PRIVATE INSTITUTION OF HIGHER EDUCATION ACT,
B.E. 2546 (2003)¹

BHUMIBOL ADULYADEJ, REX.
Given on the 13th Day of October B.E. 2546;
Being the 58th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to revise the law on private institution of higher education;
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 31, section 35, section 48, and section 50 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 Assembly, as follows:

Section 1. This Act is called the “Private Institution of Higher Education Act, B.E. 2546 (2003)

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

Section 3. The following shall be repealed:
(1) the Private Institution of Higher Education Act, B.E. 2522 (1979);
(2) the Private Institution of Higher Education Act (No. 2), B.E. 2535 (1992).

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. 120, Part 107a, Page 1, dated 30th October B.E. 2546.

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Section 4. All private institutions of higher education established under the Private Institution of Higher Education Act B.E. 2522 shall be the private institution of higher education under this Act and shall remain their juristic person status.

Section 5. In this Act:
“Private institution of higher education” means a private establishment of education which provides education in degree level to one person or more.
“Licensee” means a person who invests fund to establish a private institution of higher education and is granted a licence to establish the private institution of higher education including an assignee of licence to establish the private institution of higher education.
“Licence” means a licence to establish a private institution of higher education.
“Commission” means the Higher Education Commission under the law on national education.
“Council of Institution” means the council of private institution of higher education.
“Member of the Council of Institution” means a member of the Council of Institution of the private institution of higher education.
“Faculty member” means a Professor, Adjunct Professor, Associate Professor, Adjunct Associate Professor, Assistant Professor, Adjunct Assistant Professor, Instructor, and Adjunct Instructor whose main duties are teaching and conducting research in the private institution of higher education.
“Student” means a person who attends studying in the private institution of higher education and has graduated of not lower than a basic education in accordance with the Ministry of Education’s curriculum or its equivalent, or a person approved by the Council of Institution to attend studying in accordance with the criteria prescribed by the Commission.
“Competent Official” means a person appointed by the Minister for the execution of this Act.
“Ministry” means the Ministry of Education.
“Minister” means the Minister having charge and control for the execution of this Act.

Section 6. This Act shall apply to a private establishment of education which provides higher education level and degree level except an establishment of education
found under the treaty or agreement between the Royal Thai Government and Specialized Agency of the United Nations.

Section 7. The Minister of Education shall have charge and control of the execution of this Act and shall have the power to appoint a competent official and to issue the Ministerial Regulation and Notification for the execution of this Act.

Such Ministerial Regulation and Notification shall come into force upon their publication in the Government Gazette.

CHAPTER I
Establishment and Operation

Section 8. A private institution of higher education shall be an establishment of education and research having its objectives in providing education, promoting academics and advanced profession, teaching, conducting research, providing academic assistance to society, and preserving national art and culture.

Section 9. There are three types of private institution of higher education as follows:

(1) university;
(2) institution;
(3) college.

The characteristic of the university, institution, and college shall be in accordance with the Ministerial Regulation.

Section 10. An establishment of a private institution of higher education under section 9 shall be licenced by the Minister with the advice of the Commission.

An application for licence and a grant of licence shall be in accordance with the criteria, procedure, and condition prescribed in the Ministerial Regulation.

Section 11. In applying for a licence, an applicant shall submit an establishment project, prescription, and field of study to be taught together with an application.
The prescription of a private institution of higher education under paragraph one shall be at least consisted of the following details:

1. name and type;
2. objective;
3. location and layout of a campus and building;
4. detail regarding the land under section 12;
5. fund from the applicant for licence and project expense;
6. mark, symbol, or emblem;
7. academic gown and graduation pin;
8. educational project and its main equipments;
9. executive, faculty member, and administrative officer search and development project;
10. curriculum, instruction, and educational measurement;
11. tuition fee, maintenance fee, and other fees;
12. admission and dismissal of student procedure;
13. student uniform or dress code;
14. determination of position and qualification of the executive, faculty member, and administrative officer, and determination of salary rate, teaching fee, recompense, remuneration, criteria on employment and termination of employment, and welfare of the executive, faculty member, teaching assistant, and administrative officer;
15. other details as prescribed in the Ministerial Regulation.

An amendment to the prescription of the private institution of higher education under paragraph two shall be approved by the Commission. Except in case of (8), (9), (10), (11), (12), (13), (14), and (15) which shall be approved by the Council of Institution and the Commission shall be notified within thirty days from the date of such approval by the Council of Institution.

Section 12. The applicant for licence shall be:

1. an owner of land to be an establishment of private institution of higher education;
2. a person having an evidence demonstrating that, upon receiving a licence, such person will be able to assign an ownership of land to the private institution of higher education within a determined time period under section 16 or;
3. a lessee of land from a government agency or sector having evidence demonstrating that, upon receiving the licence, such lessee will be able to assign a right in
such land lease agreement to the private institution of higher education within the
determined time period under section 16.

The land under paragraph one shall have a characteristic and area as
prescribed in the Ministerial Regulation.

Section 13. Upon receiving a licence, a private institution of higher education
shall be a juristic person as from the date of receiving such licence and a licensee shall be a
representative of the private institution of higher education until the rector is appointed.

Section 14. An alteration of name or type of a private institution of higher
education licenced under section 13 shall be permitted in writing by the Minister with the
advice of the Commission.

A request for and a grant of permission shall be in accordance with the
criteria, procedure, and condition prescribed in the Ministerial Regulation.

Section 15. A grant of permission, revocation of permission, alteration of
name and type of a private institution of higher education shall be published in the
Government Gazette.

Section 16. Upon receiving a licence under section 13, the licensee shall
carry out as follows:

(1) in case where the licensee is an owner of land under section 12 (1), an
ownership of such land shall be assigned to a private institution of higher education without
encumbrance within sixty days from the date receiving the licence except in case of
necessity and the Minister grants a permission to extend a period of time but such period of
time shall not exceed thirty days;

(2) in case where the licensee is a person having an evidence under section
12 (2), an ownership of such land shall be assigned to the private institution of higher
education without encumbrance within ninety days from the date receiving the licence except in case of
necessity and the Minister grants a permission to extend a period of time but such period of
time shall not exceed sixty days;

(3) in case where the licensee is a lessee of land under section 12 (3), a right
in such land lease agreement shall be assigned to the private institution of higher education
without encumbrance within sixty days from the date receiving the licence except in case of
necessity and the Minister grants a permission to extend a period of time but such period of
time shall not exceed thirty days;

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(4) to assign money and other properties which are fund apart from land to the private institution of higher education within sixty days.

In case where the licensee fails to comply with (1), (2), (3), or (4), as the case may be, the Minister, with the advice of the Commission, shall have a power to revoke the licence.

Section 17. An assignment of ownership in land to a private institution of higher education under section 16 (1) and (2), and a contribution of immovable property to the private institution of higher education shall be exempted from taxation provided that the assignment of immovable property is performed by the enactment of the Royal Degree under the Revenue Code and shall be exempted from fee incurred due to a registration of right and juristic act in connection with the immovable property.

Section 18. ³ (Repealed)

Section 19. An internal division and administration shall be in accordance with the rule or regulation of the Council of Institution.

Section 20. A private institution of higher education may provide education in any field of study outside its campus. A form, arrangement procedure, request and grant of permission shall be in accordance with the criteria, procedure, and condition prescribed in the Ministerial Regulation.

Section 21. A name of a private institution of higher education shall be in Thai alphabet and the word “university”, “institution”, or “college” shall be in front of such name.

The name of the private institution of higher education may be in a form of foreign alphabet provided that a permission by the Minister is granted with the advice of the Commission.

Section 22. No person apart from a private institution of higher education under this Act shall use the word “university”, “institution”, or “college” or other words in foreign language which have the same meaning within its name, seal, nameplate, regulation,

³ Section 18 was repealed by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
rule, letter, document or other medias relating to a business operation in order to make other persons into believing that such person is a private institution of higher education under this Act.

Section 23. A business of private institution of higher education is not subject to the law on labour protection and the law on labour relations. The workers of the private institution of higher education shall have remuneration of not less than those prescribed in the law on labour protection.

A labour protection and remuneration of the workers in the private institution of higher education shall be in accordance with the criteria prescribed in the Ministerial Regulation.

CHAPTER II
Commission

Section 24. The Commission shall have the powers and duties as follows:
(1) to give a permission in case where this Act requires the permission from the Commission;
(2) to propose an opinion or give recommendation to the Minister in an issuance of the Ministerial Regulation and Notification for the execution of this Act and other matters regarding a private institution of higher education;
(3) to certify an academic standing of the private institution of higher education in accordance with the educational standard prescribed by the Ministry;
(4) to issue a rule and regulation for the execution of this Act;
(5) to disseminate information regarding a business of the private institution of higher education for public benefit or for the prevention of damage to the right of the people. In doing so, a name of the private institution of higher education may be identified;
(6) to perform other acts as prescribed under this Act or as any other laws authorize the Commission to have powers and duties.

Section 24 was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
Section 25. The Office of the Higher Education Commission shall be responsible for the Commission’s execution under this Act.

Section 26. The Commission shall have a power to appoint a committee or sub-committee for consideration or performance of any duty as assigned by the Commission. Any progress of operation shall be reported to the Commission for acknowledgement.

The meeting of a committee or sub-committee shall be in accordance with the rule prescribed by the Commission.

Section 27. The Commission, committee, and sub-committee shall have a power to summon any person to give testimony or notify any person to submit document or evidence which is necessary to the execution of powers and duties.

CHAPTER III
Operation

Section 28. There shall be the Council of Institution in each private institution of higher education consisting of:

(1) President of the Council of Institution proposed by a licensee;
(2) rector as an ex officio member;
(3) qualified members of the Council of Institution for not less than seven persons but not more than fourteen persons proposed by the licensee. These shall include at least one fulltime faculty member.
(4) qualified members of the Council of Institution for not more than three persons selected by the Minister from a name list of qualified persons approved by the Commission.

The Minister shall appoint the President of the Council of Institution under (1) and qualified members of the Council of Institution under (3) and (4).

The Council of Institution shall select one qualified member of the Council of Institution to be the Vice President of the Council of Institution to act on behalf of the

5 Section 28 paragraph one (3) was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
President of the Council of Institution in case where the President of the Council of Institution is unable to perform a duty or where there is no President of the Council of Institution.

The Council of Institution shall appoint one executive in the private institution of higher education to be the secretary with the advice of the rector.

Section 29. Upon an appointment of a member of the Council of Institution under section 28 (1) and qualified members of the Council of Institution under section 28 (3) and (4), the President of the Council of Institution shall hold a meeting of the member of the Council of Institution in order to appoint the rector.

The first meeting of the member of the Council of Institution shall be held within thirty days from the date a private institution of higher education has been notified of an order to appoint the President and qualified members of the Council of Institution under section 28.

Section 30. At least half of the members of the Council of Institution shall have Thai nationality.

The member of the Council of Institution shall graduate not lower than bachelor’s degree and shall not be a person with disgraceful behaviour or lacking good moral.

A licensee who is a natural person may be appointed as a member of the Council of Institution under section 28 (3) or (4) provided that not being under the prohibitions under paragraph two.

Section 31. The President and member of the Council of Institution under section 28 (3) and (4) shall hold office for a term of four years and may be reappointed.

Section 32. Apart from vacating office on an expiration of term under section 31, the President and member of the Council of Institution shall vacate office upon:

1. death;
2. resignation;
3. being bankrupt, incompetent, or quasi-incompetent;
4. being imprisoned due to a final judgment except for an offence committed through negligence or petty offence;
5. the Minister issues an order to dismiss due to a lack of qualification under section 30;

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(6) the Minister appoints the control committee of a private institution of higher education under section 86.

In case where the President or member of the Council of Institution under section 28 (3) or (4) vacates office prior to an expiration of term, the Minister may appoint a person qualified under section 30 to be the President or member of the Council of Institution instead in accordance with the criteria prescribed in section 28. The person appointed to replace the vacated member shall be in office for an unexpired term of office of the replaced one.

In case where the Minister appoints an additional member of the Council of Institution while the current appointed members of the Council of Institution are in their term of office, the additional member of the Council of Institution shall be in office for the unexpired term of office of those current appointed members.

In case where the member of the Council of Institution vacates office upon the expiration of term but the new member of the Council of Institution has not yet been appointed, the member of the Council of Institution appointed by the Minister whose term of office has expired shall be in office to continue a performance of duties until a new member of the Council of Institution is appointed.

**Section 33.** The President of the Council of Institution shall convene a meeting of member of the Council of Institution.

At least half of all members of the Council of Institution shall presence at the meeting of member of the Council of Institution.

The President of the Council of Institution shall preside at the meeting. In case where the President of the Council of Institution is unable to perform a duty, the Vice-President of the Council of Institution shall preside over at the meeting. If the President and Vice-President of the Council of Institution are unable to perform their duties, the members of the Council of Institution presented at the meeting shall elect one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes.

In casting a vote, each member of the Council of Institution shall have one vote. In case of an equality of votes, the presiding person shall have an additional vote as the casting vote.

The meeting of the member of the Council of Institution shall be held at least four times per year.
Section 34. The Council of Institution shall have the powers and duties to set a policy and supervise a general business of a private institution of higher education. Such powers and duties shall include:

1. to approve a development plan of the private institution of higher education;
2. to issue prescription, rule, and regulation regarding an operation of the private institution of higher education;
3. to allocate fund into various types and issue the regulation regarding an expenditure of such fund;
4. to approve a financial plan, balance sheet, and annual financial statement of various types of fund;
5. to approve an assignment of money from one type of fund to another;
6. to approve a curriculum and revise the curriculum in accordance with the criteria prescribed by the Commission;
7. to approve an admission of student, a grant of certificate, diploma, degree, or postgraduate certificate;
8. to approve a grant of honorary degree to a qualified person;
9. to approve an establishment, dissolution, amalgamation, and termination of internal department;
10. to approve an academic cooperation or other cooperation with an educational institution or other persons as prescribed by the criteria of the Commission;
10/1 to approve an investment or joint investment with a juristic person or other organisations in order to operate business in connection with or in continuous with the private institution of higher education’s business, or to publish a research or gain benefit from a research in order to make an earning for the private institution of higher education;
11. to support the private institution of higher education to participate in providing education by gathering domestic and foreign human resources and applying their experience, knowledge, expertise, and intelligence to improve a quality of the graduate;
12. to approve an admission or association with other domestic or foreign educational institution in accordance with the criteria prescribed by the Commission;

Section 34 (6) was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
Section 34 (10/1) was added by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
(13) to consider and give opinion to the Commission regarding an amendment of the prescription under section 11 paragraph three;

(14) to consider and give opinion to the Commission so as to inform the King for an appointment and removal of the Professor and Adjunct Professor;

(15) to appoint and remove the rector and Professor Emeritus, and to remove a fulltime faculty member under section 97;

(16) to approve an appointment and removal of the vice-rector and a person holding equivalent position;

(17) to approve an appointment and removal of the Associate Professor, Adjunct Associate Professor, Assistant Professor, and Adjunct Assistant Professor;

(18) to promote and support an education or to provide a scholarship to the underprivileged and talented person;

(19) to issue a regulation on personnel management of the private institution of higher education regarding a determination of position, salary rate, wage, remuneration, welfare, other benefits, discipline, and criteria of employment and termination of employment of the executive, faculty member, teaching assistant, and administrative officer;

(20) to improve a capability of the faculty member and personnel, and to improve a quality of graduate in order to generate personnel in compliance with a demand of the country;

(21) to promote an education, research, and training of the faculty member and personnel to be in compliance with the demand of the community in order to develop the community economics.

(22) to promote and support a generating of graduate to be in compliance with the demand of the enterprise and to set up an academic cooperation between the enterprise and the private institution of higher education;

(23) to establish a quality assurance system within the private institution of higher education by a participation of the student in evaluating the quality of the institution of higher education in accordance with the regulation of the private institution of higher education;

(24) to consider the methodology which will move forward and improve a quality of an education, research, and training of the private institution of higher education in terms of academic;

(25) to perform other duties in connection with the business of the private institution of higher education which is not specify as a particular duty of any person.
Section 35. In performing duties under this Act, the Council of Institution may appoint the committee or sub-committee of a private institution of higher education to execute any assignment and to report its progress to the Council of Institution for acknowledgement. The provision in section 33 shall apply *mutatis mutandis*.

Section 36. There shall be the Academic Rank Committee of a private institution of higher education consisting of:

(1) chairperson appointed by the Council of Institution from members of the Council of Institution;

(2) qualified member outside the private institution of higher education for not less than six persons but not more than twelve persons;

The rector shall appoint one faculty member in the private institution of higher education as a secretary.

The qualification, criteria, and acquisition of the Academic Rank Committee under paragraph one shall be in accordance with the rule prescribed by the Commission.

Section 37. The Academic Rank Committee of a private institution of higher education under section 36 shall hold office for a term of three years and may be reappointed.

The provision in section 32 paragraph two and paragraph four shall apply *mutatis mutandis* to an appointment of the Academic Rank Committee of the private institution of higher education who vacates office before an expiration of term and a performance of duty of the Academic Rank Committee upon an expiration of term.

Section 38. The Academic Rank Committee of a private institution of higher education shall have the powers and duties as follows:

(1) to consider an academic rank of the faculty member in a private institution of higher education;

(2) to consider and decide regarding an appeal of the academic rank by the faculty member in the private institution of higher education;

(3) to compare the academic rank of other private institutions of higher education with its academic rank system.

The meeting and operation of the Academic Rank Committee of the private institution of higher education under paragraph one shall be in accordance with the regulation of the private institution of higher education.

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Section 39. There shall be one rector in a private institution of higher education performing as a commander and being responsible for an administration of the private institution of higher education. There may be one or more vice-rector to perform duty and to be responsible for as assigned by the rector.

The vice-rector shall have qualifications and not be under the prohibitions similar to those of the rector. The rector shall appoint and remove the vice-rector with an approval of the Council of Institution.

The rector and the vice-rector shall vacate office concurrently.

Section 40. The Council of Institution shall appoint the rector from persons who have qualifications and not be under the prohibitions under section 41 and shall notify the Office of the Higher Education Commission for acknowledgement within fifteen days from the date of appointment.

Section 41. The rector shall have qualifications and not be under the prohibitions, as follows:

(1) having graduated with bachelor’s degree or its equivalent and having an experience in teaching or administering in an educational institution which provides bachelor’s degree programme or higher for not less than five years, or having graduated with master’s degree or its equivalent and having experience in teaching or administering in an educational institution which provides bachelor’s degree programme or higher for not less than three years, or having graduated with doctorate or its equivalent and having experience in teaching or administering in an educational institution which provides bachelor’s degree programme or higher for not less than one year;

(2) being not infected with diseases as published in the Government Gazette by the Minister;

(3) having no disgraceful behaviour or lacking good moral;

(4) being not unsound mind or of mental infirmity;

(5) having not been discharged from a work or official service on the ground of commission of offence except where the Minister is of opinion that such offence is not against a performance of being the rector;

(6) having not been sentenced by a final judgment to imprisonment except for an offence committed through negligence or a petty crime;

(7) being not bankrupt.
Section 42. In case where the rector is unable to perform a duty, the vice-rector shall perform a duty on behalf. If there are several vice-rectors, the vice-rectors entrusted by the rector shall perform a duty on behalf. If the rector has no entrustment, the highest senior vice-rector shall perform a duty on behalf.

In case where there is no rector or a person acting on behalf of the rector under paragraph one or there is but such person is unable to perform a duty, the Council of Institution shall appoint a person who has qualifications and not be under the prohibitions under section 41 to perform a duty on behalf of the rector.

The person performing a duty on behalf of the rector shall have powers and duties exactly similar to those of the rector.

Section 43. The rector shall have the powers and duties as follows:

1. to control and supervise a business of a private institution of higher education to be in compliance with the law, prescription, rule, and regulation of the private institution of higher education as well as the policy and resolution of the Council of Institution;

2. to establish an administration system in accordance with the regulation of the private institution of higher education;

3. to appoint and remove an Associate Professor, Adjunct Associate Professor, Assistant Professor, and Adjunct Assistant Professor with an approval of the Council of Institution;

4. to appoint and remove an instructor, adjunct instructor, teaching assistant, and administrative officer of the private institution of higher education;

5. to control and supervise a performance of duty of a faculty member, teaching assistant, and administrative officer of the private institution of higher education;

6. to make a register of a fulltime faculty member, teaching assistant, administrative officer, and student in accordance with the form as prescribed by the Commission;

7. to control a finance, procurement, place, and other properties of the private institution of higher education to be in compliance with the law, prescription, rule, and regulation of the private institution of higher education and the resolution of the Council of Institution;

8. to be a representative of the private institution of higher education in general affairs;

9. to make an annual report, annual financial statement, and other reports in accordance with the criteria as prescribed by the Commission;

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(10) to maintain a discipline of student;  
(11) to be cautious in preventing any execution which causes grave danger to the national security, national safety, national culture, and public order and good morals in the vicinity of the private institution of higher education;  
(12) to perform other duties in accordance with the prescription, rule, and regulation of the private institution of higher education, duties entrusted by the Council of Institution, and duties as prescribed within this Act;  
(13) to carry out any other ordinary course of business which the private institution of higher education should act.

Section 44. Upon the rector vacates office, the Council of Institution shall notify the Office of the Higher Education Commission for acknowledgment within fifteen days from the date the rector has vacated office.

Section 45. A faculty member in a private institution of higher education shall have academic rank as follows:  
(1) Professor or Adjunct Professor;  
(2) Associate Professor or Adjunct Associate Professor;  
(3) Assistant Professor or Adjunct Assistant Professor;  
(4) Instructor or Adjunct Instructor.

Section 46. A fulltime faculty member shall have qualifications and not be under the prohibitions as follows:  
(1) having graduated with no lower than bachelor’s degree or its equivalent or having knowledge and expertise in a particular subject;  
(2) being not infected with diseases as prescribed by the Minister published in the Government Gazette;  
(3) having no disgraceful behaviour or lacking good moral;  
(4) being not unsound mind or of mental infirmity;  
(5) having not been sentenced by a final judgment to imprisonment except for an offence committed through negligence or a petty offence.

Section 47. A Professor and Adjunct Professor shall be appointed by the King by and with the advice of the Commission.
An Associate Professor, Adjunct Associate Professor, Assistant Professor, and Adjunct Assistant Professor shall be appointed by the rector with the approval of the Council of Institution.

An Instructor and Adjunct Instructor shall be appointed by the rector.

An Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, and Adjunct Instructor shall be appointed from persons who are not fulltime faculty member of the private institution of higher education.

**Section 48.** Apart from the qualifications and prohibitions prescribed in section 46, the criteria and procedure of an appointment of a faculty member shall be in accordance with the regulation of a private institution of higher education. Such criteria shall not be lower than the standard prescribed by the Commission.

A vacating of faculty member position shall be in accordance with the criteria and procedure as prescribed in the regulation of the private institution of higher education.

**Section 49.** The Council of Institution may appoint a Professor who has knowledge, capability, and special expertise and has vacated office without commission of offence to be a Professor Emeritus in the field where such Professor has expertise as an honour.

The qualifications of a person to be appointed as the Professor Emeritus shall be in accordance with the regulation of a private institution of higher education.

**Section 50.** In case where the King appoints a Professor, Adjunct Professor, Professor Emeritus, Associate Professor, Adjunct Associate Professor, Assistant Professor, and Adjunct Assistant Professor, such persons shall be entitled to use the words namely Professor, Adjunct Professor, Professor Emeritus, Associate Professor, Adjunct Associate Professor, Assistant Professor, and Adjunct Assistant Professor, as the case may be, before the name to demonstrate an academic standing.

The abbreviations of the academic standing under paragraph one shall be as follows:

Professor is abbreviated to Prof.;
Adjunct Professor is abbreviated to Prof. (Adjunct);
Professor Emeritus is abbreviated to Prof. (Emeritus);
Associate Professor is abbreviated to Assoc. Prof.;
Adjunct Associate Professor is abbreviated to Assoc. Prof. (Adjunct);
Assistant Professor is abbreviated to Asst. Prof.;
Adjunct Assistant Professor is abbreviated to Asst. Prof. (Adjunct).

Section 51. The rector shall notify the Office of the Higher Education Commission for acknowledgment within thirty days from the date the rector appoints any person with academic standing in a private institution of higher education under section 45 (2), (3), and (4).

Section 52. No person shall be a fulltime faculty member in more than one private institution of higher education.

Section 53. In case of necessity, a private institution of higher education may have a teaching assistant.

A person appointed to be a teaching assistant shall have qualifications and not be under the prohibitions in accordance with the prescription of the private institution of higher education.

CHAPTER IV
Degree and Academic Standing Emblem

Section 54. There are three levels of degree as follows;
Doctorate to be called Dusadee Pundit, which is abbreviated to Dor.
Master’s degree to be called Maha Pundit, which is abbreviated to Mor.
Bachelor’s degree to be called Pundit, which is abbreviated to Bor.
A private institution of higher education will provide any level of degree and any field of study provided that an academic standing of the private institution of higher education has been accredited by the Minister with the advice of the Commission.
An application for accreditation and accreditation of academic standing of the private institution of higher education shall be in accordance with the criteria, procedure, and condition as prescribed in the Ministerial Regulation.
Section 55. A private institution of higher education shall have a power to award a certificate, diploma, degree, or postgraduate certificate in a field of study taught at the private institution of higher education.

A determination of what field of study awards degree at what level and its abbreviation shall be in accordance with the rule prescribed by the Commission.

Section 56. The Council of Institution may issue a regulation determining an award of bachelor’s degree with first class honour or second class honour to the graduate with an approval of the Commission.

Section 57. The Council of Institution may issue the regulation determining a certificate, diploma, or postgraduate certificate of a private institution of higher education as follows:

(1) the certificate issued to a person who completes studying in a particular course;

(2) the diploma issued to a person who completes a curriculum in a field of study prior to a level of bachelor’s degree, or to a person who completes all courses required for bachelor’s degree but with a cumulative grade point average lower than a required standard to graduate a bachelor’s degree but not lower than the criteria prescribed in the Ministerial Regulation;

(3) the postgraduate certificate issued to a person who completes in any field of study after awarding a degree.

Section 58. A private institution of higher education shall have a power to award an honorary degree to a person whom the Council of Institution is of opinion that is qualified and suitable for such degree but such degree shall not be awarded to a member of the Council of Institution, fulltime faculty member, or administrative officer of the private institution of higher education. The level, field of degree, and criteria to award the honorary degree shall be in accordance with as prescribed in the Ministerial Regulation.

Section 59. A private institution of higher education may provide an academic gown and gradation pin as an academic standing emblem to a person who is
awarded a certificate, diploma, degree, and postgraduate degree, and may provide a title gown to a member of the Council of Institution, executive, and full-time faculty member of the private institution of higher education.

The determination of characteristic, type, category, and component of the academic gown and graduation pin shall be in accordance with as prescribed in the Ministerial Regulation.

The determination of characteristic, type, category, and component of the title gown shall be in accordance with the regulation of the private institution of higher education.

The occasion and condition of academic gown, graduation pin, and title gown usage shall be in accordance with the regulation of the private institution of higher education.

CHAPTER V
Property and Accounting

Section 60. The fund of a private institution of higher education shall be consisted of money and properties as prescribed in the prescription upon establishment as well as money and properties obtained afterward.

The sources of the private institution of higher education’s fund under paragraph one shall include:

(1) the fund provided by the licensee consisting of money and other properties identified in the prescription upon establishment and money and properties provided in addition afterward;

(2) the contributed fund consisting of money and other properties contributed by a contributor or donated to the private institution of higher education on condition that only the fruit can be spent;

(3) the accumulative fund consisting of money and other properties deriving from a past operation of the private institution of higher education.

Section 61. A private institution of higher education shall allocate its fund into various types with characteristics and objectives as follows:

(1) the general fund shall include money and other properties allocated to be use in a general business operation of the private institution of higher education;

(2) the permanent property fund shall include all types of permanent property used in an operation of the private institution of higher education as well as
allocated money for additional procurement, construction, and modification of permanent property of the private institution of higher education but excluding the permanent property belonging to other particular funds;

(3) the research fund shall include money and other properties allocated for conducting research to discover knowledge and academic advancement, for promoting and supporting research as well as creating an invention;

(4) the library and technology fund shall include money and other properties allocated to purchase book, journal, study aid, tool, equipment, technology, as well as other properties to be used in the library;

(5) the development fund for personnel shall include money and other properties allocated to be used in granting scholarship and training to a faculty member and administrative officer of the private institution of higher education in accordance with the prescription of the private institution of higher education;

(6) the aid fund shall include money and other properties allocated to be used in granting scholarship to the student and other aid relating to the student, providing welfare to the fulltime faculty member and administrative officer of the private institution of higher education, and other aids in accordance with the prescription of the private institution of higher education;

(7) the fixed fund or other funds shall include money and other properties allocated to be used in other objectives in accordance with the necessity and suitability as prescribed by the Council of Institution.

The management of each fund shall be in accordance with the regulation of the private institution of higher education.

Section 62. An income of a private institution of higher education shall be as follows:

(1) benefit, tuition fee, dues, fee, fine, and other service charges of the private institution of higher education;

(2) money and other properties contributed or donated to the private institution of higher education without condition that only the fruit can be spent;

(3) government subsidy;

(4) income or benefit acquired from an investment and properties of the private institution of higher education;

(5) other incomes and benefits.
The income of the private institution of higher education shall be deemed the income of the general fund. The income incurred from a particular fund shall be deemed the income of that particular fund.

In case where the contributed money exceeds an amount determined by the Commission, the private institution of higher education shall provide an expenditure plan and prepare an expenditure account of such money annually. The remaining money at the end of the year shall be reserved for the next installment.

Section 63. A private institution of higher education shall operate all incomes and properties of the private institution of higher education in accordance with the objectives identified under section 8 and in accordance with the specified objectives of the money or properties contributor.

Section 64. At the beginning of an academic year, a private institution of higher education shall allocate sufficient money to each fund in order to accomplish an operation. If any fund has no sufficient money, money from general fund shall be transferred until sufficient.

In case where money in general fund has no sufficient amount of money to be operated under paragraph one, the licensee shall arrange for an additional amount of money to be sufficient for an operation.

Section 65. A private institution of higher education shall prepare an account in accordance with the International Accounting Standards and criteria prescribed by the Commission.

Section 66. If it appears that an income of the general fund is higher than an annual expenditure, the rector shall propose to the Council of Institution as follows:

1. to transfer an amount of surplus income of the general fund to compensate a deficit amount of any fund;
2. to allocate the remaining money after the transfer under (1) to each fund for collectively not less than sixty percent and to allocate a benefit to the licensee for not exceeding thirty percent. The remaining amount of the general fund for operation shall not be less than ten percent.
Section 67. The rector shall be responsible for a preparation of annual financial statement to be audited by an auditor before submitting to the Council of Institution.

Upon an approval of the annual financial statement by the Council of Institution, the rector shall submit the financial statement together with the auditor’s report to the Office of the Higher Education Commission within one hundred and twenty days from the expiration date of accounting period.

Section 68. The Council of Institution shall annually appoint a licenced auditor to be an auditor of a private institution of higher education.

Section 69. An auditor of a private institution of higher institution shall have powers to examine account, document, and other evidences of the private institution of higher education. In doing so, such auditor shall have a power to inquire a member of the Council of Institution, rector, or administrative officer of the private institution of higher education and to summon any account book, document, and evidence of the private institution of higher education from such persons if necessary.

CHAPTER VI
Support and Promotion

Section 70. The State shall support and promote a private institution of higher education as follows:

(1) to allow a government official and public officer to work with the private institution of higher education by receiving a salary and remuneration in accordance with the criteria and procedure as prescribed by the Cabinet;

(2) to establish the fund in order to develop the private institution of higher education in various aspects;

(3) to exempt an import duty for durable goods, educational and research equipments certified by the Commission in accordance with the law on customs duty rate;

(4) to promote and encourage the sharing of resources between the public institution of higher education and private institution of higher education.
CHAPTER VII
Supervision and Control

Section 71. For the performance of duty under this Act, the competent official shall have a power to enter into a private institution of higher education or any other places having evidence showing that they provide education at degree level without licence during office hours in order to inspect a business operation under this Act.

In a performance of duty by the competent official under paragraph one, all persons concerned shall reasonably facilitate or give explanation to the competent official.

Section 72. In a performance of duty under this Act, the competent official shall be an official under the Criminal Code.

Section 73. In a performance of duty under this Act, the competent official shall display the identification card to a person concerned.

The competent official’s identification card shall be in accordance with the form as notified by the Minister.

Section 74. The following actions by a private institution of higher education shall be given approval by the Commission:

(1) accepting financial aid, educational equipment, or other benefits from any person exceeding an amount of money or value prescribed by the Commission;

(2) borrowing money one or several times collectively exceeding twenty five percent of the current aggregate value of all properties belonging to the private institution of higher education. The accumulated debt shall not exceed the value of the properties;

(3) leasing the property which the rent exceeds the amount as prescribed by the Commission;

(4) purchase, hire-purchase, or dispose of the property which its value exceeds the amount prescribed by the Commission;

(5) creating encumbrance in land and construction as prescribed by the Commission.

Section 75. No private institution of higher education shall accept money, property, or any other benefit from any person which may cause danger to the national security or national safety, or may be opposed to national culture or good morals of public.
Section 76. In case where a private institution of higher education cease teaching for more than three consecutive days apart from regular holidays, the rector shall notify in writing to the Office of the Higher Education Commission for acknowledgment within three days from the ceased date.

Section 77. In case where a fulltime faculty member in a private institution of higher education is dismissed from fulltime faculty member, the rector shall notify the Office of the Higher Education Commission for acknowledgment within thirty days from the date of dismissal.

Section 78. In case where it appears that the condition of building and location of a private institution of higher education has adverse effect to hygienic condition or sanitation, unsecured, or has any other causes which may be harmful to the student, the Minister shall have a power to order the rector in writing to modify such condition within a reasonable time period. If necessary, the Minister may order the private institution of higher education to cease teaching during such modification or until the cause to cease teaching has already passed.

Section 79. No licensee, member of the Council of Institution, rector, faculty member, or administrative officer of a private institution of higher education shall use or allow other person to use:

(1) name, mark, emblem, or symbol of the private institution of higher education in any manner apart from those identify in the regulation of the private institution of higher education;

(2) campus area for conducting illegal act, or any act which is against public order and good morals, or any act not suitable for a business of private institution of higher education.

Section 80. If it appears that a private institution of higher education fails to operate any action necessary for providing education in accordance with the licenced project within one year from the date of receiving a licence, the Minister shall revoke such licence with the advice of the Commission.

9 Section 80 was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).

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Section 81. (Repealed)

Section 82. An advertisement of a private institution of higher education shall not include any false statement or statement contrary to the fact as specified in the licence or the prescription, or statement which may cause adverse consequence to the public at large.

The statement under paragraph one shall include any act in a form of alphabet, picture, movie, light, sound, sign, or any other acts which render general public into understanding its meaning.

Section 83. In case where the Commission is of opinion that any advertisement violates section 82, the Commission shall have a power to issue one or several orders as follows:

(1) to correct a statement or means of advertisement;
(2) to prohibit the use of some statements appeared in the advertisement;
(3) to prohibit the advertisement or prohibit such means of advertisement;
(4) to advertise so as to correct the misunderstanding of the people which might have already occurred in accordance with the criteria and procedure prescribed by the Commission.

In case where a private institution of higher education fails to comply with the order of the Commission, violates, or fails to comply with the criteria and procedure prescribed by the Commission under paragraph one, the Minister, with the advice of the Commission, shall have a power to revoke such licence. In doing so, the Minister shall consider a gravity of offence.

Section 84. In case where a private institution of higher education fails to comply with the criteria, procedure, or condition prescribed by the Commission or fails to use words “university”, “institution”, or “college” in Thai alphabet in front of the name of the private institution of higher education, or use the name of the private institution of higher education.

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10 Section 81 was repealed by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
11 Section 84 was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
higher education in foreign alphabet without an approval from the Minister, the Commission shall issue a warning in writing to make correction as notified within a specified time period.

If the private institution of higher education fails to comply with the warning under paragraph one, the Minister, with the advice of the Commission, shall have a power to order as deemed appropriate as follows:

(1) to cease an admission of student in any or all fields of study;
(2) to revoke a certification of academic standing;
(3) to revoke a licence.

The order issued under paragraph one and two shall not have any impact on a legal action against an offender who commits any act which is an offence punishable by such law.

Section 85. In case where a private institution of higher education fails to comply with its own prescription, or amends such prescription under section 11 (1), (2), (3), (4), (5), (6), and (7) without an approval from the Commission, or operates in other field of study without complying to the criteria, procedure, and condition prescribed by the Commission, the Minister, with the advice of the Commission, shall have a power to order as deemed appropriate to the case under section 84 paragraph two.

The order under paragraph one shall not have any impact on a legal action against an offender who commits any act which is an offence punishable by such law.

Section 86. Upon any of the following causes occur to a private institution of higher education:

(1) having insufficient fund to further operate the business, having debts more than properties, or having financial instability which may cause damage to the private institution of higher education;
(2) violating the provision of this Act, Ministerial Regulation, condition prescribed by the Minister, or Notification issued or prescribed under this Act, or fails to comply with the prescription of the private institution of higher education or the order of the competent official issued under this Act which may cause damage to the private institution of higher education, or fails to comply with the order of the Minister issued under section 100 paragraph three;
(3) ceasing of teaching for more than two consecutive months except for the ceasing of teaching in accordance with the prescription of the private institution of higher education;
(4) the Council of Institution, member of the Council of Institution, rector, faculty member or student of the private institution of higher education conducts any act which cause grave danger to the national security, national safety, national culture, and public order and good morals;

The Minister, with the advice of the Commission, shall have a power to order the private institution of higher education to be in controlled by the Office of the Higher Education Commission and the Minister shall establish the control committee to control the private institution of higher education consisting of at least five members but not exceeding fifteen members to perform duties in lieu of the Council of Institution and shall publish such order of control in Thai daily newspaper for not less than three consecutive days.

Section 87. Upon the order to control a private institution of higher education by the Minister, no rector, fulltime faculty member, and administrative officer of the private institution of higher education shall perform further duty in such private institution of higher education, except the controlling committee of the private institution of higher education entrusts to perform further duty.

In case where the rector, fulltime faculty member, and administrative officer of the private institution of higher education are entrusted under paragraph one, such persons shall execute appropriately in order to keep public order in the private institution of higher education, maintain property of the private institution of higher education, and deliver property, account book, document, and other things relating to the business and property of the private institution of higher education to the controlling committee without delay.

Section 88. The Minister shall have a power to order the government official in the Ministry of Education to work in a private institution of higher education during the period it is subject to a control of the Office of the Higher Education Commission as deemed necessary. Such performance of work shall be deemed a normal performance of official duties.

Section 89. A private institution of higher education may appeal the control order to the Minister within thirty days from the notified date of such order. The Minister shall have a power to appoint the appeal committee consisting of three representatives from the private institution of higher education, three representatives from the Office of the Higher Education Commission, and three qualified persons expertise in the related problem.
to consider and give opinion to the Minister in order to render a final decision in accordance with the resolution of the appeal committee.

Section 90. Upon the control committee is of opinion that the controlled private institution of higher education should operate business on its own, or where the licensee files a request for operating business on its own to the control committee, the control committee shall report to the Minister for acknowledgement. If the Minister deems appropriate, the Minister shall revoke a control order and publish such revocation in Thai daily newspaper for not less than three consecutive days. Thereby, the control committee shall deliver a property together with an account book, document, and other things relating to the business and property of the private institution of higher education to the Council of Institution without delay.

Section 91. In case where the control committee is of opinion that the controlled private institution of higher education is unable to continue its business or should not further continue its business and a reasonable ground to revoke a licence has been established, the Minister shall be reported for consideration. The Minister, with the advice of the Commission, shall have a power to revoke a licence.

Section 92. Upon the control committee reports to the Minister that a reasonable ground to revoke a licence has been established, the Commission shall issue an order to a private institution of higher education to deliver document relating to the academic record of all students in such private institution of higher education to the Office of the Higher Education Commission within a time period prescribed by the Commission.

The secretary-general to the Higher Education Commission shall issue a transcript of student in such private institution of higher education in respect to the received evidence under paragraph one.

Section 93. Upon the Minister issues an order to revoke a licence, it shall be deemed that a private institution of higher education ceases to be a juristic person under section 13. The control committee shall appoint a liquidator and the provision of the Civil and Commercial Code on liquidation in a limited company shall apply to the liquidation of the private institution of higher education mutatis mutandis.

Upon a completion of liquidation, the remaining property, if any, shall be returned to the licensee except for the property contributed by other person under section 17 shall be assigned to a charitable organisation which has its objectives of promoting

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education as identified in a private institution of higher education. If not identified, such property shall be escheated to the State.

Section 94. The expenses incurred in an operation during the control or liquidation of a private institution of higher education shall be expended from the property of such private institution of higher education.

The control committee may be remunerated in a performance of duty as prescribed by the Minister. Such remuneration shall be expended from the property of such private institution of higher education.

Section 95. The control committee of a private institution of higher education shall be an official under the Criminal Code.

Section 96. If it appears that the rector:

1) lacks qualification or under the prohibition under section 41;

2) violates or fails to comply with section 43 (6) or (9), section 51, section 67, section 79, section 87, or the regulation or prescription of a private institution of higher education;

3) operates business of the private institution of higher education in a manner which may cause grave danger to the national security, national safety, national culture, and public order and good morals;

4) operates business of the private institution of higher education or allows other persons to take any action in any manner which deny an academic quality or educational standard of the private institution of higher education in accordance with the criteria prescribed by the Commission and as a consequence causing disgraceful reputation to the private institution of higher education;

The Council of Institution shall establish an investigating committee. If such committee is of opinion that the rector lacks qualification or under prohibition under (1), violates or fails to comply under (2), or operates under (3) or (4), the Council of Institution shall remove the rector from office within thirty days from the date the investigating result is known. If the Council of Institution fails to remove, the Minister, with the advice of the Commission, shall remove the rector from office. 12

12 Section 96 paragraph two was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).

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Section 97. If it appears that any faculty member of a private institution of higher education:

(1) lacks qualification or under the prohibition under section 46 or was appointed in contradiction with the regulation under section 48;

(2) violates or fails to comply with section 52 or section 87 or the regulation or prescription of the private institution of higher education;

(3) acts in any manner which may cause grave danger to the national security, national safety, national culture, and public order and good morals.

The rector shall launch an investigation. If the rector is of opinion that the faculty member investigated lacks qualification or under the prohibition or was appointed in contradiction with the regulation under (1), violates or fails to comply with under (2), or acts under (3), the rector shall proceed to remove such faculty member from office within thirty days from the date the investigating result is known. Such faculty member shall have a right to file an appeal to the Commission within thirty days. The decision of the Commission shall be final.

If the rector fails to proceed under paragraph two, the Council of Institution shall proceed in place of the rector and shall take further action against the rector as appropriate.

Upon a completion of removal of the faculty member of the private institution of higher education or taking further action against the rector under paragraph two or three, the Office of the Higher Education Commission shall be reported for acknowledgment.

Section 98. The investigation under section 96 and section 97 shall be in accordance with the regulation of the Council of Institution and in accordance with the criteria and procedure prescribed by the Commission.

Section 99. A person removed under section 96 or section 97, as the case may be, may be reappointed as the rector or faculty member in a private institution of higher education upon given an approval by the Minister with the advice of the Commission after an expiration of one year from the date being removed from office.

Section 98 was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
CHAPTER VIII
Dissolution and Assignment

Section 100. A licensee who intends to dissolve a business of private institution of higher education with an approval of the Council of Institution shall notify such intention in writing together with the necessary reason to dissolve the business and an educational plan of a remaining student in the private institution of higher education to the Commission at least three months prior to an expiration of academic year.

In case where the licensee is a juristic person, the dissolution of the business of private institution of higher education under paragraph one shall be approved by such juristic person as provided by law.

The Minister, with the advice of the Commission, may issue an order to dissolve the private institution of higher education and may specify necessary condition for the licensee to be complied with. The provision in section 92, section 93, and section 94 shall apply to the dissolution of the private institution of higher education *mutatis mutandis*.

Section 101. A licensee who intends to assign a licence with an approval of the Council of Institution shall notify in writing together with the reason and detail regarding such assignment of licence and detail regarding the assignee of licence to the Commission.

In case where the licensee is a juristic person, the assignment of licence under paragraph one shall be approved by such juristic person as provided by law.

The Minister, with an advice of the Commission, may issue an order to assign the licence and may specify the condition for the licensee or the assignee to be complied with as necessary.

Section 102. In case where a licensee is deceased, an heir or an administrator of an estate shall file a request for an assignment of licence to the Commission together with notifying in writing to the Council of Institution for acknowledgment within sixty days. If such request has not been filed within such period of time, the rector, with an approval of the Council of Institution, shall notify a name of the assignee to the Commission along with the detail and necessary reason.

In case where the licensee legally ceases to be a juristic person, the rector with an approval of the Council of Institution shall notify a name of the assignee to the Commission along with the detail and necessary reason.
The Minister, with the advice of the Commission, shall have a power to consider and issue an order as deemed appropriate.

Section 103. In case where there is no assignee of licence under section 102, the Minister by the advice of the Commission shall have a power to order a private institution of higher education to be under the control the Office of the Higher Education Commission. The provision in section 92, section 93, and section 94 shall apply mutatis mutandis.

The dissolution under section 100, the assignment of licence under section 101, and the alteration of licensee under section 102 shall be published in the Government Gazette.

CHAPTER IX
Penalty

Section 104. Any person who fails to comply with section 10 paragraph one shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding five hundred thousand baht or to both.

Section 105. Any private institution of higher education which fails to comply with section 14 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding three hundred thousand baht or to both.

Section 106. Any private institution of higher education which violates section 11 shall be liable to a fine not exceeding one hundred thousand baht.

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\*\* Section 106 was amended by the Private Institution of Higher Education Act (No.2), B.E.2550 (2007).
Section 107. Any private institution of higher education which violates or fails to comply with the Ministerial Regulation issued under section 20 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding three hundred thousand baht or to both.

Section 108. Any private institution of higher education which fails to comply with section 21, section 23, or section 62 paragraph three shall be liable to a fine not exceeding one hundred thousand baht.

Section 109. Any person who violates section 22 shall be liable to a fine not exceeding one hundred thousand baht and to additional fine at a daily rate of five thousand baht during the violation period.

Section 110. Any person who fails to comply with the order of the Commission, committee, or sub-committee under section 27 shall be liable to a fine not exceeding ten thousand baht.

Section 111. Any person who hold a position of rector, vice rector, faculty member, or teaching assistant by knowing that he or she has no qualification or under the prohibition of section 39 paragraph two, section 41, section 46, or section 53 paragraph two, as the case may be, shall be liable to a fine not exceeding fifty thousand baht.

Section 112. Any rector who fails to comply with section 43 (6) or (9), section 51, section 67, section 76, section 77, or section 78 shall be liable to a fine not exceeding one hundred thousand baht.

Section 113. Any person who violates section 52 shall be liable to a fine not exceeding fifty thousand baht.

Section 114. Any person who fails to reasonably facilitate the competent official under section 71 paragraph two shall be liable to a fine not exceeding ten thousand baht.

Section 115. Any private institution of higher education which fails to comply with section 74 or section 75 shall be liable to a fine not exceeding one million baht.

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In case where the private institution of higher education commits an offence under section 74 or section 75, the Council of Institution or the rector or a person responsible for an operation of the private institution of higher education shall be liable for the punishment prescribed for such offence, except where such person can prove that he or she was not involved in a commission of offence by such private institution of higher education.

**Section 116.** A licensee, member of the Council of Institution, rector, faculty member, or administrative officer of a private institution of higher education who violates section 79 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding three hundred thousand baht or to both.

**Section 117.** The rector, faculty member, or administrative officer of a private institution of higher education who violates section 87 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding three hundred thousand baht or to both.

**Section 118.** Any private institution of higher education which fails to comply with the order of the Commission under section 92 paragraph one shall be liable to a fine not exceeding one hundred thousand baht and to additional fine at a daily rate of five thousand baht during a violation period.

**Section 119.** Any person who uses academic gown, graduation pin, title gown, uniform, symbol, or student uniform of a private institution of higher education without entitlement or present in any manner that he or she is entitled to a certificate, diploma, degree, postgraduate degree, or position in the private institution of higher education without entitlement, if such act is committed for the purpose of misleading another person into believing that such person is entitled to such use, or have such academic standing, or have such position, such person shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding three hundred thousand baht or to both.

**Section 120.** Any person who uses, falsifies, or imitates the mark, symbol, or emblem of a private institution of higher education regardless of what colour or means, or renders it to appear on any object or goods without an approval from the private institution.
of higher education shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding three hundred thousand baht or to both.

**Section 121.** Any person who provides education at degree level without licence or act in any manner to mislead another person into believing that such person have power and duty to provide education at degree level shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred thousand baht or to both.

**Section 122.** Any private institution of higher education which represents or act in any manner to mislead another person into believing that such private institution of higher education has been accredited with an academic standing or been approved to operate in any field of study or been certified an education standard in any field of study which is false, the rector shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred thousand baht or to both.

**Section 123.** For all offences punishable merely with fine under this Act, the secretary-general to the Higher Education Commission with an approval of the Commission shall have a power to settle. If an offender pays for a full amount settled within thirty days, such case is deemed to be settled.

If the offender refuses for a settlement or agrees for settlement but fails to pay for a fine settled within such period of time, the case shall be continued.

**Transitory Provisions**

**Section 124.** The Commission of a private institution of higher education under the Private Institution of Higher Education Act B.E. 2522 (1979) shall perform a duty under this Act in the interim until the Commission of the private institution of higher education is established under the law on administration of the Ministry of Education.

**Section 125.** The control committee, Council of Institution, and committee appointed under the Private Institution of Higher Education Act B.E. 2522 (1979) shall be the control committee, Council of Institution, and committee under this Act until the Higher
Education Commission is established under the law on administration of the Ministry of Education.

Section 126. The licence under the Private Institution of Higher Education Act B.E. 2522 (1979) issued prior to the date this Act comes into force which is still valid on the date this Act is published in the Government Gazette shall be deemed a licence under this Act.

Section 127. The applicant for licence who submitted an establishment of private institution of higher education project prior to the date this Act comes into force shall further operate until completion and such operation shall be deemed an operation under this Act. Such operation shall be completed within ninety days from the date this Act comes into force.

Section 128. All persons holding academic rank in a private institution of higher education on the date this Act publishes in the Government Gazette shall further continue to hold an academic rank of such private institution of higher education under this Act.

Section 129. The person working in a private institution of higher education appointed under the Private Institution of Higher Education Act B.E. 2522 (1979) shall be the person working in the private institution of higher education under this Act.

Section 130. While the Ministerial Regulation, Notification, order, prescription, rule, and regulation for an execution of this Act has not been issued yet, the Ministerial Regulation, Notification, order, prescription, rule, and regulation issued under the the Private Institution of Higher Education Act B.E. 2522 (1979) shall apply mutatis mutandis.

Countersigned by
   Police Lieutenant Colonel Thaksin Shinawatra
   Prime Minister