishment or the applicant for a renewal of the licence shall have the right to appeal to the Permanent Secretary of the Ministry of Interior. Such appeal shall be made within thirty days from the date receiving a written notification of not to grant the licence or refuse to renew a licence from the competent official.

The decision of the Director-general of Thailand National Police Department or the Permanent Secretary of the Minister of Interior, as the case may be, shall be final.

The written notification by the competent official under paragraph one shall also demonstrate a reason for not to grant the licence or refuse a renewal of licence to the applicant.

Section 12. In case where a licence to establish an entertainment place is lost or damaged in material, a licensee shall submit an application for a duplicate copy of licence within fifteen days from the date knowing that the license is lost or damaged in material.

⁸ Section 11 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

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Section 13. A licensee shall not move, change, amend, or expand an entertainment place except otherwise given permission in writing by a competent official.

Section 14.⁹ A licensee shall prepare a record of its employee before start working in an entertainment place.

In case where detail in a record has altered, a licensee shall notify such alteration within seven days from the date of alteration.

The preparation, maintenance of, and notification of an alteration of a record shall be in accordance with the criteria and procedure prescribed in the Ministerial Regulation.

The preparation of a record shall not identify a duty of an employee in a manner that causes damage to such employee.

Section 15. In case where a record kept at an entertainment place is lost, destroyed, or damaged in material, a licensee shall prepare a new record within seven days from the date when the record was lost, destroyed or damaged in material and the provision of section 14 paragraph one shall apply *mutatis mutandis*.

Section 16.¹⁰ No licensee shall:

(1) accept a person under eighteen years of age to work in an entertainment place;

(2) allow or neglect a drunk person who behaves in an annoying manner or is unconscious to enter into or remain inside the entertainment place during its operating hours;

⁹ Section 14 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

¹⁰ Section 16 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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(3) sell liquor to a drunk person who behave in an annoying manner or is unconscious;

(4) allow or neglect a person who does not have a duty to look after the entertainment place to stay and sleep within such entertainment place;

(5) allow or neglect to have a commission of offence relating to narcotics within the entertainment place;

(6) allow or neglect to have a carrying of weapon inside the entertainment place except in the case where an officer in uniform carries inside for a performance of duties under the law.

Section 16/1.¹¹ No licensee shall allow or neglect a person being less than twenty years of age who does not work in an entertainment place to enter such entertainment place during its operating hours.

For the execution under paragraph one, the licensee shall examine an official document containing photo and identifying age of the person entering the entertainment place.

In case where a person about to enter the entertainment place refuses an examination of the official document, or has no official document and enters into the entertainment place, the licensee shall notify the official promptly. The official to be notified and the criteria and procedure in making and receiving the notification shall be in accordance with as prescribed by the Notification of the Ministry of Interior.

In complying with paragraph two or paragraph three, the licensee may assign an employee of the entertainment place to carry out on behalf.

¹¹ Section 16/1 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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Section 16/2.¹² No person shall carry weapons inside an entertainment place except such person is an officer in uniform and carries inside for a performance of duties under the law.

Section 16/3.¹³ In case where a licensee finds or has a reasonable cause to suspect that there is a drunk person who behaves in an annoying manner or is unconscious entering into or remaining inside an entertainment place during operating hours, a commission of an offence relating to narcotics in the entertainment place, or a violation of section 16/2, the licensee shall notify an officer promptly. The officer to be notified, and the criteria and procedure in making and receiving the notification shall be in accordance with as prescribed by the Notification of the Ministry of Interior.

Regarding the notification under paragraph one, the licensee may assign an employee of the entertainment place to notify on behalf.

Section 17.¹⁴ A determination of opening and closing days and hours of an entertainment place, a preparation of a place externally and internally for order, sanitation, or convenience in examination by an official, a usage of lights, and an arrangement of employees to attach identification number within the entertainment place shall be in accordance as prescribed in the Ministerial Regulation.

Section 18.¹⁵ A licensee under section 3 (1) may sell liquor, tea or any other beverages, or provide a musical performance or any other performances for entertainment.

¹² Section 16/2 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

¹³ Section 16/3 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

¹⁴ Section 17 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

¹⁵ Section 18 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

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Section 19. In providing a performance for entertainment, a licensee shall have a duty to control the performance not to be in an obscene or indecent manner and shall not allow a fierce animal to participate in a performance in a manner that may cause danger to an audience.

Section 20.¹⁶ If it appears that a licensee violates section 19, a local police officer having a rank of police inspector or higher in Bangkok and a chief district officer or a person having higher rank in other *changwats* shall have a power to cease such performance.

Section 21.¹⁷ In case where a licensee lacks a qualification, or an entertainment place operates its business in contradiction with public order or good morals, allows or neglects an assembly of people for a commission of an offence relating to narcotics, or there is a commission of an offence relating to narcotics inside the entertainment place, or fails to operate its business in compliance with, or violates the provisions under this Act or the Ministerial Regulation issued under this Act, a competent official shall have a power to refuse a renewal of a licence, suspend a licence, or revoke a licence by taking into account a gravity of an offence.

A suspension order of the licence shall be issued as follows:

(1) in case where a business operation of the entertainment place fails to comply with or violates section 14, section 15, section 16 (2) or (3), or the Ministerial Regulation under section 17 apart from a determination of opening and closing days and hours of the entertainment place, the licence shall be suspended for not exceeding thirty days per time;

¹⁶ Section 20 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

¹⁷ Section 21 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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(2) in case where a business operation of the entertainment place is in contradiction with the public order or good morals, allowing or neglecting an assembly of people for a commission of an offence relating to narcotics, or having a commission of an offence relating to narcotics in the entertainment place, or an operation of entertainment place business fails to comply with or violates section 13, section 16 (1), (4), (5), or (6), section 16/1 paragraph one, section 16/2, section 19, or the Ministerial Regulation under section 17 only in part of the determination of opening and closing days and hours of the entertainment place, the licence shall be suspended for not exceeding ninety days per time.

The criteria in considering whether a competent official will issue an order to grant a renewal of a licence, to suspend a licence, or revoke a licence together with a reason as well as the criteria on a determination of time period to suspend a licence shall be in accordance with as prescribed by the Notification of the Ministry of Interior.

In case where the licensee appeal an order to suspend or revoke the licence under section 22, if appeal on a ground under paragraph two (1), an appeal shall be a suspension of an execution of an order to suspend or revoke such licence. If appeal on a ground under paragraph two (2) or other grounds, the competent official issuing such order shall have a power to order a suspension of an execution of an order to suspend or revoke such licence, however, the order shall be issued within seven days from the date receiving an application for a suspension of an execution. If such period has passed and the competent official has not yet issued any order, it shall be deemed that there is a suspension of an execution of an order to suspend or revoke such licence.

For a period of time in considering an appeal of an order to suspend the licence, a person having the power to consider an appeal shall completely consider within fifteen days from the date an agency of a person having the power to consider an appeal is in service has received an appeal. A period of time in considering an appeal of other orders

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apart from an order to suspend a licence shall be in accordance with the law on administrative procedure.

Section 22.¹⁸ In case where a competent official issues an order to suspend or revoke a licence, a licensee in the Bangkok shall have the right to appeal to the Director-general of Thailand National Police Department. In other *changwats*, a licensee shall have the right to appeal to the Permanent Secretary of the Ministry of Interior. An appeal shall be made within fifteen days from the date receiving a written notification by the competent official to suspend or revoke a licence.

The decision of the Director-general of Thailand National Police Department or the Permanent Secretary of the Ministry of Interior, as the case may be, shall be final.

Section 23. Before an expiration of ninety days from the date being revoked a licence, no person shall submit an application for the licence to establish an entertainment place at the same place.

Section 24.¹⁹ If the Superior Administrative or Police Official under the Criminal Procedure Code has a reason to believe or suspect that there is a violation of, or a non-compliance with the provisions of this Act or the Ministerial Regulation issued under this Act in any entertainment place, a competent official shall have the power to enter into and inspect within the entertainment place at any time.

In a performance of duty under paragraph one, the competent official having the power to inspect shall display an identification card to a person concerned.

¹⁸ Section 22 was amended by the Entertainment Place Act (No. 2) B.E. 2521(1978).

¹⁹ Section 24 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

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Section 25.²⁰ Any licensee, operator, worker, or servant of an entertainment place, who can facilitate a competent official in performing under section 24 but fails to facilitate as requested by the competent official, shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding one thousand baht, or to both.

Section 25 bis.²¹ (repealed)

Section 26.²² Any person who establishes an entertainment place without a licence, operates such entertainment place business during a suspension of licence, or operates an entertainment place business different from a type identified in the licence, shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding sixty thousand baht, or to both.

Section 26 bis.²³ (repealed)

Section 27.²⁴ Any licensee who violates or fails to comply with section 12, section 14, section 15, section 16 (1), (2), (3) or (4), section 16/1 paragraph one, or the Ministerial Regulation under section 17, shall be liable to a fine not exceeding fifty thousand baht.

²⁰ Section 25 was amended by the Entertainment Place Act (No. 2) B.E. 2521 (1978).

²¹ Section 25 bis was repealed by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²² Section 26 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²³ Section 26 bis was repealed by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²⁴ Section 27 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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Section 28.²⁵ Any licensee who violates section 13 or section 16 (5) or (6) shall be liable to a fine not exceeding sixty thousand baht.

Section 28/1.²⁶ Any licensee who fails to comply with section 16/1 paragraph two or paragraph three, or section 16/3 shall be liable to a fine not exceeding fifty thousand baht.

Any person who enters an entertainment place without an official document, or refuses to have an official document be examined under section 16/1 paragraph three, shall be liable to a fine not exceeding five thousand baht.

Section 28/2.²⁷ Any person who carries weapon into an entertainment place in violation of section 16/2 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht, or to both.

In case where the weapon under paragraph one is a gun, the person in violation shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand baht to one hundred thousand baht, or to both.

In case where the weapon under paragraph one is an explosive or weapon of war, the person in violation shall be liable to imprisonment for a term of two years to twenty years or to a fine of forty thousand baht to four hundred thousand baht, or to both.

In case where the Court renders a judgment to sentence the penalty under paragraph one, paragraph two, or paragraph three, the Court shall also have the power to order a forfeiture of weapon.

²⁵ Section 28 was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²⁶ Section 28/1 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²⁷ Section 28/2 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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Section 28/3.²⁸ Any licensee who fails to comply with section 19, or any person who provides a performance in an entertainment place for entertainment in an obscene or indecent manner shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding sixty thousand baht, or to both.

Section 28/4.²⁹ (Unenforceable)³⁰

(The Ruling of the Constitutional Court No. 11/2556 dated 31st July B.E. 2556 rules that the Entertainment Place Act B.E. 2509 section 28/4 is contrary to or in consistent with section 39 paragraph two of the Constitution and, therefore, shall be unenforceable in accordance with section 6 of the Constitution).

Section 29. Upon this Act comes into force in an area, a person establishing an entertainment place under section 3 (1), (2) or (3) prior to an enforcement date of this Act shall further continue its business operation provided that a preparation of report required under section 14, an application for licence to establish such entertainment place, and a payment of fee are made within thirty days from the date this Act comes into force in such area.

A person establishing an entertainment place under section 3 (4) prior to an enforcement date of this Act shall comply with section 16 and section 17 within thirty days from the date this Act comes into force in such area.

²⁸ Section 28/3 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

²⁹ Section 28/4 was added by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

³⁰ In case where an offender under this Act is a juristic person, director, manager, or a person responsible for an operation of the juristic person, such person shall be liable to a punishment under such offence except otherwise such person can prove that he or she has no involvement in a commission of offence by the juristic person.

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Section 30. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to issue the Ministerial Regulation prescribing fees not exceeding the rates annexed to this Act, except for fees and other matters required for the execution of this Act.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

Countersigned by

Field Marshall Thanom Kittikachon

Prime Minister

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Schedule of Fees ³¹

- | | | |
|---|------------------|-------------|
| (1) A licence to establish an entertainment place | for each licence | 50,000 baht |
| (2) A duplicate copy of a licence to establish an entertainment place | for each licence | 1,000 baht |
| (3) A renewal of a licence to establish an entertainment place | for each time | 10,000 baht |

In issuing the Ministerial Regulation to determine fees, a determination of fees may vary by taking into account the character, size or type of an entertainment place.

³¹ The rate of fee was amended by the Entertainment Place Act (No. 4) B.E. 2546 (2003).

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