TOURISM BUSINESS AND GUIDE ACT,  
B.E. 2551 (2008)¹

BHUMIBOL ADULYADEJ, REX;  
Given on the 30th Day of January B.E. 2551;  
Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on tourism business and guide;

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which section 29 in conjunction with section 33, and section 43 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

Section 1. This Act is called the “Tourism Business and Guide Act, B.E. 2551 (2008)”.

Section 2. This Act shall come into force after the expiration of sixty days from the date of its publication in the Government Gazette.²

Section 3. The following shall be repealed:
(1) Tourism Business and Guide Act, B.E.2535 (1992);  
(2) Tourism Business and Guide Act (the Second), B.E.2545 (2002).

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.  

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Section 4. In this Act:
“Tourism business” means a business relating to guiding tourists for touring or for other purposes of traveling by providing either one or several services or conveniences such as lodging, food, guide, or any other services as prescribed in the Ministerial Regulation.
“Tourist” means a person travelling from one place to another for the benefit of recreation, learning, entertaining, or any other causes.
“Tour guide” means a person who regularly provides services in guiding tourists to various places by providing services in connection with recommendation and various kind of knowledge to the tourists.
“Tour leader” means a person responsible for taking care of and providing convenience to the tourists in travelling abroad.
“Service fee” means wages and any expenses paid by the tourists to a tourism business entrepreneur for providing services or convenience in connection with transportation, lodging, food, or any other causes.
“Committee” means the Committee of Tourism Business and Guide.
“Fund” means the Tourism Business Protection Fund.
“Office” means the Office of Tourism Development.
“Director” means the Director of the Office of Tourism Development.
“Registrar” means a registrar of tourism business and guide centre or a registrar of tourism business and guide branch, as the case may be.
“Competent official” means a person appointed by the Director for the execution of this Act.
“Minister” means the Minister having charge and control for the execution of this Act.

Section 5. The Minister of Tourism and Sports shall have charge and control of the execution of this Act and shall have the power to issue the Ministerial Regulations prescribing fees not exceeding the rates provided in the schedule hereto attached, granting exemption from fees and prescribing other activities for the execution of this Act.
Such Ministerial Regulations shall come into force upon its publication in the Government Gazette.

Section 6. This Act shall not apply to the Tourism Authority of Thailand and an enterprise of which has to be permitted in accordance with the law on Hajj promotion affairs.
CHAPTER I
Committee of Tourism Business and Guide

Section 7. There shall be a Committee of Tourism Business and Guide, consisting of the Permanent Secretary of the Ministry of Tourism and Sports as Chairperson, the Director of the Office of Tourism Development as Vice-Chairperson, a representative from the Ministry of Interior, a representative from the Ministry of Labor, the Commander-in-chief of the Immigration Bureau, the Tourist Police Commander, the Governor of the Tourism Authority of Thailand, and the President of the Tourism Council of Thailand as committee members, and seven persons appointed by the Minister as committee members. The registrar of tourism business and guide centre shall be the committee member and secretary.

The committee members appointed by the Minister under paragraph one shall be appointed from the representatives of the Tourism Council of Thailand for five persons and appointed from qualified persons who were or currently are professors in an education institution experiencing in teaching of not less than three years in a course of tourism study for one person and in a course of guide study for one person.

Five committee members from representatives of the Tourism Council of Thailand under paragraph two may or may not be a member of the Tourism Council of Thailand. At least, such five committee members shall be appointed from representatives of tourism business entrepreneur for two persons and representatives of guide for two persons.

Section 8. A committee member appointed by the Minister shall hold office for a term of two years. The committee member who vacates office may be reappointed, but may not be appointed for more than two consecutive terms.

In case where the committee member vacates office upon an expiration of term but a new committee member has not yet been appointed, the committee member who vacates office shall remain in office to continue the duties until the new committee member has been appointed.

Section 9. A vacating of office prior to an expiration of term for committee members appointed by the Minister shall be in accordance with the law on administrative procedure.

Apart from the vacating of office under paragraph one, the Minister may remove any committee member for cause of neglect of duty, infamous conduct, or lack of ability.

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Section 10. In case where a committee member appointed by the Minister vacates office prior to an expiration of term, the remaining committee members shall continue to perform the duties and a similar type of committee member shall be appointed to replace within sixty days from the date such committee member has been vacated. Except where the remaining term of such committee member is less than one hundred eighty days, an appointment of committee member to replace may not be executed. The committee member appointed to replace shall remain in office for the remaining term of the committee member so replaced.

Section 11. A meeting, conduction of meeting, or any other matters in connection with the meeting shall be in accordance with the rule prescribed by the committee.

Section 12. The committee shall have the following powers and duties:

(1) to determine any programmes and measures in connection with a promoting, developing, and supervising of the tourism business and guide;

(2) to submit an opinion to the Minister for an issuance of the Ministerial Regulation under this Act;

(3) to issue the practice rule in connection with a standard of conducting tourism business, a standard of performing tour guide and tour leader duty toward tourists and their accountability toward the tourists and tourism business entrepreneur as well as a remuneration or protection given to the tour guide and tour leader by the tourism business entrepreneur;

(4) to issue the notification prescribing areas in locals or communities where the tour guide, whose qualifications have been waived under section 51, can perform the duties as well as prescribing any measures for the benefit of promoting such locals or communities tourism with an approval from the Minister;

(5) to issue the rule in connection with an opening of deposit account and disbursing of such deposit account for a guarantee in cash under section 18 as well as a returning of the guarantee under section 39;

(6) to prescribe the criteria and procedure of fact finding and decision making by a registrar under section 40;

(7) to issue the rule in connection with the criteria, procedure, and a rate of compensation for the tourists who have been damaged by the tourism business entrepreneur under section 41;

(8) to consider and make a decision on an appeal of a registrar’s order under this Act;

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(9) to prescribe the criteria and procedure in retaining and managing money and property of the Fund under section 71;
(10) to execute other acts in accordance with this Act or as assigned by the Council of Ministers or the Minister.

Section 13. In an execution of powers and duties, the committee may appoint a subcommittee to execute an assignment.
A meeting and voting of the subcommittee shall be in accordance with the rule prescribed by the committee.

Section 14. The chairperson, committee members, and subcommittees shall receive meeting allowances and other benefits in accordance with the rule prescribed by the Council of Ministers.

CHAPTER I
Tourism Business

Section 15. Any person who intends to operate a tourism business shall apply for a tourism business licence with the registrar.
An application of licence, issuance of licence, and issuance of duplicate copy of licence shall be in accordance with the criteria and procedure prescribed in the Ministerial Regulation.

Section 16. A natural person who applies for a tourism business licence shall:
(1) have qualifications as follows:
   (A) being not less than twenty years of age on an application date of tourism business licence;
   (B) being of Thai nationality;
   (C) being domiciled or resided in the Kingdom of Thailand;
(2) not be under the prohibitions as follows:
   (A) being bankrupt or under a receivership;
   (B) being a person of unsound mind, mental infirmity, incompetency, or quasi-incompetency;
   (C) being a person whose tourism business licence or guide licence is on suspension;

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Section 17. A juristic person who applies for a tourism business licence shall:

(1) have qualifications as follows;

(A) being the juristic person under Thai law whose objective is to operate business concerning with tourism. If such juristic person is a registered partnership, an unlimited liability partner shall have Thai nationality. If such juristic person is a limited company or public limited company, no less than fifty one percent of a company’s capital shall belong to a natural person who has Thai nationality and more than half of such company’s directors shall have Thai nationality;

(B) the director or a person who has the power to act on behalf of the juristic person shall have qualifications and not be under the prohibitions under section 16;

(2) not be under the prohibitions as follows;

(A) being the juristic person which is under the prohibitions of section 16 (2) (C) (D) or (E);

(B) having a partner under the prohibitions of section 16 (2) (C) (D) or (E) or having a vacated partner in a registered partnership under the prohibitions of (2) (A) and having not reached five years of vacated period up to the date of application of tourism business licence;

(C) having a shareholder, whose share exceeds five percent, under the prohibitions of section 16 (2) (C) (D) or (E), or having a shareholder, who has vacated from directorship or who has a power to act on behalf of the juristic person and has vacated from office, under the prohibitions of (2) (A) and having not reached five years of vacated period up to the date of application of tourism business licence;

The provisions under (2) (B) and (C) shall not apply to a person, who was once a partner, director, or a person who had the power to act on behalf of the juristic person, who can prove oneself of no involvement in juristic person’s action under the prohibitions of (2) (A).
Section 18. Any person who applies for a licence under section 16 and section 17 shall give either one or more guarantees such as cash, bank guarantee, Thai government bond, state-owned enterprise bonds in which the principle and interest are guaranteed by Thai government to the registrar so as to guarantee that such person shall execute in compliance with this Act with an amount of money as prescribed in the Ministerial Regulation.

Section 19. Once an application for a tourism business licence has been submitted, a registrar or a person assigned by the registrar shall examine a completeness of documents, evidences and compliance with the criteria and procedure prescribed in the Ministerial Regulation under section 15 paragraph two. In case where the registrar finds that such documents or evidences are still incomplete or finds a noncompliance with such criteria or procedure, the registrar shall notify the applicant for the tourism business licence immediately.

Section 20. When a registrar deems that an applicant for a tourism business licence has qualifications and not be under the prohibitions under section 16 or section 17, as the case may be, and has executed in compliance with the criteria and procedure regarding an application of a tourism business licence, the registrar shall notify such applicant in writing within thirty days from the date the registrar has received the application of licence. The written notifying shall include a fee for tourism business licence and required given guarantees.

When the applicant has completely paid the fee for tourism business licence pursuant to the rate prescribed in the Ministerial Regulation and given guarantee in accordance with section 18, the registrar shall issue the tourism business licence within seven days from the date the registrar has received such fee and guarantee.

The determination of tourism business licence fee rates under paragraph two may be differentiated according to a type or character of tourism business entrepreneurs.

Section 21. When a registrar deems that an applicant for a tourism business licence lacks qualifications or is under the prohibitions of section 16 or section 17, as the case may be, the registrar shall notify such applicant in writing an impermissible reason within thirty days from the date the registrar has received an application for licence.
Section 22. In case where a registrar has issued an order not to grant a tourism business licence under section 21, an applicant for such licence shall have a right to appeal in writing to the committee within thirty days from the date the applicant has been notified of such order by the registrar.

The committee shall consider and make a decision on an appeal under paragraph one within thirty days from the date the committee has received such written appeal.

The decision of the committee shall be final.

Section 23. A tourism business entrepreneur shall display a tourism business licence in public where it can be easily seen at a premise of tourism business as specified in such licence.

Section 24. A tourism business entrepreneur shall not cause any damage toward tourism industry, tourist attractions, or tourists.

Section 25. A tourism business entrepreneur shall execute in accordance with the rule prescribed by the Committee under section 12 (3).

Section 26. For advertising or persuading regarding a travel itinerary, a tourism business entrepreneur shall make in document consisting at least of the following details:

(1) name of the tourism business entrepreneur, place and licence number of a tourism business;
(2) travel time;
(3) service fee and its payment method;
(4) characteristic and type of vehicle used for travel;
(5) destination and rest area including important location in touring;
(6) characteristic and type of accommodation including number of meals provided;
(7) a number of tour guide or tour leader if provided;
(8) a number of minimum tourists provided that a number of minimum tourists are required.
Section 27. In case where a travel itinerary has been altered from the one advertised or persuaded under section 26, a tourism business entrepreneur shall notify a tourist for acknowledgement before receiving a payment of service fee.

In case where the tour itinerary has been altered after the payment is made by a tourist, if such tourist has no intention to travel further, the tourism business entrepreneur shall refund the received payment to the tourist immediately. The tourism business entrepreneur shall not deduct any expense from this amount of refund.

Section 28. In case where a tourist has made a payment whether in whole or in part and if there is a personal ground which causes the tourist unable to travel or a ground to cancel a touring as advertised and this does not derive from a tourism business entrepreneur’s fault, such entrepreneur shall refund the payment to the tourist not less than the rate under the criteria prescribed by the notification of the committee.

In case of paragraph one, if a cancellation of touring is due to the fact that a number of tourists does not reach the minimum requirement under section 26 (8) or derive from the tourism business entrepreneur’s fault, such tourism business entrepreneur shall refund the payment to the tourist in whole.

Section 29. While touring, a tourism business entrepreneur shall not alter a tour itinerary except given permission by a tourist or force majeure.

An alteration to the tour itinerary under paragraph one will result in a refund to the tourist by the tourism business entrepreneur in proportion except that the tourism business entrepreneur can prove that such alteration has caused equal or more expense to the tourism business entrepreneur.

Section 30. A tourism business entrepreneur shall not charge other service fees apart from those stated in section 26 (3) or the fee as agreed beforehand.

In case where a tourism business entrepreneur or a tour guide persuades a tourist to the place or to engage in activity apart from that advertised or persuaded in the document, such tourism business entrepreneur or tour guide shall inform a service fee and other fees to be paid for entering into such place or engaging in such activity to the tourist for acknowledgment beforehand and shall not charge the tourist above the informed amount of service fee.
Section 31. A tourism business entrepreneur shall not organize a tour for the inbound tourists without service fee or with service fee supposed to be insufficient to the expense in accordance with the criteria prescribed by the notification of the committee.

Section 32. A tourism business entrepreneur shall not assign a tour guide, tour leader or any other persons to guide responsible tourists to travel by charging money from such tour guide, tour leader or any other persons and shall not allow such persons to be responsible for the travel expenses such as accommodation fee, meal allowance, and other cost of convenience for the tourists whether in whole or in part.

Section 33. By providing a tour guide or tour leader to accompany with tourists, a tourism business entrepreneur shall merely engage a licenced tour guide or a registered tour leader under this Act, as the case may be.

By travelling to perform a duty of tour guide or tour leader under paragraph one, it shall be deemed that such tour guide or tour leader acts in the course of employment of the tourism business entrepreneur.

Section 34. A tourism business entrepreneur shall provide accident insurance coverage to tourists, tour guide, and tour leader during the course of travel in accordance with the criteria prescribed by the notification of the committee.

Section 35. A tourism business entrepreneur shall pay a tourism business operating fee biennially in accordance with the criteria, procedure, and rate prescribed in the Ministerial Regulation.

If the tourism business entrepreneur fails to pay such fee within a specified time period, a surcharge of two percent per month shall be imposed upon such entrepreneur. If such non-payment has exceeded three months, a registrar shall suspend a licence until such fee and surcharge are paid provided that not exceeding six months from a date of licence suspension.

If such non-payment has exceeded six months and the suspended tourism business entrepreneur has not yet paid such fee and surcharge, the registrar shall revoke the licence.
Section 36. A tourism business operating licence shall be terminated provided that a tourism business entrepreneur:
(1) die or a juristic person is terminated;
(2) dissolve of business under section 38 or;
(3) is revoked of the tourism business operating licence under section 46.

Section 37. In case where a tourism business operating licence is terminated under section 36 (2) or (3), a tourism business entrepreneur shall have a duty to carry on commitments toward the tourists as necessary. This shall not exceed six months from a date such licence has been terminated.

Section 38. A tourism business entrepreneur who intends to dissolve a business shall notify a registrar for acknowledgement as well as returning tourism business operating licence to the registrar within fifteen days from a date the business has been dissolved.

The dissolution of business shall not release the tourism business entrepreneur from any liability toward the tourists under this Act.

Section 39. A guarantee given by a tourism business entrepreneur under section 18 shall not be subject to a legal execution as long as the tourism business entrepreneur has not yet been dissolved. However, the guarantee given is still subject to liability under this Act.

In case of business dissolution, the tourism business entrepreneur may request for a return of the given guarantee including its fruit provided that a tourism business operating licence has been returned under section 38 and the obligation arising out of this Act has been performed completely. If an amount of a remaining debt is lesser than the value of the given guarantee, a registrar shall have a power to issue an order to reduce the given guarantee to the extent equivalent to a responsible debt.

In case where a registrar has notified the tourism business entrepreneur to take back the guarantee, such guarantee shall become a property of the Fund given that the tourism business entrepreneur has not taken such guarantee back within two years from a date such tourism business entrepreneur has been notified.
Section 40. When a complaint is filed or a registrar finds that any tourist has been damaged by a tourism business entrepreneur’s failure to comply with an agreement in connection with tourism business, or failure to comply as advertised or persuaded, or failure to comply with this Act, the registrar shall speedily and fairly carry out a fact-finding investigation and make a decision in accordance with the criteria and procedure prescribed by the committee.

The registrar shall consider an explanation made by the accused tourism business entrepreneur in both the fact-finding investigation and decision making under paragraph one.

Section 41. If the fact-finding investigation under section 40 appears that any tourist has been damaged by a tourism business entrepreneur and to what amount of money, a registrar shall order a compensation payment from the Fund to relieve such damage in the interim. The registrar shall hereinafter notify the tourism business entrepreneur to make a repayment to the Fund within fifteen days from the date such tourism business entrepreneur has been notified.

The criteria, procedure, and compensation rate under paragraph one shall be in accordance with the rule prescribed by the committee.

If the tourism business entrepreneur has not made a repayment to the Fund within a period specified under paragraph one, the registrar shall deduct such amount of repayment from a given guarantee under section 18 to the Fund.

Section 42. In case where a given guarantee by a tourism business entrepreneur under section 18 has been decreased by virtue of an expense under this Act, the registrar shall order in writing to the tourism business entrepreneur that the guarantee be additionally given in the specified amount of money within fifteen days from the date such tourism business entrepreneur has received an order.

Failure to give additional guarantee by the tourism business entrepreneur within the specified time period under paragraph one shall result in a two percent surcharge per month until the guarantee be completely given.

Section 43. A tourist or tourism business entrepreneur who does not agree with a registrar’s order under section 41 shall have a right to appeal such order in writing to the committee within thirty days from the date such person has received an order from the registrar.
The committee shall consider and make a decision on the appeal under paragraph one within thirty days from the date they have received the written appeal. The decision made by the committee shall be final.

An appeal of the registrar’s order under paragraph one shall not result in a suspension of repayment to the Fund and deduction of a given guarantee to the Fund under section 41, and a suspension of giving additional guarantee under section 42 unless the committee otherwise extends case by case.

In case where the tourist dies, an heir or any interested person shall have a right to appeal in the same manner as the tourist.

Section 44. In considering and making a decision on an appeal, the committee shall have the following powers:

(1) in case where an amount of money paid from the Fund is lesser than a damage done to a tourist, the committee shall order a registrar to pay additional money from the Fund to the tourist as determined by the committee and notify a tourism business entrepreneur to compensate such amount of money to the Fund within fifteen days from the date the tourism business entrepreneur has been notified. The provision in section 41 paragraph three and section 42 shall apply mutatis mutandis unless the committee otherwise finds that an additional payment of damage does not cause by the tourism business entrepreneur’s fault and therefore may not order the tourism business entrepreneur to make such repayment as a compensation to the Fund.

(2) in case where the tourism business entrepreneur has no liability in such damage or has in part but such tourism business entrepreneur has already made a repayment to the Fund in accordance with the registrar’s order under section 41 or the registrar has already deducted money from a given guarantee under section 18 back to the Fund and such tourism business entrepreneur has completely given additional guarantee, the committee shall order the registrar to reimburse money from the Fund to such tourism business entrepreneur in whole or in proportion to the extent not liable, as the case may be.

The Office shall inform the decision of the committee to the person concerned within fifteen day from the decision making day.
Section 45. A registrar shall have the power to suspend a tourism business operating licence for not exceeding six months per time upon a business tourism entrepreneur:

(1) violation or failure to comply with the rule prescribed by the committee under section 12 (3);
(2) violation or failure to comply with section 30, section 31, section 32 or section 33;
(3) failure to pay tourism business operation fee and surcharge exceeding three months from the fee payment date scheduled under section 35 paragraph two;
(4) failure to give additional guarantee completely exceeding six months from the due date under section 42 or section 44 (1) or;
(5) violation or failure to comply with the order of a registrar or competent official issued under section 76.

The tourism business entrepreneur whose licence is on suspension shall be prohibited from operating tourism business during a suspension period except in specific case where the registrar permits such operation in order to prevent damage from occurring upon tourists or tourism business.

Section 46. A registrar shall have the power to revoke a tourism business operating licence upon a tourism business entrepreneur:

(1) being disqualified under section 16 (1) or section 17 (1) or being under the prohibitions under section 16 (2) (A) (B) (D) (E) or (F) or section 17 (2);
(2) failure to pay tourism business fee and surcharge exceeding six months from the date a tourism business operating licence has been suspended under section 35 paragraph three;
(3) having been suspended a tourism business operating licence under section 45 and within one year from the date of suspension, a ground for tourism business operating licence suspension has been reestablished whether on the same ground or not;
(4) having behaved or executed in violation of this Act or having caused gross damage toward the tourist or tourism business thereof and having been warned and issued a restraining order or requested for correction by the registrar but failure to do so or;
(5) having been sentenced by a final judgment of offence in connection with trade, robbery, gang robbery, fraud, cheating against creditor or misappropriation under the Criminal Code or offence of public cheating under the law on obtaining loans amounting to public cheating and fraud.
Section 47. A registrar shall notify in writing an order of suspension or revocation of tourism business operating licence under section 45 or section 46, as the case may be, to a tourism business entrepreneur for acknowledgment within fifteen days from the date of such order.

For notifying under paragraph one, the registrar may deliver via registered mail with return receipt requested, fax, electronic means, or other means as prescribed by the committee.

Section 48. A tourism business entrepreneur, whose tourism business operating licence has been suspended or revoked under section 45 or section 46, as the case may be, shall have a right to appeal an order in writing to the committee within thirty days from the date the tourism business entrepreneur has received such order from a registrar.

The committee shall consider and make a decision on appeal under paragraph one within thirty days from the date they have received such written appeal. The decision of the committee shall be final.

CHAPTER II
Tour Guide

Section 49. Any person who intends to be a tour guide shall apply for a tour guide licence from a registrar.

An application of licence, issuance of licence, renewal of licence, and issuance of duplicate copy of licence shall be pursuant to the criteria and procedure prescribed in the Ministerial Regulation.

The provision in this section shall not apply to the official or employee of the government agency or government sector who occasionally performs the duties in the same manner as the tour guide or student who is certified in writing by an educational institution.

Section 50. Any person who applies for a tour guide licence shall:
(1) have qualifications as follows;
   (A) being not less than eighteen years of age on the date of applying for tour guide licence;
   (B) being of Thai nationality;
   (C) having been graduated at least a bachelor’s degree or equivalent in the field of tour guide study or travel study consisting of tour guide course, or having been
graduated a diploma degree in the field of tour guide study or travel study consisting of tour guide course not less than as prescribed by the committee, or having obtained a certificate of proficiency or written certification approving that an applicant has passed a tour guide training course pursuant to the curriculum as prescribed by the committee;

(2) not be under the prohibitions as follows;
   (A) being a chronic alcoholism or being addicted to narcotics or being infected with chronic disease as prescribed by the committee;
   (B) being a person whose tourism business operating licence or tour guide licence is on suspension;
   (C) having been revoked the tourism business operating licence under section 46 (1), (2), (3) or (4) or tour guide licence under section 63 (1) (2) (3) or (4) and having not exceeded five years up to the date of application for a tour guide licence;
   (D) having been revoked the tourism business operating licence under section 46 (5) or tour guide licence under section 63 (5)
   (E) having been revoked a tour leader registration and having not reached five years up to the date of application for the tour guide licence.

Section 51. For a particular benefit of tourism promotion in locals or communities, after the committee has already issued a notification on local or community areas under section 12 (4), the Minister may issue a notification on a waiver of qualifications under section 50 (1) (A) or (C) for an applicant of tour guide licence who exclusively provides service in such area as well as waiving or reducing tour guide licence fee.

In case where the areas under section 12 (4) have already been occupied by the tour guide under paragraph one, no other tour guides shall perform their tour guide duties in such area.

Section 52. Upon receiving an application for tour guide licence, a registrar or a person assigned by the registrar shall examine a completeness of document, evidence, and conformity with the criteria and procedure prescribed in the Ministerial Regulation issued under section 49 paragraph two. In case where it is found that such document or evidence is still incomplete or such criteria or procedure is violated, an applicant for tour guide shall be notified immediately.
Section 53. When a registrar deems that any applicant for tour guide licence under section 49 has qualifications and not be under the prohibitions under section 50, or any applicant for tour guide licence who provides service in specific locals or communities has been waived from the qualifications under section 51 and has complied with the criteria and procedure regarding a tour guide licence application and has already made a payment for a tour guide licence fee in pursuance to the rate prescribed in the Ministerial Regulation, the registrar shall then issue the tour guide licence for such applicant within thirty days from the date the registrar has received such application for licence.

Section 54. When a registrar deems that any applicant for tour guide licence under section 49 has no qualification or be under the prohibitions of section 50, or any applicant for tour guide licence who provides tour guide service in specific locals or communities has not been waived from the qualifications under section 51 or has not made a payment of fee within the specified time period, the registrar shall notify such applicant in writing an impermissible ground for licence denial within thirty days from the date the application for licence has been received.

Section 55. In case where a registrar has issued an order not to grant a tour guide licence under section 54, an applicant for tour guide licence shall have a right to appeal such order in writing to the committee within thirty days from the date the applicant has received such order from the registrar.

The committee shall consider and make a decision on the appeal under paragraph one within thirty days from the date they have received such written appeal.

The committee decision shall be final.

Section 56. A tour guide licence shall be valid for five years from the date of issue and may be renewed pursuant to the criteria and procedure prescribed in the Ministerial Regulation.

The provision in section 52, section 53, section 54, and section 55 shall apply to a renewal of tour guide licence mutatis mutandis.

Section 57. A standard of performing duty, dress code, courtesy, behavior, and obtaining medical checkup of tour guide shall be in accordance with the rule prescribed by the committee.
The tour guide shall act in accordance with the rule prescribed by the committee under paragraph one and a tour guide identification card shall be displayed while on duty at all time.

The form, application, issuance, and display of tour guide identification card under paragraph two shall be in accordance with the notification prescribed by the Minister.

**Section 58.** By agreeing to be a tour guide, the tour guide shall not pay money or provide any other benefits to a tourism business entrepreneur or any other persons or agrees oneself to be liable in whole or in part for an expense so as to acquire a job for guiding the tourists to travel.

**Section 59.** A tour guide shall perform duties in accordance with a travel itinerary agreed with a tourism business entrepreneur and shall not act in any manner which cause damage toward the tourists.

**Section 60.** A tour guide shall not assign or allow any unlicenced person to perform duties as a tour guide in lieu of the tour guide.

**Section 61.** A tour guide licence shall be terminated upon the tour guide:
(1) death;
(2) being denied a renewal of tour guide licence under section 56 or;
(3) being revoked of tour guide licence under section 63.

**Section 62.** A registrar shall have the power to suspend a tour guide licence for not exceeding six months per each time upon a tour guide:
(1) violation or failure to comply with the rule prescribed by the committee under section 12 (3) or section 57;
(2) violation or failure to comply with section 51 or section 58;
(3) violation or failure to comply with an order of registrar or competent official issued under section 76.

The tour guide whose tour guide licence has been suspended shall be prohibited to perform a tour guide duty during a suspension period except in a specific case where the registrar has permitted in order to prevent damage from occurring upon the tourists or tourism business.
Section 63. A registrar shall have the power to revoke a tour guide licence upon a tour guide:

(1) being disqualified under section 50 (1) or being under the prohibitions of section 50 (2) (A) (C) (D) and (E);
(2) having been suspended the tour guide licence under section 62 and ,within one year from the date of tour guide licence suspension, the ground for tour guide licence suspension has been reestablished whether on the same ground or not;
(3) having behaved or acted in violation of this Act or having caused gross damage toward the tourist or tourism business thereof and having been warned and issued a restraining order or requested for correction by the registrar but failure to do so;
(4) being a person of unsound mind or mental infirmity or;
(5) being sentenced by a final judgment for offences of robbery, gang robbery, fraud, cheating against creditor or misappropriation under the Criminal Code or offence of public cheating under the law on obtaining loans amounting to public cheating and fraud.

The provision under section 47 and section 48 shall apply to a notifying and appealing of order mutatis mutandis. 

CHAPTER IV
Tour Leader

Section 64. Any person who intends to be a tour leader shall register to be the tour leader with the Office pursuant to the criteria and procedure prescribed in the Ministerial Regulation.

The Ministerial Regulation under paragraph one shall prescribe the qualifications of the tour leader.

Any person who has been licenced to be a tour guide and has the qualifications under paragraph two shall perform duties as a tour leader without having to register under paragraph one but such person shall notify the registrar for acknowledgment and for the benefit of a record of the Office.

Section 65. By organizing an outbound tourism, if a tourism business entrepreneur provides a tour leader for accompanying, such tour leader must be the tour leader registered with the Office under section 64.

Apart from duties of guiding and providing convenience, the tour leader shall carry out in accordance with a travel itinerary under section 26 or section 29, as the case may be.

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Section 66. A standard of performing duty, dress code, courtesy, and behavior of a tour leader shall be in accordance with the rule prescribed by the committee. The tour leader shall act in accordance with the rule prescribed by the committee.

Section 67. In case where a tour leader has behaved or acted in violation of the rule issued under section 66 or has committed any action which caused gross damage toward the tourist or tourism business thereof, a registrar shall have the power to give a warning and issue a restraining order or request for correction of such action.

In case where the tour leader has violated or failed to comply with the registrar’s order under paragraph one, or has violated or failed to comply with the order of the registrar or competent official issued under section 76, the registrar shall have the power to order such person to be prohibited from performing a tour leader’s duties within a specified time period of not exceeding six months or may revoke a tour leader registration.

Section 68. When a registrar has issued an order to prohibit from performing duties or has revoked a registration under section 67, the registrar shall notify the Office for acknowledgment. The Office shall circulate such tour leader’s name to tourism business entrepreneurs for acknowledgment in accordance with the criteria and procedure prescribed by the committee.

CHAPTER V

Tourism Business Protection Fund

Section 69. There shall be a fund named “Tourism Business Protection Fund” been established. The objective of such fund shall serve as an advance payment to the tourist who has been damaged by a failure to comply with a tourism business agreement, advertisement or assurance to the tourists, or under this Act by a tourism business entrepreneur.

Section 70. The Fund shall be consisted of the following money and properties:

1. a preliminary fund of twenty million baht contributed by the Tourism Authority of Thailand;
2. a tourism business operating licence fee and other fees collected under this Act;

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Section 71. A retention and management of money and property of the Fund shall be in accordance with the criteria and procedure prescribed by the committee.

Section 72. For a fruit accruing from the Fund under section 70 (6), the committee may prescribe such fruit as an expense for management and administration of Fund but not exceeding half of the fruit acquired in each year.

Section 73. Within one hundred and twenty days from the end of the year, the Office shall make a balance-sheet, financial statement, and expense account of the Fund submitted to the committee.

For the balance-sheet, the Office shall assign a licenced auditor to examine such balance-sheet and conduct an audit report submitted to the committee.

CHAPTER VI
Control

Section 74. The Director shall appoint one government officer in the Office of Tourism Development ranking not lower than Divisional Director to be a tourism business and guide centre registrar who shall perform duties as a registrar in controlling tourism business and tour guide throughout the entire kingdom and shall have the powers and duties as prescribed in this Act or as assigned by the committee.
Section 75. For the benefit of providing convenience and service to people in an area, the Director may appoint a tourism business and guide branch registrar to be responsible for executing this Act within one or more provinces permanently or temporarily.

Section 76. By performing duties, a registrar shall have the powers as follows:

(1) entering an establishment of tourism business entrepreneur during the office hour or entering a travel vehicle so as to examine a compliance with this Act;

(2) ordering a tourism business entrepreneur to notify information in connection with a temporary or regular operating business in accordance with the form, detail, and procedure prescribed in the Ministerial Regulation;

(3) summoning the tourism business entrepreneur, representative or employee, tour guide, or tour leader to give a statement or explanation regarding a tourism business operation or a performing of tour guide or tour leader duty, as the case may be, or to submit any relating document or evidence for examination.

The registrar may assign the power under (1) and (3) in writing to a competent official for execution.

The exercise of power by the registrar or competent official shall not excessively cause any difficulty in travelling for the tourists.

Section 77. In performing duties, a registrar or competent official shall display an identification card to any person concerned.

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

Section 78. In performing duties under this Act, a registrar and competent official shall be deemed an officer under the Criminal Code.

Section 79. A performing of duties by registrar and competent official under this Act shall be executed by focusing on providing convenience to persons concerned and shall bring forth a tourism promotion.

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CHAPTER VII
Penalty

Section 80. Any person who operates tourism business without a tourism business operating licence under section 15, or operates tourism business during a licence suspension period in violation of section 45 paragraph two shall be liable to imprisonment for a term of not exceeding two years or to a fine not more than five hundred thousand baht, or to both.

Section 81. Any tourism business entrepreneur who fails to comply with section 23 shall be liable to a fine not more than two thousand baht.

Section 82. Any tourism business entrepreneur who violates section 24 shall be liable to a fine not more than five hundred thousand baht.

Section 83. Any tourism business entrepreneur who fails to comply with section 25, section 26, or section 27 shall be liable to a fine from five thousand baht to fifty thousand baht.

Section 84. Any tourism business entrepreneur who violates section 31 or section 32 shall be liable to imprisonment for a term of not exceeding two years or to a fine not more than five hundred thousand baht, or to both.

Section 85. Any tourism business entrepreneur who fails to comply with section 33 shall be liable to a fine not more than five hundred thousand baht.

Section 86. Any person who performs duties as a tour guide without a tour guide licence under section 49 or performs duties as a tour guide during a licence suspension period in violation of section 62 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not more than one hundred thousand baht, or to both.

Section 87. Any tour guide who violates section 51 shall be liable to a fine not more than five thousand baht.
Section 88. Any tour guide who fails to comply with the rule prescribed by the committee or fails to display a tour guide identification card under section 57 shall be liable to a fine not more than ten thousand baht.

Section 89. Any tour guide who violates section 58 and section 60 shall be liable to imprisonment for a term not exceeding six months or to a fine not more than fifty thousand baht, or to both.

Section 90. Any person who performs duties as a tour leader without being registered as a tour leader under section 64 paragraph one shall be liable to imprisonment for a term not exceeding one month or to a fine not more than twenty thousand baht, or to both.

Section 91. Any tour leader who fails to comply with the rule prescribed by the committee and issued under section 66 shall be liable to a fine not more than ten thousand baht.

Section 92. Any tour leader who violates a registrar’s order to be prohibited from performing a tour leader duty under section 67 paragraph two shall be liable to imprisonment for a term of not exceeding one month or to a fine not more than twenty thousand baht, or to both.

Section 93. Any person who obstructs or fails to provide convenience to a registrar or competent official assigned in writing by the registrar who performs duties under section 76 shall be liable to imprisonment for a term of not exceeding six months or to a fine not more than fifty thousand baht, or to both.

Section 94. All offences under this Act which are only punishable by a fine or punishable by an imprisonment for a term of not exceeding one month with or without a fine may be settled by a registrar or a person assigned by the registrar in accordance with the criteria prescribed by the committee.

Upon payment by the offender of the settled amount of fine, the case shall be deemed settled under the Criminal Procedure Code.

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Section 95. In case where an offender liable to any penalty under this Act is a juristic person, then a director or a person who has a power to act on behalf of the juristic person shall also be liable to a penalty prescribed by that offence unless proven otherwise that such person has no involvement in a commission of offence.

Transitory Provision

Section 96. The Committee of Tourism Business and Guide under the Tourism Business and Guide Act B.E. 2535 who performs their duty prior to an enforcement date of this Act shall be the Committee of Tourism Business and Guide under this Act and shall perform their duty under this Act onward until the Committee of Tourism Business and Guide under this Act will be appointed. The appointment of such Committee shall be completed within ninety days from the date this Act has come into force.

Section 97. A tourism business licence issued under the Tourism Business and Guide Act B.E. 2535 shall be a tourism business licence under this Act.

Section 98. In case where Thailand has had an agreement with a foreign country’s government in respect of tourism business prior to an enforcement date of this Act, the Minister may issue a notification on waiver of qualifications under section 16 (1) (B) and section 17 (1) (A) and (B) for the national of such country.

Section 99. The tour guide licence issued under the Tourism Business and Guide Act B.E. 2535 shall remain valid until an expiration date specified within such tour guide licence.

For a benefit of licence renewal, the licence under paragraph one shall be deemed the licence issued under this Act.

Section 100. All damages under the Tourism Business and Guide Act B.E. 2535 occurring to the tourists, tour guide, travel industry entrepreneur, or tourism business entrepreneur prior to an enforcement date of this Act shall be further considered under the relating provision of the Tourism Business and Guide Act B.E. 2535 until complete by the following agencies:

(1) Tourism Authority of Thailand for the case complained by the person under paragraph one prior to the enforcement date of this Act;
(2) Office of Tourism Development for the case complained by the person under paragraph one subsequent to the enforcement date of this Act.

Section 101. For all the guarantees given to the Governor of Tourism Authority of Thailand by a tourism business operating licensee under the Tourism Business and Guide Act B.E. 2535 prior to an enforcement date of this Act, the Tourism Authority of Thailand shall deliver such guarantees to the Office of Tourism Development for deduction as a guarantee amounting to a number prescribed in the Ministerial Regulation under section 18. In case where the guarantees are still remained after deduction and no such licensee case is pending on consideration under section 100, the Office of Tourism Development shall return such guarantees to each tourism business licensee together with the accrued fruits.

If any tourism business licensee has a case pending on consideration under section 100, the Office of Tourism Development shall return guarantees after a complained case has been completely considered. The return shall hereby include the remaining guarantees and their fruits accrued after the deduction of an occurring liability.

Section 102. All the Ministerial Regulations, regulations, or rules issued under the Tourism Business and Guide Act B.E. 2535 which are still in force on the date of publication of this Act in the Government Gazette shall still be in force, but only for those which are not in conflict with this Act, until the new and replacing Ministerial Regulations, regulations, or rules are issued under the provision of this Act, however, not exceeding two years from the date this Act has come into force.

Countersigned by
General Surayud Chulanont
Prime Minister
## Schedule of Fees

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Fee (Baht)</th>
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<tr>
<td>1</td>
<td>Tourism business licence for each licence</td>
<td>3,000</td>
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<tr>
<td>2</td>
<td>Tour guide licence for each licence</td>
<td>1,500</td>
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<tr>
<td>3</td>
<td>Duplicate of tourism business licence for each licence</td>
<td>1,000</td>
</tr>
<tr>
<td>4</td>
<td>Duplicate of tour guide licence for each licence</td>
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<tr>
<td>5</td>
<td>Tourism business fee biennially for each time</td>
<td>1,500</td>
</tr>
<tr>
<td>6</td>
<td>Renewal of tour guide licence for each time</td>
<td>1,500</td>
</tr>
</tbody>
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