

AIR NAVIGATION ACT**B.E. 2497#****Bhumibol Adulyadej, Rex****Given on the 1st Day of September B.E. 2497****Being the 9th 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 air navigation,

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the House of Representatives as follows:

Section 1. This Act shall be called the “Air Navigation Act B.E.2497”.

Section 2.¹ This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.

Section 3. The following laws shall be repealed:

- (1) The Air Navigation Act B.E. 2480;
- (2) The Air Navigation Act (No. 2) B.E. 2490;
- (3) The Air Navigation Act (No. 3) B.E. 2492; and
- (4) All other laws, rules and regulations to the extent that they are inconsistent with or contradictory to the provisions of this Act.

Section 4.² In this Act,

“Convention” means the Convention on International Civil Aviation done at Chicago on the 7th day of December B.E. 2487, including Annexes thereto and amendments to the Annexes or the Convention;

“Annex” * means Annexes and Amendments to the Annexes of the Convention to specify international standards and recommended practices on Civil Aviation applicable to Thailand.

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¹ Government Gazette, Volume 71, Part 58, p. 1249, 14 September B.E.2497.

² Section 4 was amended by the Air Navigation Act (No. 14) B.E.2562 by adding new Definitions (*) or replace definitions (**)

“Civil Aviation” * means air navigation and civil aircraft operation for the purpose of Commercial Air Transport, Aerial Work or General Aviation includes any other services directly or partly related to such activities.

“Aircraft” includes all machines that derive support in the atmosphere from the reaction of the air except for objects which are exempted under the Ministerial Regulations;

“State Aircraft”³ ** means an aircraft used in government service as prescribed in Section 5.

“Transport Aircraft” means an Aircraft used or intended to be used for transporting goods or passengers for the purpose of remuneration;

“Private Aircraft” means an Aircraft used or intended to be used for the purpose of non-remuneration;

“Foreign Aircraft” means an Aircraft registered and having nationality in accordance with a foreign law;

“Parachute” means a parasol-shaped device used to retard the fall of human beings, articles or animals from the height by the resistance of the air;

“Product” means an Aircraft, Major Aircraft Appliance, Aircraft Replacement Part, Standard Part or TSO Article as the case may be;

“Airframe” includes the structure of an Aircraft but does not include a Major Aircraft Appliance;

“Major Aircraft Appliance” means an Engine, a Propeller and other appliances of an Aircraft designated by the Director;

“Engine” means a machine used or intended to be used for propelling an Aircraft, and includes a part, equipment and an engine appliance, excluding a Propeller;

“Propeller” means a device for propelling an Aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation, and includes a part, equipment or a control component, but does not include rotating airfoils of engines and the main or auxiliary rotor of a helicopter or other Aircraft having similar characteristics as those of a helicopter;

“Aircraft Part” means an Airframe, part of an Airframe or part of a Major Aircraft Appliance;

“Aircraft Replacement Part” means an Aircraft Part produced for installation on an Aircraft or for replacement of an Aircraft Part as specified in a Type Certificate;

³ The term “State Aircraft” was added by the Air Navigation Act (No. 12) B.E.2553 and amended by the Air Navigation Act (No. 14) B.E. 2562

“Standard Part” means a part produced pursuant to standards certified under the law on industrial product standards or pursuant to standards established by a foreign organization which are designated in a notification by the Director as standards for Aircraft Parts under Section 34, paragraph two;

“Technical Standard Order Article” (TSO Article) means an instrument, a mechanism, a part, equipment and a component used or intended to be used in operating or controlling an Aircraft in flight, whether it is installed on or attached to the Aircraft, inside or outside, and includes a communication device only for which the Director has specified technical standards under Section 34 (1);

“Approved Design” means an Aircraft type design [and] a Major Aircraft Appliance type design approved by means of a Type Certificate, Supplemental Type Certificate or letter of certification, including a letter of approval for change in the Aircraft type design or Major Aircraft Appliance type design, and includes an Aircraft Replacement Part design under a Production Certificate for Aircraft Replacement Parts and a TSO Article design under a Production Certificate for TSO Articles;

“Type Certificate” means a letter issued for certifying the type design of a prototype Aircraft or prototype of a Major Aircraft Appliance under Section 41/2 as well as a Supplemental Type Certificate, and includes a Type Certificate or Supplemental Type Certificate issued by a State Party to the Convention or a country entering into an agreement with Thailand and certified by a letter of validation under Section 41/13 and Section 41/14;

“Supplemental Type Certificate” means a letter issued for certifying a change in the type design of a prototype Aircraft or prototype of a Major Aircraft Appliance which has a Type Certificate under Section 41/5, paragraph two (2) (a) or Section 41/6, paragraph two;

“Holder of the Type Certificate” includes a person to whom the right is transferred from a person who has obtained a Type Certificate;

“Production Certificate for Aircraft” means a letter issued to a person has obtained permission to produce Aircraft under Section 41/21;

“Production Certificate for Major Aircraft Appliances” means a letter issued to a person who has obtained permission to produce Major Aircraft Appliances under Section 41/32;

“Production Certificate for Aircraft Replacement Parts” means a letter issued to a person who has obtained permission to produce Aircraft Replacement Parts under Section 41/37;

“Production Certificate for TSO Articles” means a letter issued to a person who has obtained permission to produce TSO Articles under Section 41/47;

“Certificate of Airworthiness” means a letter for an Aircraft which is issued to indicate that the Aircraft is airworthy under Section 41/61, and includes a Certificate of Airworthiness issued by a State Party to the Convention or a country entering into an agreement with Thailand under Section 41/72;

“Airworthiness Approval Tag” means a letter for a Major Aircraft Appliance, Aircraft Replacement Part or TSO Article which is issued to indicate that such Product has been produced pursuant to an Approved Design or has undergone Maintenance to retain the condition pursuant to the Approved Design or pursuant to an Airworthiness Directive;

“Airworthiness Directive” means an order of the Director under Section 41/82 to require that an Aircraft continue safe operation;

“Maintenance” means performance of tasks required to ensure the continuing airworthiness of an Aircraft, for example, repair, inspection, replacement, modification or defect rectification;

“Repair Station Certificate” means a letter issued to a person certified to operate a Maintenance business for Aircraft, Major Aircraft Appliances or TSO Articles as well as Aircraft Parts under Section 41/94;

“Repair Station Accountable Manager” means a person appointed by the holder of a Repair Station Certificate with duties and responsibilities to oversee the operation of the repair station under Section 41/100;

“ Air Navigation Service” * means Air Traffic Management (ATM), Communications, Navigation and Surveillance Systems (CNS), Meteorological Services for Air Navigation (MET), Aeronautical Information Services /Aeronautical Information Management (AIS/AIM), Instrument Flight Procedure Design Service, and Search and Rescue Service (SAR). These services are provided to air traffic during all phases of operations;

“ Air Traffic Management (ATM)” * means the dynamic, integrated management of air traffic and airspace includes Air Traffic Services, Airspace Management and Air Traffic Flow Management;

“Air Traffic Service (ATS)” * means services related to Flight Information Service, Alerting Service, Air Traffic Advisory Service, Air Traffic Control Service-Area Control Service, Approach Control Service and Aerodrome Control Service);

“Meteorological Services for Air Navigation (MET)” * means services related to weather inspection and reports at the Airport, weather forecast for flight or notification of weather conditions that are danger to the flight;

“Aeronautical Information Service (AIS)” * means service established within the defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;

“Instrument Flight Procedure Design Service” means service established for the design, documentation, validation, maintenance and periodic review of instrument flight procedure necessary for the safety, regularity, and efficiency of air navigation;

“Search and Rescue Service (SAR)” * means service established for the performance of distress monitoring, communication, coordination and search and rescue functions includes initial medical assistance or medical evacuation, through the use of public/private resources and cooperating aircraft, vessels and other craft and installations;

“Commercial Air Transport” * means an aircraft operation in connection with the transport of passengers, cargo (goods) or mail for remuneration or hire;

“Aviation Inspector” * means a person appointed by the Director to act as an Aviation Safety Inspector and Aviation Security Inspector;

“Crew Member” * means a person assigned by the Air Operator to Perform any duty on an aircraft in flight;

“Dangerous Goods” * means articles or substances that can pose a risk to health, safety, property or the environment while transporting by air that the Director prescribes as Dangerous Goods under Section 15/28;

“Aerial Work” * means an aircraft operation for a particular service such as agriculture, construction, photography, surveying, observation, patrol, flight test, aerial advertisement, glider or advertising banner towing;

“General Aviation” * means an aircraft operation other than Commercial Air Transport or Aerial Work;

“Premise” * includes Aerodrome, hangar, Certified Repair Station, workshop, ramp, fuel storage, operator’s office, cargo handling area, catering facility, aircraft store, vehicle and Aviation Training Organization;

“Air Navigation Facility” * means an Air Navigation Aid, equipment or other Aerodrome facility used or can be used or designed to be used for air navigation of an Aircraft, including Aerodrome, landing area, lights, any apparatus or equipment for disseminating weather information, signaling, radio directional finding, or radio or other electromagnetic communication, and any other structure or mechanism with the objective of navigating or controlling flight in the air or landing and take-off of the aircraft;

“Navigable Airspace” * means the airspace above the minimum altitude which is specified for flying and the airspace necessary for the safety of take-off and landing of the aircraft;

“Aerodrome” means an area designated on land or water, or any other area to be used, in whole or in part, for the takeoff, landing or movement of Aircraft, and includes buildings, installations and equipment thereon;

“Licenced Aerodrome” means an Aerodrome established by a person who has obtained permission under this Act and Aerodromes designated in a notification by the Minister;

“Temporary Takeoff and Landing Area for Aircraft” means an area arranged on land or water, or any other area to be used, in whole or in part, for the temporary takeoff, landing or movement of Aircraft in accordance with the rules and periods of time specified in the Ministerial Regulations, and includes an area of land cleared of trees or by other means leveled by a person not entitled to that land, where Aircraft may take off from or land on and which is thirty meters or more in width and three hundred meters or more in length;

“Licenced Temporary Takeoff and Landing Area” means a Temporary Takeoff and Landing Area for Aircraft, permitted to be established under Section 53 or as designated in a notification by the Minister under Section 55;

“Public Aerodrome Operating Certificate” means a letter issued to the owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area, permitted to provide services to the public under Section 60/1;

“Safety Management System” means a [systematic] approach to managing flight safety and ground safety to prevent accidents which may happen, including policymaking, planning, organizational structures, accountabilities, and procedures as necessary for safety;

“Security” ** means safeguarding civil aviation against acts of unlawful interference;

“Acts of Unlawful Interference” * means an act or attempt to act that is jeopardize the safety of civil aviation, which includes the following actions:

- (1) unlawful seizure of aircraft,
- (2) destruction of an aircraft in service,
- (3) hostage-taking on board aircraft or on aerodromes,
- (4) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility,
- (5) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes,

(6) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment,

(7) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

(8) other acts as prescribed in the regulations of the Civil Aviation Board;

“Screening” * means the application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an Act of Unlawful Interference;

“Security Directive” * means a directive issues under Section 50/22;

“Regulated Agent” * means a person who received the Regulated Agent Certificate from the Director under Section 50/31

“Regulated Postal Authority” * means a person who received Regulated Postal Authority Certificate from the Director under Section 50/31

“Ramp” means an area designated by the Minister as the Aircraft parking place at a Licenced Aerodrome, and includes other places, outside such area, at the Licenced Aerodrome where the Aircraft are permitted to park temporarily to be serviced or wait to be serviced in case of necessity or emergency;

“Ramp Services” means any services required in connection with Aircraft, or aviation business in a Ramp other than Aircraft Technical Services;

“Aircraft Technical Services” means services in connection with the technique of Aircraft safety, or Aircraft repair in a Ramp as prescribed in requirements;

“Air Navigation Aid” means a serving device established for facilitating air navigation of Aircraft, and includes buildings, installations and equipment thereof;

“Personnel” means a pilot, flight navigator, engineer, flight radio telephone operator, air traffic controller, flight dispatcher and persons who perform other duties as prescribed in requirements;

“Aircraft Commander” means a pilot designated by an Air Operator or Aircraft registrant as being in command and charged with the safe conduct of each flight;

“Public Aerodrome Manager” means a director, manager or person holding a different job title, who is empowered and accountable for managing a Licenced Aerodrome or a Licenced Takeoff and Landing Area open for providing services to the public;

“Air Operator” ** means a business operator undertakes to engage in domestic or international Commercial Air Transport, whether directly or indirectly or by aircraft lease or any other arrangement;

“Foreign Air Operator” * means a Foreign Certified Air Operator which undertakes to engage in Commercial Air Transport into or from Thailand, whether directly or indirectly or by aircraft lease or any other arrangement;

“Air Operator Certificate (AOC)” * means a certificate issued to an Air Operator to ensure that Air Operator has the capability of safe and efficient operation, whether issued under this Act or issued by the Civil Aviation Authority of other countries;

“Civil Aviation Authority of Thailand”⁴ means the Civil Aviation Authority of Thailand under the Law on Civil Aviation of Thailand;

“Director”⁵ means the Director General of the Civil Aviation Authority of Thailand under the Law on Civil Aviation of Thailand;

⁴ The term “Civil Aviation Authority of Thailand” was added by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558

- ⁵ Under the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558, the term “Director” not only was used in those particular amended sections, but also:
- was added in Section 4;
 - Replaced the term “Minister” in Section 29 bis, paragraph one, Section 29 quarter, Section 30, paragraph one, Section 41/18 and Section 60/41, paragraph one and paragraph two, and Section 81;
 - Replaced the term “Permanent Secretary of the Ministry of Transport” in Section 5/1, Section 60/30, paragraph two, and Section 60/45, paragraph two;
 - Replaced the term “Director General” in all sections, except for the definition of the term “Director General”, Section 60/44 and Section 60/45;
 - Replaced the term “Civil Aviation Board” in Section 31, paragraph three, Section 56, paragraph three, Section 57, Section 60/18, Section 60 sexies, Section 74 (6), Section 119, and Section 124;
 - Replaced the term “Technical Committee” in the definitions of “Major Aircraft Appliance”, “Standard Part” and “Technical Standard Order Article” in Section 4; and
 - Replaced the term “Technical Committee” in Section 15/4, Section 34, paragraph one and paragraph two, Section 35, Section 36, paragraph two and paragraph three, Section 37, Section 41, Section 41/1, Section 41/2, paragraph one, Section 41/3 (1) (a), Section 41/5, paragraph two (1) and (2) (a), Section 41/6, paragraph two, Section 41/7, paragraph two, Section 41/8, Section 41/15, paragraph one, Section 41/16, paragraph one, Section 41/25, paragraph three, Section 41/37, paragraph three (3), Section 41/52 (2), and Section 41/69, paragraph two (2).

“Competent Official”⁶ means the Director and a person appointed by the Director to execute the duties under this Act;

“Director General”⁷ means the Director General of the Department of Airports or a person assigned by the Director General;

“Minister” means the Minister in charge of the enforcement of this Act.

Section 5.⁸ This Act shall not apply to air navigation in the military service, police service and other government services as specified in the Ministerial Regulations, but making a flight plan under Section 18/1 and compliance with the air traffic rules under Section 18/2 and Section 18/3 shall be in accordance with this Act.

If any government agency wishes to use a Licenced Aerodrome or a Licenced Takeoff and Landing Area operated by it for providing services to the public, such government agency shall be subject to this Act. However, for the establishment of the Licenced Aerodrome or Licenced Takeoff and Landing Area, the Director shall be informed without the need of application for permission under this Act.

⁶ The term “Competent Official” was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

⁷ The term “Director General” was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

⁸ Section 5 was amended by the Air Navigation Act (No. 12) B.E. 2553. Section 5, paragraph two was added by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 5/1.⁹ In the process of consideration to issue or renew a certificate, licence, letter of permission or letter of approval/letter of validation/ Airworthiness Approval Tag under the provisions of this Act, if it is necessary to examine, test or do any other actions in order to verify that an applicant for, or the holder of, a licence, certificate, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag has all qualifications as prescribed by law or has the capability to perform those as applied for; or in the process of examination as to whether an Aircraft, Major Aircraft Appliance, Aircraft Replacement Part, TSO Article, Aircraft Part, Aerodrome, Air Navigation Facility or Temporary Takeoff and Landing Area for Aircraft is safe or meets the standards stated in this Act, the applicant for, or the holder of, such certificate, [licence,] letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag shall be responsible for the expenses in that regard pursuant to the rules set forth by the Director.

Section 5/2.¹⁰ The provisions which empower the Director to order revocation of a certificate, licence, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag as stated in this Act shall not limit any other powers of the Director to order revocation of unlawful administrative orders under the law on administrative procedure.

If there appear grounds which may necessitate the revocation under paragraph one and the holder of the certificate, licence, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag cannot refer to the belief in good faith for protection under the law on administrative procedure, the Director has the duty to take action to examine facts and make an appropriate order without delay.

The examination report under paragraph two is a document disclosed to the general public.

⁹ Section 5/1 was added by the Air Navigation Act (No. 11) B.E.2551 and was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

¹⁰ Section 5/2 was added by the Air Navigation Act (No. 11) B.E. 2551.

Section 5/3.¹¹ In case of violation of, or non-conformity with, the rules or conditions specified in a certificate, licence, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag, and the Director has ordered rectification thereof to be in line with such rules or conditions, the holder of such certificate, licence, letter of permission or letter of approval/letter of validation/Airworthiness Approval Tag shall not be relieved from liability for violation of, or non-conformity with, such rules or conditions or the provisions of this Act.

Section 6.¹² The Minister of Transport shall be responsible for the enforcement of this Act, and shall have the power to issue the Ministerial Regulations on the following matters:

- (1) To fix fees not exceeding the rates attached to this Act;
- (2) To fix maximum rates for air fares and freights for Transport Aircraft under Section 20;
- (3) To fix maximum rates for service charges at a Licenced Aerodrome providing services to the public under Section 56 (2) and(3);
- (4) To exempt the fees under (1), air fares or freights for Transport Aircraft under Section 20, service charges, tariffs or any other monetary remuneration under Section 56, or service charges for an Air Navigation Facility under Section 57;
- (5) To prescribe other matters for the enforcement of this Act.

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

¹¹ Section 5/3 was added by the Air Navigation Act (No. 11) B.E. 2551.

¹² Section 6 was amended by the Air Navigation Act (No. 11) B.E. 2551, and Section 6, paragraph one amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 6/1.¹³ The Director shall have the power to issue regulations, requirements, rules, notifications and orders under this Act.

The regulations under paragraph one, upon endorsement by the Civil Aviation Board, shall come into force.

The regulations and requirements, upon publication in the Government Gazette, shall come into force.

¹³ Section 6/1 was added by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558. The term **“regulations”** was used in those particular amended sections, and also replaced the following terms:

- “Ministerial Regulations” in Section 4 in the definition of “Personnel”, and in Section 41/18, Section 41/28, Section 41/34, paragraph one, Section 41/40, paragraph one, Section 41/50, paragraph one, Section 41/97, paragraph two, Section 86 (1) and Section 88; and
- “Regulations of the Civil Aviation Board” in Section 18/2, Section 18/3, Section 21, paragraph one, Section 45, Section 49, Section 56, Section 60 *quinquies*, paragraph one, Section 60 *septies*, paragraph two, and Section 108 (1) and (2).

The term **“requirements”** was used in those particular amended sections, and also replaced the following terms:

- “Ministerial Regulations” in Section 4 in the definition of “Aircraft Technical Services”, and in Section 16, paragraph one (9), Section 16/4, paragraph two, Section 18, Section 18/1, paragraph two, Section 26, Section 29 *bis*, paragraph three, Section 30, paragraph two, Section 34, paragraph three, Section 38, paragraph one, Section 41/5, paragraph one, Section 41/6, paragraph one, Section 41/7, paragraph one, Section 41/9, paragraph three, Section 41/12, paragraph two, Section 41/13, paragraph two, Section 41/14, paragraph two, Section 41/21, paragraph two, Section 41/29, paragraph one, Section 41/30, paragraph two, Section 41/31, paragraph two, Section 32, paragraph two, Section 41/35, paragraph two, Section 41/37, paragraph two, Section 41/42 (1) and (2), Section 41/43, paragraph two, Section 41/44, paragraph one, Section 41/47, paragraph two, Section 41/52 (1) and (2), Section 41/53, paragraph two, Section 41/55, paragraph two, Section 41/56, Section 41/60, paragraph two, Section 41/62, paragraph one (2)(b), Section 41/63, paragraph one, Section 41/69, paragraph one, Section 41/71, paragraph one, Section 41/74, paragraph one, Section 41/75, Section 41/80, paragraph two, Section 41/94, paragraph two, Section 41/98, Section 41/105, paragraph one, Section 41/110, paragraph two, Section 41/111, paragraph two, Section 43, Section 60/2, Section 60/8, paragraph one, Section 60/10, Section 60/12, paragraph two, Section 60/15, paragraph one (5), Section 60/21, paragraph two, Section 60/38, Section 60/41, paragraph two and paragraph three, and Section 72 (2); and
- “Regulations of the Civil Aviation Board” in Section 16/1, paragraph two and paragraph three, Section 16/3, paragraph two, Section 33, Section 60/6, paragraph one (2), Section 60/13 (2), Section 60/15, paragraph one (3)(d) and (e), Section 60/17, paragraph two, Section 69 (2) and (3), Section 71 (2), Section 84, and Section 98.

Section 6/2¹⁴ For the purpose of technology transfer and promotion of investment in the Aircraft Production, Major Aircraft Appliances Production, and Maintenance of Aircraft of the Class One Repair Station for an aircraft of maximum takeoff mass not exceeding five thousand seven hundred kilograms, the Royal Decree may be promulgated to grant exemption only from the qualifications and characteristics of the applicant for the licences or certificate under Section 41/22 Section 41/33 and Section 41/95 (1) only in relation to the registered capital, which must belong to a person holding Thai nationality pursuant to Section 41/23 Paragraph 1 (2), and to the business management power, which must be controlled by a person holding Thai nationality pursuant to Section 41/23 paragraph 1 (4). Such Royal Decree may also prescribe criteria, conditions and timeframes for the exemptions.

Chapter 1

Civil Aviation Board and Technical Commission ¹⁵

Section 7⁶ There shall be a Civil Aviation Board comprising the Minister of Transport as Chairman, the Permanent Secretary of the Ministry of Transport as Vice Chairman, Commander in Chief of the Royal Air Force, and seven other board members appointed by the Council of Ministers which not less than three people shall be person with knowledge and experience in civil aviation. In addition, the Director shall be a board member and the secretary.

Section 8¹⁶ The other board members shall hold office for a term of four years. The board members who vacating office upon expiration of the term may be re-appointed.

Section 9¹⁶ The other board members shall have vacated office before expiration of the term upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the Council of Ministers.

¹⁴ Section 6/2 was added by the Air Navigation Act (No. 13) B.E. 2562.

¹⁵ The name of Chapter 1—Civil Aviation Board and Technical Commission—was amended by the Air Navigation Act (No. 11) B.E. 2551. The Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558 replaced the term “Technical Committee” by the term “Director” in all sections, but did not change the name of the Chapter 1 accordingly.

¹⁶ Section 7, Section 8, and Section 9 was amended by the Air Navigation Act (No. 14) BE.2562.

In case of vacancy of office before expiration of the term, the board member shall be appointed as replacement. The person appointed as replacement shall retain office for the remaining term of the person being replaced.

Section 10 If the Chairman is not present at any meeting, the Vice Chairman shall preside over the meeting.

Section 11 At a meeting of the Civil Aviation Board, no less than half of the total board members shall constitute a quorum.

Section 12 Resolutions on recommendations require the majority of votes. Each board member has one vote. In case of a tied vote, the chairman of the meeting shall cast an additional vote as the deciding vote.

Section 13 The Civil Aviation Board shall have the power to appoint sub-committees to perform any acts or consider enquiring into any facts which fall within the scope of the powers and duties of the Civil Aviation Board.

Section 11 and Section 12 shall apply to the meetings of the sub-committees *mutatis mutandis*.

Section 14 The Chairman, Vice Chairman and board members shall be remunerated as determined by the Council of Ministers.

Section 15¹⁷ The Civil Aviation Board shall have the powers and duties to oversee the performance of the Civil Aviation Authority of Thailand to ensure timely, correct and full compliance with laws, the Convention and its Annexes, and shall have the power as stated in this Act and on the following matters:

(1) To formulate the country's civil aviation policies and consider approving the National Civil Aviation Safety Program, National Civil Aviation Security Program, National Civil Aviation Facilitation Program, Masterplan for Establishing Commercial Aerodromes in the country and other plans relating to civil aviation specified by Civil Aviation Board;

(2) To advise and provide recommendations on civil aviation to the Minister;

(3) To formulate policies for the protection of passenger rights or other users in aviation industry;

¹⁷ Section 15 was amended by the Air Navigation Act (No. 14) B.E. 2562.

(4) To formulate policies regarding the Navigable Airspace utilization in Thailand;

(5) To give approval to the issuing or renewing of the Civil Aviation Operation Licence under Section 41/125;

(6) To issue regulations to prescribing rules, procedures, conditions for application and issuing of the Civil Aviation Operation Licence;

(7) To give approval to the regulations issued by the Director;

(8) To prescribe rules, procedures, and conditions for calculation of air navigation service charges;

(9) To give approval to the rates of civil aviation regulatory fees under the law of the Civil Aviation Authority of Thailand;

(10) To prescribe rules and procedures for calculation of air fares and freights for Transport Aircraft under Section 41/130;

(11) To set the rate and conditions for charging of service charges, tariffs or any other monetary remuneration in the Licenced Aerodrome which provides services to the public under Section 57 (2) and (3);

(12) To establish dispute settlement mechanism between the Authority and the civil aviation operator;

(13) To perform other duties under this Act.

The country's civil aviation policy under (1) shall be proposed to the Council of Ministers for consideration and approval. When the Council of Ministers approved then notify the relevant government agency to comply with the aforesaid civil aviation policy.

Section 15/1¹⁸ If the Civil Aviation Board considered that the Civil Aviation Authority of Thailand has not undertaken works in accordance with laws or the Convention, the Civil Aviation Board shall have the power to summon the Director, employees or any person of the Civil Aviation Authority of Thailand to clarify facts, and have the power to order to undertake, improve, correct or stop any act which may damage the national security or civil aviation.

Section 15/2¹⁹ (Repealed)

Section 15/3²⁰ (Repealed)

Section 15/4²¹ The Director shall have the following powers and duties;

(1) To issue notifications to designate other Aircraft appliances as Major Aircraft Appliances under Section 4;

(2) To issue requirements as follows:

(a) Standards for Aircraft under Section 34, paragraph one;

(b) Standards for Aircraft produced for export under Section 35;

(c) Categorization of an Aircraft and Major Aircraft Appliance produced in accordance with a type design which does not require a Type Certificate under Section 36, paragraph three;

(d) Rules and procedures for testing by means of flight tests or other tests for a prototype Aircraft or prototype of a Major Aircraft Appliance of a prototype Aircraft under Section 41/2;

(e) Rules for safe operation of an Aircraft or Major Aircraft Appliance under Section 41/4;

¹⁸ Section 15/1 was added by the Air Navigation Act (No. 11) B.E. 2551, and amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

¹⁹ Section 15/2 was added by the Air Navigation Act (No. 11) B.E. 2551, and repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

²⁰ Section 15/3 was added by the Air Navigation Act (No. 11) B.E. 2551, and repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

²¹ Section 15/4 was added by the Air Navigation Act (No. 11) B.E. 2551, and Section 15/4 (4), (5) and (7) was repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

(f) Rules for examining an alteration to an Aircraft or Major Aircraft Appliance under Section 41/5, Section 41/6 and Section 41/7;

(g) Determining whether any alteration to an Aircraft type design, Major Aircraft Appliance type design, Aircraft Replacement Part design and TSO Article design is a major change or a minor change under Section 41/8;

(3) To issue notifications to use standards for industrial products as standards for Aircraft Parts under Section 34, paragraph two;

(4) (Repealed)

(5) (Repealed)

(6) To prescribe Aircraft Maintenance for non-type-certificated Aircraft under Section 41/69, paragraph two (2).

(7) (Repealed)

Section 15/5²² (Repealed)

Section 15/6²³ Consideration of technical issues shall be under the discretionary power of the Director, and shall be final.

Chapter 1/1 **Regulation of Civil Aviation**²⁴

Section 15/7 The Civil Aviation Authority of Thailand shall have the duties and responsibilities for regulating and oversight civil aviation in Thailand on the following matters:

(1) Safety, Security and Facilitation of Civil Aviation;

(2) The qualifications and engineering standard and technical standard of aircraft, aircraft products, aerodromes, air navigation services, civil aviation operation, and maintenance;

²² Section 15/5 was added by the Air Navigation Act (No. 11) B.E. 2551, and repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

²³ Section 15/6 was added by the Air Navigation Act (No. 11) B.E. 2551, and amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

²⁴ Chapter 1/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

- (3) The aircraft registration and marking, the registration of rights and interests in aircraft and determination of documents to carry on board an aircraft;
- (4) The aircraft standards, type certification, production certification and certification of airworthiness;
- (5) The qualification and technical standards for aircraft operation as well as the performance of the aircraft commander and others personnel;
- (6) Issuing of licence, certificate, letter of permission, letter of approval, and letter of validation under this Act;
- (7) Airways, controlled air space, prohibited or restricted, regulating vehicular traffic and parking limitations within aerodrome, and management of vicinity area surrounding aerodromes and air aviation facilities;
- (8) Supervision transport of passenger and cargo by air, including fees and charges and any other monetary liability concerning safety and security management;
- (9) Setting of the civil aviation safety, security and facilitation measures including management and monetary liability of those measures in order to comply with the terms and conditions set forth in the Conventions, Annexes, Agreements or Treaties which Thailand is a contracting state;
- (10) Investigation or any action of civil aviation incidents and incidents arising from the acts of unlawful interference against aviation security;
- (11) Civil aviation operation, standard and quality of services, consumer protection, fare and fee and charges, antitrust, and mechanism for disputes settlement of operators and its consumers;
- (12) Others matters specified by the Civil Aviation Board.

Section 15/8 In regulating and oversight civil aviation prescribed in Section 15/7, the Civil Aviation Authority of Thailand shall also have the duties and responsibilities for management on the following matters:

- (1) To promote sustainable development on civil aviation industry in Thailand;
- (2) To coordinate and provide supports for Search and Rescue of aircraft;
- (3) To plan, coordinate and formulate the airspace master plan for airspace utilization of Thailand which is safe and efficient;
- (4) To prepare, monitor, coordinate and steer the implementation of National Civil Aviation Safety Program, National Civil Aviation Security Program, National Civil Aviation Facilitation Program, Master Plan for Establishing Commercial Aerodromes in the country, including other relating Master Plan or National Plan;

(5) To advise and assist the Government in the international negotiation on Air Services Agreement;

(6) To act as an advisor and assistant of the Government in coordinating with the International Civil Aviation Organization, especially on inspecting and monitoring on safety, security or investigation tasks appointed to Thailand by other member states.

Section 15/9 In the implementation of Section 15/7 and Section 15/8, the Civil Aviation Authority of Thailand shall proceed to comply with or take into account the conventions and annexes including the obligations under the International Agreement on Civil Aviation that Thailand is a Party, as the case may be, and including the following actions:

(1) Covenant and comply with the conventions and annexes including obligations according to the international agreement related to Safety, Security Facilitation, Environmental Protection and Civil Aviation Operations that Thailand is a Party;

(2) Prepare measures for the implementation and follow up to ensure compliance with the conventions and annexes including obligations under international agreements related to the Standards and Recommended Practices regarding civil aviation oversight in which Thailand is a party

(3) Coordinate with state agencies to ensure the supervision of civil aviation Achievement.

Section 15/10 The Director shall have the power to lay down necessary measures or actions for the oversight of civil aviation under Section 15/7 and the operations of the Civil Aviation Authority of Thailand under Section 15/8, as the case may be, in the following matters;

(1) Safety Standard, Security Standard, Facilitation Standard, and Civil Aviation Operator Standard;

(2) Safety Standard on personnel, aircraft, product, airworthiness, maintenance, aviation training, aerodrome, temporary takeoff and landing area for aircraft, air navigation facilities, and air navigation services;

(3) Security Standard on protecting passengers, crew members, airport officials and other persons as well as aircraft, aerodrome, temporary takeoff and landing area for aircraft, air navigation facilities, air navigation services as well as preventing aircraft from an act of violence and act of unlawful interference against civil aviation;

(4) Arrival to, departure from the airport and slot allocation of the aircraft;

(5) Testing, inspection or surveillance of the aircraft, engines and any equipment used or intended to be used for the civil aviation operator, airports, temporary takeoff and landing area for aircraft, or the premises or place that is used to carry out civil aviation operations and operations of aircraft, including testing or inspections of personnel, crew member or other person related civil aviation;

(6) Practices or prohibitions of personnel, civil aviation operator and aircraft operator.

For the purpose of proceeding under paragraph one, in the case that there are no other provisions in this Act specifically authorized, The Director shall have the power to issue requirements for cases under (1) (2) and (3) or issuing rules for cases under (4) (5) and (6), as the case may be, in order to oversight in accordance with such matters.

In carrying out the operation under paragraph one, the Director shall provide a prior notice, public hearing, or clarification to the stakeholders and also consider the requirements and standards in that regard of ICAO and another International Standard.

In the case of an emergency and necessary for the safety and security of civil aviation in a timely manner, the Director may proceed to prescribe measures or actions necessary to oversight civil aviation or issuing requirements or rules in any matter according to paragraph two, as the case may be, in order to cope with that emergency situation without a public hearing or clarification under paragraph three. However, those measures and requirements or rules must be notified or disseminated to the stakeholders and concerned persons in general as soon as possible. The Director shall have the power to temporarily suspend or change the operation related to civil aviation safety and security until the necessary measures or actions for civil aviation oversight are taken or requirements or rules in that matter is issued.

The Director shall provide publication or dissemination of all measures, actions, requirements or rules issued under paragraph one for public information in such appropriate form and manner specify by the Director.

Any concerned persons shall strictly comply with the measures, actions, requirements or rules specified or issued by the Director under paragraph one.

Section 15/11 In laying down the measures or actions which necessary to regulate and oversight civil aviation or in issuing requirements or rules in any matters under section 15/10, if in that matter the International Civil Aviation Organization or its Contracting States or the Civil Aviation Authority or other related Agencies had established standards, requirements or rules, practices, procedures or other documents, the Director may introduce that stated standards, requirements, procedures or conditions by laying down measures or issuing regulations required to perform under Section 15/10 for the regulation and oversight of civil aviation of the country.

Rules, procedures and processes for determining the standards, requirements or rules, practices, procedures or other documents to be introduced under paragraph one shall be pursuant to the requirement specified by the Director.

Section 15/12 When the Director lay down measures or necessary mechanisms to regulate and oversight related to personnel, aircraft, product, airworthiness, maintenance, aviation training, aerodrome, air navigation facilitation, air navigation services, security, and others matter related to aviation, the Director shall also provide a system for oversight and evaluation of compliance with the measures or mechanisms to regulate of such matters.

***Section 15/13** The Civil Aviation Authority of Thailand shall establish and maintain the Record Keeping System for information, data, and evidence documents at least for the recording and keeping of:

- (1) Aircraft registered under Thai Law;
- (2) Documents showing ownership or other rights over the registered aircraft under Thai Law;
- (3) Major Aircraft Appliance, Aircraft Parts, Technical Standard Order Article that is intended for use with aircraft registered under Thai Law;
- (4) Certificates, licences, letter of approval, letter of validation, substitute certificate, and any other permission or approval issued under this Act;
- (5) Other information, data, and evidence documents that the Director has determined to keep.

The Director shall establish the Record Keeping System under paragraph one. For the documentary evidence under (2), the person who holds title to or interest in a registered Aircraft, including Major Aircraft Appliance, Aircraft Parts, and Technical Standard Order Article must be submitted to the Director in order to record in Record Keeping System.

Recording and Keeping of information, data and evidence documents shall be in accordance with those specified by the Director.

Section 15/14 For the benefit of the civil aviation of country and for the public interest, if the Director deems appropriate, may grant an exemption of measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in any matter under this Act, in whole or in part, to any individuals, aircraft, products, aerodrome, or any aviation-related services, on a case-by-case basis. The said exemption must not affect safety in air navigation.

Execution for the exemption under paragraph one must have one of the following reasons Appears to the Director prior to such exclusion.

- (1) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders has been substantially complied with and that further compliance is unnecessary;
- (2) The actions to be done or are being performed are in accordance with or more effective than actual compliance with the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter;
- (3) The measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are clearly unreasonable or inappropriate in the particular case; or
- (4) There are facts in that case cause the measures or actions necessary to oversight civil aviation or regulations, requirements, notifications, rules, or orders in that matter are unnecessary or inappropriate to comply with and may increase the risk of the civil aviation safety and security of the country if not grant an exemption.

When the Director grants exemptions in any matter under paragraph one, the number and nature of exemptions shall be notified to the concerned persons in accordance with the method set by the Director which at least must be notified in the information network system of the Civil Aviation Authority of Thailand.

Section 15/15 The Director shall appoint an Aviation Inspector who either is an employee or not an employee of the Civil Aviation Authority of Thailand which must have knowledge and skill and appropriate experience on duty to regulate and oversight aviation in accordance with the civil aviation regulatory measures and actions prescribed under this Act.

Knowledge, skill and experience of those who will be appointed as the Aviation Inspector under paragraph one shall be specified by the Director or they shall attend and pass the training courses as specified by the Director.

Qualification, appointment, performance and supervising the performance of duties of the Aviation Inspector shall be specified in a Notification by the Director.

Section 15/16 The Aviation Inspector who has been appointed under section 15/15 shall has the duty and responsibility to conduct testing, inspection, or surveillance of aircraft, air navigation facilities and other equipment that the operators has used or intended to be used to their civil aviation operation, aerodrome, temporary takeoff and landing area for aircraft, premises or place that use or being used for the business operation of civil aviation and aircraft operations including testing or inspection of Personnel, Crew Member or other related persons with civil aviation.

In testing, inspection, or surveillance under paragraph one, when the finding has been found, the Aviation Inspector shall notify and specify the period of time to correct the finding to the person who has duty related to implementation as well as immediately notify to the Director. When the concerned person has corrected the finding, they shall notify the inspector to inspect in order to ensure the compliance of the standard of safety, security, facilitation, and the business operation of civil aviation set forth under this Act, and report to the Director as soon as possible.

In performing the duties of Aviation Inspector, the aviation inspector shall carry an identification card (Credential Card) all times when exercising powers. The format and the issuance of Credential Card shall be specified in a Notification by the Director.

In performing the duties under this Act, the Aviation Inspector shall be an official under the Penal Code.

Chapter 1/2

Regulation of Air Navigation Service ²⁵

Section 15/17 The Director shall have the power to issue regulations concerning standards of Air Navigation Services, which must at least contain the following matters;

- (1) Procedures and services of Air Navigation Services
- (2) Air Traffic Management (ATM)
- (3) Communications, Navigation and Surveillance Systems (CNS)
- (4) Meteorological Services for Air Navigation (MET)
- (5) Aeronautical Information Services/Aeronautical Information Management (AIS/AIM)
- (6) Instrument Flight Procedure Design Service.
- (7) Search and Rescue (SAR)

Section 15/18 No person shall provide Air Navigation Services for the above ground air and water regions within the Flight Information Region in the Kingdom of Thailand unless a Certificate of such service has been obtained from the Director.

The area of airspace above the area next to the territorial seas or the airspace that is not under the territory of any country, if there is a need for air traffic services, The Minister shall make an agreement with the Contracting States in the region to determine the responsible authority for providing air traffic services over the airspace of that area.

Section 15/19 Any person who wishes to obtain an Air Navigation Service Certificate shall submit an application to the Director along with operating manuals and other evidence documents.

Applying and issuing a certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the requirements.

Section 15/20 The Director will issue an Air Navigation Service Certificate to the applicant when it appears that the applicant has the qualifications and characteristics pursuant to Section 15/19

In issuing the Certificate under paragraph one, the Director may specify conditions or limitations regarding the operation as may be appropriate and for the purpose of enforcing compliance with the provisions of this Act.

²⁵ Chapter 1/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 15/21 An Air Navigation Services Certificate shall have a period of validity as specify by the Director but not exceeding ten years each.

Applying for renewal of the Air Navigation Service Certificate shall be in accordance with the rules and procedures prescribed in the requirements.

Section 15/22 The holder of an Air Navigation Service Certificate has the following duties

(1) Providing services in accordance with the regulations and standards under Section 15/7 and in accordance with the standards set forth in Annexes;

(2) Providing services to the users thoroughly, adequately, equitably and collecting service charges pursuant to Section 15/26;

(3) Providing, improving and following rules on the operating procedures, Air Navigation Service Operating Manuals, Safety Management System, Security Management System, Internal Audit System, and Human Factors;

(4) Providing adequate personnel with knowledge and expertise in operations and have a suitable personnel development plan;

(5) Prepare a report to the Director or the Competent Official in accordance with the rules prescribed by the Director.

(6) Perform other duties as prescribed by the Director.

Rules on the operating procedures, Air Navigation Service Operating Manuals, Safety Management System, Security Management System, Internal Audit System and Human Factors according to (3) must meet the standards and contains the complete information pursuant to the rules prescribed by the Director.

Section 15/23 The Director shall have the power to suspend an Air Navigation Service Certificate in the following cases;

(1) The holder of an Air Navigation Service Certificate violating or failing to comply with the conditions or restrictions attached to the certificate as prescribed by the Director under Section 15/20 paragraph two, or violating or failing to perform the duties as specified in Section 15/22 and the Director has ordered to correct but the Certificate holder cannot improve the operation to be safe within the time period as specified in the Director's order.

(2) The holder of an Air Navigation Service Certificate does not allow the Director, Competent Officials, or Aviation Inspectors to perform their duties according to their authority or not complying with the instructions of the Director, the Competent Officials, or the Aviation Inspectors under Section 15/25

The Director shall determine the period of suspension as appropriate but not more than six months each.

Section 15/24. The Director shall have the power to revoke an Air Navigation Service Certificate when it appears that;

(1) The holder of the Certificate has did the following:

(a) obtained a certificate by declaring false information or incomplete in accordance with the requirements issued under Section 15/19 with unlawful intent to obtain a certificate;

(b) lacks qualifications or characteristics pursuant to Section 15/19;

(c) violates or fails to comply with the conditions or restrictions attached to the certificate as prescribed by the Director under Section 15/20 paragraph two, or violates or fails to comply with the duties under Section 15/22 that causes a serious unsafety case to the users.

(2) The holder of the Certificate has been suspended the certificate but the certificate holder does not complete the correction within the period of time that the certificate is suspended, or has been suspended the certificate twice or more times within two years.

When the Director revokes the certificate, the certificate holder must return the certificate to the Director within seven (7) days from the date of acknowledgment of the certificate revocation order.

Section 15/25. For the purpose of inspecting and monitoring the implementation of Air Navigation Services, the Director, the Competent Official, or the Aviation Inspector shall have the following duties and powers;

(1) To enter the premise or place of operation of an Air Navigation Service Certificate holder during operation hours in order to inspect the relevant operation and documents or evidence;

(2) To inspect the relevant documents or evidences related to its services;

(3) To suspend service in the part which fails to comply with the standard or operation manual, or may cause an unsafe condition;

(4) To require an Air Navigation Service Certificate holder to furnish any documents or evidences for the purpose of inspection its service and operation;

(5) To call any person related to the operation of the Air Navigation Service Certificate holder, by a written notice, to provide statements or to submit any documents for consideration.

Section 15/26 The Air Navigation Service Certificate holder will charge for its service just according to the rate specified by the Director. However, the determination of the service charge shall be in accordance with the rules, procedures and conditions in the calculation as determined by the Civil Aviation Board.

Chapter 1/3
Regulation of Transport of Dangerous Goods
and Prohibited or Special Care Items²⁶

Section 15/27 No person shall be allowed to deliver, store, carry, transfer or transport of Dangerous Goods on board an Aircraft unless an operating licence has been obtained from the Director and the conditions specified by the Director are complied with.

Section 15/28 The Director shall have the following powers in action concerning to transport of Dangerous Goods;

(1) issuing notifications to prescribe categories and list of Dangerous Goods which may endanger the safety of the Aircraft or persons on board the Aircraft;

(2) issuing requirements for permission and practice in the transport of Dangerous Goods for relevant person;

(3) issuing requirements, conditions or guidance for packaging, marking and labelling, giving or declaring information, liability of the carrier, responsibility of the consignor including the provision of preparation of training plans and report of an accident or incident;

(4) issuing requirements on the setting and collection of charges for the transport of Dangerous Goods operation;

(5) prescribes rules regarding the delegation of authority to carry out the transport of Dangerous Goods.

Section 15/29 No person shall be allowed to deliver, store, carry, transfer or transport of Prohibited or Special Care Items on board an Aircraft unless an operating licence has been obtained from the Director, and the conditions specified by the Director are complied with.

²⁶ Chapter 1/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 15/30 The Director shall have the following powers in action concerning to transport of Prohibited or Special Care Items;

(1) issuing notifications to prescribe categories and list of Prohibited or Special Care Items which may endanger the safety of the Aircraft or persons on board the Aircraft;

(2) issuing requirements for permission and practice in the transport of Prohibited or Special Care Items for relevant person;

(3) issuing requirements, conditions or guidance for packaging, marking and labelling, giving or declaring information, liability of the carrier, responsibility of the consignor including the provision of preparation of training plans and report of an accident or incident;

(4) issuing requirements on the setting and collection of charges for the transport of Prohibited or Special Care Items;

(5) prescribes rules regarding the delegation of authority to carry out the transport of Prohibited or Special Care Items.

Section 15/31 No person shall send or carry-on board an Aircraft of Dangerous Goods, Prohibited or Special Care Items unless giving or declaring information to the carrier in accordance with the requirements of the Director under Section 15/28 (3) or Section 15/30 (3), as the case may be.

Chapter 2

General Provisions on Aircraft

Section 16²⁷ No person shall fly an Aircraft unless there are the following items on board the Aircraft:

- (1) A certificate of registration;
- (2) Nationality and registration marks and an Aircraft identification plate;
- (3) A Certificate of Airworthiness;
- (4) A journey log book;
- (5) A Personnel licence of each member of Personnel;
- (6) A communication radio licence, should there be any communication radio;
- (7) A passenger manifest, in the case of an international passenger flight;
- (8) A cargo manifest, in the case of an international cargo flight;
- (9) Other items as specified in requirements.

The provisions of this Section shall not apply to:

- (1) Aircraft in flight tests subject to conditions prescribed by the Competent Official;
- (2) Foreign military Aircraft;
- (3) Other Aircraft as specified in the Ministerial Regulations.

Section 16/1²⁸ An Aircraft registrant shall provide to have a journey log book always retained on board the Aircraft. However, if there is the Air Operator for that Aircraft, the Air Operator shall assume the duty.

An Aircraft Commander shall record particulars in the journey log book in accordance with the rules and procedures prescribed in requirements.

The form of the journey log book and retention of the journey log book shall be in accordance with those prescribed in requirements.

²⁷ Section 16 was amended by the Air Navigation Act (No. 11) B.E. 2551.

²⁸ Section 16/1 was added by the Air Navigation Act (No. 11) B.E. 2551.

Section 16/2²⁹ The form of the journey log book, retention of the journey log book, and duty to record particulars in the journey log book of a Foreign Aircraft shall be in accordance with the law of the country of the Aircraft registrant.

Section 16/3³⁰ An Air Operator shall provide a passenger manifest and a cargo manifest under Section 16 (7) and (8) on board an Aircraft.

The forms of the manifests, retention of the manifests and duties to record particulars in the manifests under paragraph one shall be in accordance with requirements.

In case of a Foreign Aircraft, it shall be in accordance with the law of the country of the Aircraft registrant.

Section 16/4³¹ An Air Operator shall provide a flight plan under Section 18/1 and an operational flight plan for Aircraft used in its business operation of air navigation.

The operational flight plan shall be in accordance with the form, rules and procedure prescribed in requirements.

²⁹ Section 16/2 was added by the Air Navigation Act (No. 11) B.E. 2551.

³⁰ Section 16/3 was added by the Air Navigation Act (No. 11) B.E. 2551.

³¹ Section 16/4 was added by the Air Navigation Act (No. 12) B.E. 2553.

Section 16/5³² When the Civil Aviation Board sets the policy regarding the use of Thailand's Navigable Airspace under Section 15 (4), the Director shall proceed with the following matters for the interests of aviation safety;

(1) To issue regulations on the efficient use of the Navigable Airspace including setting the safe altitude for flying, safety circumstances, and prevention of collision between aircraft and aircraft, aircraft and vehicles, aircraft and objects on the ground or water surface, and between aircraft and airborne objects in the air;

(2) To issue requirements on air navigation and flight operations of aircraft;

(3) To issue requirements on protection of persons and property on the ground.

In issuing the regulations and requirements under paragraph one, the Director shall give full consideration to the requirements of national defense, civil aviation, and the public right of transit through the Navigable Airspace. AS well as must comply with the policy regarding the use of airspace under the agreements, terms, conditions or restrictions relating to domestic or international laws or regulations in order to ensure safety of the aircraft and the maximum benefits use of airspace as specified in Annexes.

In the use of airspace above ground and water within the Flight Information Region of the Kingdom of Thailand, Aircraft, Airport and those persons involved in aviation shall use the Unit of Measurements used in aviation as specified by the Director.

The use of Navigable Airspace in this Section shall cover the airspace that Thailand is responsible for air traffic controlling as specified in the international agreement.

Section 17 No Aircraft shall take off from or land at a place other than a Licenced Aerodrome or a Temporary Takeoff and Landing Area for Aircraft licenced, or designated in a notification, by the Minister.

Section 18 Aircraft shall fly on airways specified in requirements.

Section 18/1³³ Every Aircraft making a flight in the Kingdom shall make and submit a flight plan to the air traffic service unit.

The flight plan shall be in accordance with the form, rules and procedures prescribed in requirements.

³² Section 16/5 was added by the Air Navigation Act (No. 14) B.E. 2562.

³³ Section 18/1 was added by the Air Navigation Act (No. 12) B.E. 2553.

Section 18/2³⁴ Every Aircraft flying or moving in the Kingdom shall comply with the air traffic rules prescribed in regulations.

Section 18/3³⁵ Aircraft registered under this Act and State Aircraft, which fly or move outside the Kingdom shall comply with the air traffic rules specified by those respective countries, and which are not in the territory of any country shall comply with regulations.

Section 19³⁶ Aircraft shall comply with relevant regulations and requirements.

Section 20³⁷ (Repealed)

Section 21³⁸ Aircraft registrants, Air Operators, Air Navigation Service Provider, Personnel, persons on board an Aircraft, holders of Public Aerodrome Operating Certificates, and any other person subject to this Act shall perform safe operation pursuant to the regulations.

Air Operators, holders of Public Aerodrome Operating Certificates and business operators at Licenced Aerodromes shall be responsible for, and shall supervise, compliance with the national civil aviation security plan and safety plan.

Section 21/1³⁹ The Civil Aviation Authority of Thailand shall establish the National Civil Aviation Safety Program to be a guideline for management of civil aviation safety at the national level which must comply with the Convention and Annexes including obligations under International Agreements on Civil Aviation that Thailand is a party to and must review to improve the National Civil Aviation Safety Program every year. By such program, there shall be a National Civil Aviation Safety Committee which the Civil Aviation Board appoints to drive the National Civil Aviation Safety Program in order to meet the objectives and goals.

³⁴ Section 18/2 was added by the Air Navigation Act (No. 12) B.E. 2553.

³⁵ Section 18/3 was added by the Air Navigation Act (No. 12) B.E. 2553.

³⁶ Section 19 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

³⁷ Section 20 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

³⁸ Section 21 paragraph one was amended by the Air Navigation Act (No. 14) B.E. 2562.

³⁹ Section 21/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

When the Civil Aviation Authority of Thailand establishes or improves the National Civil Aviation Safety Program under paragraph one, it shall notify those involved to implement. The relevant parties must establish a safety management system for their civil aviation business that are in line with the National Civil Aviation Safety Program.

The Director shall monitor the implementation under paragraph two. In this way, guidelines or measures for supervision, monitoring or inspection may also be established.

Section 21/2⁴⁰ For the purpose of managing the National Civil Aviation Safety Program, the Director shall have the following duties and powers:

- (1) appoint or assign any person to be responsible for management of the National Civil Aviation Safety Program;
- (2) provide a mechanism and measures for civil aviation safety as follows:
 - (a) effective civil aviation safety monitoring and in accordance with the National Civil Aviation Safety Program;
 - (b) identifying hazards and managing the safety risks of the service providers;
 - (c) collecting and storing information related hazards or safety risks;
 - (d) development of safety information systems;
 - (e) inspections for all concerned persons to conduct complete safety training.
- (3) provide a process for prioritizing inspections, surveillance and surveys by considering safety deficiencies or risk assessment;
- (4) promote awareness of relevant persons and communicate information on civil aviation safety in order to support the organization and develop a culture of corporate safety Which will strengthen efficiency and effectiveness of the National Civil Aviation Safety Program.

When the Director has taken action on any matter under paragraph one, he shall notify those involved in the National Civil Aviation Safety Program to proceed in accordance with the mechanism and process set by the Director.

⁴⁰ Section 21/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 22 ⁴¹ No Aircraft shall fly into the Strictly Restricted Areas or Specific Restricted Areas designated by the Director unless obtaining permission from the person responsible for the said area and complying with the conditions set by such person.

In designating the area under paragraph one, if it is a military service area, the Director shall designate the area as proposed by the military government agency and assign that proposed agency is responsible for such designated area.

An Aircraft that will fly into the Dangerous Areas designated by the Director must be careful and must follow the instructions of the Director or the Competent Official in order to prevent harm and affect activities in such areas.

Section 23 No person shall use a photograph apparatus in or from an Aircraft by any means whatsoever unless written permission has been obtained from the Competent Official.

Section 24 No person shall control or release a pilotless Aircraft or release a Parachute unless written permission has been obtained from the Minister and the conditions specified by the Minister are complied with.

Section 25 No person shall send or carry munitions of war under the law on controlling munitions of war on board an Aircraft unless written permission has been obtained from the Minister and the conditions specified by the Minister are complied with.

Section 26 ⁴² (Repealed)

Section 27 No Aircraft other than a Foreign Aircraft shall fly out of the Kingdom unless it has obtained written permission from the Competent Official.

Section 28 ⁴³ No Foreign Aircraft shall fly over or take off from or land in the Kingdom unless it has the right to do so under the Convention or international agreements or has obtained written permission from the Minister or a person assigned by the Minister.

⁴¹ Section 22 was added by the Air Navigation Act (No. 14) B.E. 2562.

⁴² Section 26 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

⁴³ Section 28 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558

Section 29 No foreign military Aircraft shall fly over or take off from or land in the Kingdom, unless it has obtained written permission from the Minister.

Section 29 bis⁴⁴ No person shall use a Private Aircraft for air navigation unless a Private Aircraft operating licence has been obtained from the Director.

The holder of the licence under paragraph one shall comply with the conditions specified in the attachment to the licence.

Rules, procedures and conditions for application, qualifications and characteristics of the applicant, the period of validity of the Private Aircraft operating licence, suspension and revocation of the Private Aircraft operating licence, the form of the Private Aircraft operating licence and conditions attached to the Private Aircraft operating licence shall be in accordance with those prescribed in requirements.

Section 29 ter⁴⁵ The provisions of Section 29 *bis* shall not apply to a Transport Aircraft temporarily used for transporting goods or passengers for the purpose of non-remuneration, which has been informed to the Competent Official.

Section 29 quarte⁴⁶ A Private Aircraft operating licence issued by the Minister to any particular Private Aircraft shall be effective only to that particular Private Aircraft.

Section 29 quinquies⁴⁷ No person shall fly a Private Aircraft unless Section 16 is complied with and a Private Aircraft operating licence is carried on board the Aircraft.

⁴⁴ Section 29 *bis* was added by the Air Navigation Act (No. 9) B.E. 2534.

⁴⁵ Section 29 *ter* was added by the Air Navigation Act (No. 9) B.E. 2534.

⁴⁶ Section 29 *quarter* was added by the Air Navigation Act (No. 9) B.E. 2534.

⁴⁷ Section 29 *quinquies* was added by the Air Navigation Act (No. 9) B.E. 2534.

Chapter 3

Registration and Markings of Aircraft

Section 30⁴⁸ Subject to Section 31, a person who may apply for Aircraft registration under the provisions of this Act shall be the owner of the Aircraft applied for registration or the person who, if not the owner, has the possessory right in the Aircraft applied for registration and has obtained permission for registration from the Director.

The application for registration, the Aircraft registration and the Aircraft Deregistration shall be in accordance with those prescribed in requirements.

Section 31⁴⁹ A person, natural or juristic, who applies for Aircraft registration, shall hold Thai nationality.

In case of a partnership or limited company or public limited company, it shall be registered under the law of Thailand, the principal place of business of the partnership or company is situated in the Kingdom, and:

(1) In case of an ordinary partnership, all partners shall hold Thai nationality;

(2) In case of a limited partnership, all partners who jointly have unlimited liability shall hold Thai nationality and at least 51 percent of the capital of such partnership shall belong to natural persons who hold Thai nationality;

(a) In case of a limited company or public limited company, such company shall not have bearer shares on issue, a majority of its directors shall hold Thai nationality, and at least 51 percent of all shares shall belong to any one or any combination of the following persons: Natural persons who hold Thai nationality;

(b) Ministries, sub-ministries, [or] departments of the Government;

(c) Limited companies or public limited companies, of which ministries, sub-ministries, [or] departments of the Government hold not less than 51 percent of all shares;

(d) Limited companies or public limited companies, of which natural persons holding Thai nationality hold not less than 51 percent of all shares;

(e) Other juristic persons as specified in the Ministerial Regulations.

⁴⁸ Section 30 paragraph two was amended by the Air Navigation Act (No. 14) B.E. 2562.

⁴⁹ Section 31 was amended by the Air Navigation Act (No. 10) B.E. 2542.

In case of an association, it shall be registered under the law of Thailand, the principal place of business of the association shall be situated in the Kingdom, and the regulations of the association shall have been approved by the Director.

Section 32⁵⁰ A certificate of registration of an Aircraft shall become ineffective when:

(1) There is a change in ownership of the Aircraft if the owner is a registrant, or a change in the possessory right in such Aircraft in case that the person having the possessory right is a registrant;

(2) The Aircraft registrant lacks the qualifications pursuant to Section 31;

(3) It appears that the ownership or possessory right of the Aircraft registrant is not as shown in the registration as having such right in the particulars of the application;

(4) The Aircraft is so damaged that it is unfit for further use;

(5) The Certificate of Airworthiness of the Aircraft has expired for more than six months;

(6) The Aircraft has been missing for more than three months.

In the events of (1) to (5), the Aircraft registrant shall return the certificate of registration to the Competent Official without delay.

Section 33⁵¹ The nationality and registration marks, and Aircraft identification plate shall be in accordance with requirements.

⁵⁰ Section 32 was amended by the Air Navigation Act (No. 3) B.E. 2502.

⁵¹ Section 33 was amended by the Air Navigation Act (No. 11) B.E. 2551

Section 31/1⁵² In the case that a Thai Air Operator uses a foreign Aircraft registered in a State Party to the Convention for its operation by leasing agreement or other contract of the same nature, and Thailand has an agreement with that State of Registry to transfer the responsibility of the State of Registry to Thailand in accordance with the Convention. Such foreign Aircraft shall be regarded as an Aircraft registered under this Act and the licence or operation in the following matters, as far as agreed upon, is also subject to Thai law:

(1) in respect of such aircraft, shall be deemed that:

(a) the Aircraft Radio Equipment licence is the Licence for Installing a Radio Communication Station under the Law on Radio Communications;

(b) the Certificate of Airworthiness of the Aircraft is the Airworthiness Certificate under this Act;

(2) in respect of Air Traffic is subject to Thai law;

(3) in respect of Personnel those perform duties on or relating to the aircraft according to such agreement, the said Personnel Licence issued by such State of Registry shall be regarded as the Personnel Licence under section 42.

(4) in respect of air navigation of aircraft of the Air Operator is subject to Thai law.

Section 33/2⁵³ In the case that a Foreign Air Operator uses a Thai Aircraft registered under Thai Law for its operation by leasing agreement or other contract of the same nature, and Thailand has an agreement with the State of Operator to transfer the responsibilities of Thailand to the State of Operator according to the Convention. Such Thai Aircraft shall be regarded as an Aircraft registered under the Law of the State of Operator and the licence or operation of the following matters, as agreed upon, is also subject to the Law of the State of Operator:

(1) in respect of such aircraft, shall be deemed that:

(a) the Aircraft Radio Equipment Licence is the Licence under the Law of the State of Operator;

(b) the Certificate of Airworthiness of the Aircraft is the Airworthiness Certificate under the Law of the State of Operator;

(2) in respect of Air Traffic is subject to the Law of the State of Operator;

⁵² Section 33/1 added by the Air Navigation Act (No. 14) B.E. 2562.

⁵³ Section 33/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

(3) in respect of Personnel who perform duties in or relating to aircraft according to such agreement, shall be regarded as the Personnel Licence under the Law of the State of Operator;

(4) in respect of air navigation of aircraft of the Air Operator is subject to the Law of the State of Operator.

Section 33/3⁵⁴ Establishing an agreement to transfer responsibilities between Thailand and the States Parties to the Convention under Section 33/1 and Section 33/2, format of the agreement, notification of agreement and relevant information to the International Civil Aviation Organization and related States, registration agreement with the International Civil Aviation Organization and also coordination with States that has enter into the agreement with Thailand shall be in according to the regulations set by the Director.

Chapter 4

Aircraft Type, Aircraft Production and Airworthiness Control⁵⁵

Part 1

Standards for Aircraft

Section 34.⁵⁶ Standards for Aircraft shall be in accordance with those prescribed in the requirements of the Director which shall comprise the following standards:

(1) Airworthiness standards for Aircraft or Major Aircraft Appliances, including technical standards for TSO Articles;

(2) Standards for Aircraft in respect of environmental protection, such as standards for noise pollution or standards for air pollution;

(3) Other standards for the purpose of safety in air navigation.

⁵⁴ Section 33/6 was added by the Air Navigation Act (No. 16) B.E. 2562.

⁵⁵ Chapter 4 - Aircraft Type, Aircraft Production and Airworthiness Control, from Section 34 to Section 41/111, was amended by the Air Navigation Act (No. 11) B.E.2551.

⁵⁶ Section 34, paragraph five was repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E.2558.

The Director may specify in a notification that industrial standards under the law on industrial product standards or as specified by foreign organizations be used as standards for Aircraft Parts.

The standards under (1) for Aircraft shall be prescribed pursuant to the categories of Aircraft operations, namely normal, acrobatic and transport operations and other operations specified in requirements.

The standards under (1), (2), and (3) shall not be lower than those stated in the Convention.

Section 35 In case of production for export, the Director may issue requirements for standards for Aircraft which differ from the standards stated in Section 34.

Part 2

Type Certification

Section 36 A type which will be used for production [*sic*] of Aircraft or Major Aircraft Appliances shall have a Type Certificate under the provisions of this chapter.

An Aircraft type and Major Aircraft Appliance type shall meet standards not lower than those prescribed by the Director under Section 34.

The Director may issue requirements to specify that an Aircraft and Major Aircraft Appliance of specific objective categories depending on the nature of operations shall be produced in accordance with a type which does not require a Type Certificate.

Section 37 A Type Certificate of an Aircraft or Major Aircraft Appliance shall be as follows:

(1) A standard Type Certificate issued for an Aircraft type or Major Aircraft Appliance type which meets standards prescribed by the Director under Section 34;

(2) A specific Type Certificate issued for an Aircraft type used for a specific objective, such as, artificial rain making, agricultural spraying or aerial surveying pursuant to the standards prescribed by the Director under Section 34.

Section 38 Any person who wishes to obtain a Type Certificate of an Aircraft or Major Aircraft Appliance shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

In applying for the Type Certificate, the applicant shall indicate the standards for Aircraft used in designing the Aircraft or Major Aircraft Appliance applied for the Type Certificate, including the plan and period of time for constructing the prototype Aircraft or prototype of the Major Aircraft Appliance pursuant to the application for such Type Certificate.

Upon receiving the application, the Director shall examine the evidentiary documents of the applicant and assess the feasibility of the proposed type design, procedures and readiness to construct the prototype Aircraft or prototype of the Major Aircraft Appliance, including the financial status, staff, facilities and equipment to be used in construction. Upon finding that it is feasible, the Director shall issue a letter of permission to the applicant for constructing the prototype Aircraft or prototype of the Major Aircraft Appliance and shall specify a period of time for completing the construction not exceeding five years from the date of issuance of the letter of permission.

If the applicant cannot complete the construction within the specified period of time under paragraph three, the applicant may request only one extension of the period of time from the Director, and the Director may grant the extension for a period not exceeding two years.

If the applicant cannot complete the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance within the specified period of time, the letter of permission shall become invalid.

Section 39⁵⁷ If there is an applicant for a Type Certificate under Section 38 and the Director finds that the standards prescribed in requirements under Section 34 do not govern, or may not apply to, the type proposed by the applicant because there is a development or design feature which differs from the Aircraft or Major Aircraft Appliance currently in use, the Director General shall issue a letter of provisional permission under Section 38, paragraph three and specify special conditions in respect of the standards for Aircraft or Major Aircraft Appliances relating to the development or design as may be appropriate.

The special conditions specified by the Director under paragraph one shall have a degree of safety not lower than those used by the Director in prescribing the standards under Section 34.

⁵⁷ Section 39 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558

Section 40 Subject to Section 41/1, upon obtaining a letter of permission from the Director under Section 38, paragraph three, the applicant shall have the following duties:

(1) To process construction of the prototype Aircraft or prototype of the Major Aircraft Appliance which meets the standards indicated in the application for the Type Certificate;

(2) To record details and report construction of the prototype Aircraft or prototype of the Major Aircraft Appliance in accordance with the rules and procedures prescribed by the Director;

(3) To allow the Competent Official to inspect construction of the prototype Aircraft or prototype of the Major Aircraft Appliance;

(4) Other duties as specified by the Director.

If the applicant for the Type Certificate under paragraph one fails to perform the duties under (2), (3) or (4) and has been warned by the Director but still continues the non-performance, the Director General shall revoke the letter of permission.

Section 41 During the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, if the Director has issued new standard requirements different from the standards specified in the application for the Type Certificate under Section 40 (1) which can be used for the design of the prototype Aircraft or prototype of the Major Aircraft Appliance being constructed, and the applicant wishes to use the new standards, the applicant shall inform the Director of the change to the standards. In this regard, the Director may require the applicant to use other additional relevant standards, or otherwise the applicant shall use the original standards.

Section 41/1 During the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, if new standard requirements issued by the Director come into force retroactively for the purpose of safety which changes the standards specified in the application for the Type Certificate, the applicant for the Type Certificate shall change the type design based on the new standards for the construction of such prototype Aircraft or prototype of the Major Aircraft Appliance.

Section 41/2 When an applicant for a Type Certificate has processed the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance, the Director shall arrange, or order the applicant to make, tests by means of flight tests or other tests under the rules and procedures prescribed in the requirements of the Director. In this regard, the Director may require a hearing for opinions from experts and relevant persons.

Upon completion of the test under paragraph one, the Director shall issue a Type Certificate for the Aircraft or a Type Certificate for the Major Aircraft Appliance in line with the categories stated in Section 37 if the Director finds that the prototype Aircraft or prototype of the Major Aircraft Appliance meets the standards for Aircraft and is in condition for safe operation. The Director may specify airworthiness limitations or other limitations on the use of the Aircraft or Major Aircraft Appliance.

Section 41/3 The Type Certificate under Section 37 shall be in accordance with the form specified in a notification by the Director. The standards used in issuing the Type Certificate shall be specified in the Type Certificate. In addition, the Type Certificate shall comprise the following documents:

(1) Type Design:

(a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and design feature of the Aircraft or Major Aircraft Appliance shown to comply with the standards applicable to that type. The standards specified only pursuant to this Act and the industrial standards allowed in a notification by the Director to be used for Aircraft (if any) shall also be included;

(b) Information on dimensions, materials and processes necessary to define the structural strength of the Aircraft or Major Aircraft Appliance;

(c) Airworthiness limitations specified for the continuing Airworthiness for the Aircraft or Major Aircraft Appliance;

(2) Limitations on operation of the Aircraft or Major Aircraft Appliance; and

(3) Other limitations or conditions on the Aircraft type design or Major Aircraft Appliance type design.

Section 41/4⁵⁸ If the Aircraft or Major Aircraft Appliance is undergoing tests and the flight tests have been conducted under Section 41/2, before obtaining the Type Certificate, the applicant for the Type Certificate who wishes to use the Aircraft or Major Aircraft Appliance to train Personnel or to show its performance for the commercial purpose or for other purposes specified in regulations, shall submit an application for a provisional Type Certificate to the Director. Upon finding that the Aircraft or Major Aircraft Appliance can be operated safely pursuant to the rules in requirements, the Director shall issue a provisional Type Certificate. In this

⁵⁸ Section 41/4 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

regard, the Director may prescribe airworthiness limitations or other limitations on the use of the Aircraft or Major Aircraft Appliance pursuant to such purposes.

The submission of the application under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/5 The holder of the right in the Type Certificate of the Aircraft or Major Aircraft Appliance who wishes to change the Approved Design shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

In consideration of the application under paragraph one, the following shall be undertaken:

(1) In the case of a minor change, the Director shall examine it pursuant to the rules in requirements. If the Director has not yet prescribed any rule, the Director shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director shall issue to the applicant a letter of approval to which the changed design shall be attached.

(2) In the case of a major change, the Director shall examine it pursuant to the provisions of Section 38, paragraph three and Section 41/2 which shall apply *mutatis mutandis*. If the Director finds that:

(a) The change is not great enough to require issuance of a new Type Certificate, the Director shall examine it pursuant to the rules in requirements. If the Director has not yet prescribed any rule, the Director shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director shall certify it by amending the original Type Certificate. Nonetheless, if the applicant wishes to have a Supplementary Type Certificate issued, the Director shall issue the Supplementary Type Certificate to the applicant;

(b) The change is great enough to require examination for issuing a new Type Certificate, the Director shall inform the applicant that an application for the Type Certificate under Section 38 should be submitted.

The certification of the change under this Section shall not result in the original Type Certificate being canceled unless otherwise specified by the Director.

With regard to the certification under paragraph two (1) or (2) (a), the applicant may apply for certification of each specific Aircraft [or Major Aircraft Appliance,] or each specific type in general.

Section 41/6 Subject to the law on copyrights and the law on patents, the owner or possessor of an Aircraft or Major Aircraft Appliance or any other person who is not the holder of the right in the Type Certificate who wishes to make a major change to the Aircraft or Major Aircraft Appliance so that it will differ from the Approved Design, may submit an application for a Supplemental Type Certificate for the object additionally changed by that person to the Director in accordance with the rules and procedures prescribed in requirements.

Upon receiving the application under paragraph one, the Director shall examine the change pursuant to the rules in requirements. If the Director has not yet prescribed any rule, the Director shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director shall issue a Supplemental Type Certificate to the applicant. However, if the Director finds that the change is minor, it shall be deemed that the applicant has submitted an application for change to an Aircraft or Major Aircraft Appliance under Section 41/7.

Section 41/7 The owner or possessor of an Aircraft or Major Aircraft Appliance who wishes to make a minor change to the Aircraft or Major Aircraft Appliance so that it will differ from the Approved Design, may submit an application to the Director pursuant to the rules and procedures prescribed in the Ministerial Regulations.

Upon receiving the application under paragraph one, the Director shall examine the change pursuant to the rules in requirements. If the Director has not yet prescribed any rule, the Director shall examine it pursuant to procedures as may be appropriate. If the result of the examination shows that it meets the standards for Aircraft and is in condition for safe operation, the Director shall issue to the applicant a letter of approval to which the changed design shall be attached. However, upon finding that the change is major, the Director shall dismiss the application and inform the applicant that an application for a Supplemental Type Certificate under Section 41/6 should be submitted.

Section 41/8 Any change in the following designs shall be considered major or minor in accordance with the rules in the requirements of the Director:

- (1) The type design of the Aircraft or Major Aircraft Appliance under the Type Certificate pursuant to Section 41/5, Section 41/6 and Section 41/7;
- (2) The design of the Aircraft Replacement Part certified under the Production Certificate for Aircraft Replacement Parts pursuant to Section 41/42; or
- (3) The design of the TSO Article certified under the Production Certificate for TSO Articles pursuant to Section 41/52.

Section 41/9 The Director shall have the power to order the Holder of the Type Certificate to change the Aircraft type design or Major Aircraft Appliance type design, when it appears that:

(1) The Aircraft or Major Aircraft Appliance is not safe enough due to the Approved Design;

(2) Changes in the Approved Design will improve the safety of the Aircraft or Major Aircraft Appliance;

(3) Design changes are necessary to improve the safety after the Aircraft or Major Aircraft Appliance has been inspected or rectified pursuant to the Airworthiness Directive of the Director under Section 41/82.

In issuing the order under paragraph one, the Director shall also specify a period of time for completion not exceeding one year. For the purpose of safety, the Director may specify conditions or limitations on operation of the Aircraft or Major Aircraft Appliance constructed under the original design as may be appropriate.

When the Holder of the Type Certificate has changed the Aircraft type design or Major Aircraft Appliance type design, an application shall be submitted to the Director pursuant to the rules and procedures prescribed in requirements. The provisions of Section 41/5 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

Section 41/10 [If] the Holder of the Type Certificate fails to change the design within the period of time specified by the Director under Section 41/9, the Director shall order revocation of the Type Certificate.

When the Type Certificate of the Aircraft or Major Aircraft Appliance has been revoked, the Certificates of Airworthiness of the Aircraft of that type or of the Aircraft of the type on which the Major Aircraft Appliance was installed shall become invalid under Section 41/70(2).

Section 41/11⁵⁹ If the Director issues an order to specify airworthiness limitations or other limitations under Section 41/2 or Section 41/4, paragraph one, an order to specify conditions or limitations on operations under Section 41/9, paragraph two, or an order to revoke a Type Certificate under Section 41/10, paragraph one, the Director shall make an public announcement of such order.

Upon receiving the order of the Director under paragraph one, the Holder of the Type Certificate shall promptly inform the Aircraft registrant, the Air Operator, the manufacturer of the Aircraft or Major Aircraft Appliance, and the persons involved with such Aircraft or Major Aircraft Appliance.

⁵⁹ Section 41/11 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 41/12 A Type Certificate and Supplemental Type Certificate issued under the provisions of this chapter is transferable but a provisional Type Certificate under Section 41/4 or letter of validation for the Type Certificate issued by a foreign State under Section 41/13 and Section 41/14 is not transferable.

The transfer under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/13 The Holder of the Type Certificate of an Aircraft, Type Certificate of a Major Aircraft Appliance or Supplemental Type Certificate issued by a State Party to the Convention or country entering into an agreement with Thailand who wishes to request the Director to validate the type under such Type Certificate for production in Thailand, shall submit an application to the Director. If the Director finds that the Aircraft or Major Aircraft Appliance under the Type Certificate of that country meets standards not lower than those for Aircraft under Section 34, the Director shall issue a letter of validation stating that the Type Certificate is as effective as the Type Certificate of this part.

The application for validation and Type Certificate validation under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/14 The Holder of the Type Certificate of an Aircraft or Supplemental Type Certificate issued by a State Party to the Convention or country entering into an agreement with Thailand or an applicant for Aircraft registration under such Type Certificate who wishes to request the Director to validate a type under such Type Certificate in order to apply for a Certificate of Airworthiness for an Aircraft registered in Thailand, shall submit an application to the Director. If the Director finds that the Aircraft under the Type Certificate of that country meets standards not lower than those for Aircraft under Section 34, the Director shall issue a letter of validation stating that the Type Certificate is as effective as the Type Certificate of this part.

The application for validation and Type Certificate validation under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/15 An Aircraft Replacement Part design shall meet standards not lower than those for airworthiness of the Aircraft or of the Major Aircraft Appliance prescribed by the Director under Section 34(1).

A design used in producing Aircraft Replacement Parts may be identical to an approved design of a part belonging to other persons provided that it does not infringe the law on copyrights and the law on patents.

An Aircraft Replacement Part design applied for production under Section 41/37 shall be certified by the Director together with the issuance of a Production Certificate for Aircraft Replacement Parts.

Section 41/16 A TSO Article design shall meet standards not lower than the technical standards prescribed by the Director under Section 34 (1).

A TSO Article design applied for production under Section 41/47 shall be certified by the Director together with the issuance of a Production Certificate for TSO Articles.

Part 3

Production Certification

Section 41/17 In this part, "Production" means production of Products for the commercial purpose unless the context indicates otherwise.

The provisions of this Section shall not apply to fabrication by a repair station which has obtained a certificate under the provisions of this chapter.

Section 41/18 For the purpose of controlling Production of Products under the provisions of this part, the Director shall have the power to issue the regulations on the following matters:

- (1) Production procedures for compliance with designs and standards as specified;
- (2) Procedures for destruction or any other actions to prevent marks or codes from being displayed on Products which fail to meet designs or standards;
- (3) Characteristics, categories or types of machinery and equipment used in Production, including raw materials or anything to be used in Production;
- (4) Provision of an operation manual with respect to Production;
- (5) Provision of a factual recordkeeping with respect to Production as well as retention of the record in a producing place for the purpose of control or examination;

- (6) Reporting of information about Production under rules and periods of time specified;
- (7) Production quality control;
- (8) Other matters with respect to Production control.

Section 41/19 In case of issuance of certificates under the provisions of this part requiring that an applicant be a juristic person and have the minimum registered capital not less than that specified by the Minister, if such registered capital exceeds five hundred million Baht, the Minister shall, with the endorsement of the Civil Aviation Board, have the power to stipulate in a notification that an application for preliminary permission shall be submitted to the Director before establishment of the juristic person for that purpose.

The qualifications of the applicant, rules and procedures for submission of the application for preliminary permission, and preliminary permission under paragraph one shall be in accordance with those specified in the Ministerial Regulations.

In the preliminary permission under paragraph one, the Director may specify conditions and a period of time in order for the applicant for the preliminary permission to meet all qualifications but not exceeding six months. If there are reasonable grounds which cause the applicant to be unable to do so within such period of time, the applicant for the preliminary permission may request only one extension of the period of time from the Director, and the Director may grant the extension for a period not exceeding three months.

Registered capital which exceeds five hundred million Baht under paragraph one may be required in accordance with the amount and conditions as set forth in a Royal Decree.

1. PRODUCTION OF AIRCRAFT AND MAJOR AIRCRAFT APPLIANCES

Section 41/20 Production of type-certificated Aircraft and Major Aircraft Appliances shall be undertaken in accordance with the Approved Design.

Production of non-type-certificated Aircraft and Major Aircraft Appliances under Section 36, paragraph three shall be undertaken to be safe for operation pursuant to the rules and procedures in the requirements of the Director.

Section 41/21 No person shall produce Aircraft unless a Production Certificate for Aircraft has been obtained from the Director.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in the requirements of the Director.

Section 41/22 ⁶⁰ Subject to Section 41/30, an applicant for a Production Certificate for Aircraft shall have the following qualifications and characteristics:

- (1) Being a juristic person under Section 41/23;
- (2) Having capital sufficient for Aircraft Production in the amount specified in regulations;
- (3) Having staff possessing knowledge and skills sufficient for Aircraft Production under the rules specified in regulations;
- (4) Other characteristics pursuant to the rules and conditions prescribed in the Ministerial Regulations.

Section 41/23. An applicant for a Production Certificate for Aircraft shall be a juristic person in the category of a limited company or public limited company registered under the law of Thailand and having the principal place of business situated in the Kingdom, provided that:

- (1) Its registered capital meets the amount specified in a notification by the Minister, with the recommendation of the Civil Aviation Board;
- (2) Its registered capital belongs to a person holding Thai nationality under the rules stated in Section 41/24;
- (3) Its objective is to operate Aircraft Production. If there are also other business objectives, such objectives shall be associated with Aircraft Production as endorsed by the Director;
- (4) Its business management power is controlled by a person holding Thai nationality under the rules stated in Section 41/25;
- (5) Its directors, managers or persons who have managerial power have no prohibited characteristic under the rules stated in Section 41/26;
- (6) The applicant obtains or has the right in a Type Certificate of an Aircraft or the right in a type of a non-type-certificated Aircraft under Section 36, paragraph three which it intends to undertake Production;
- (7) Its production certificate is not suspended under this chapter, or if its production certificate was revoked under this chapter, a three-year period from the date of revocation was lapsed;
- (8) Other characteristics under the rules and conditions prescribed in the Ministerial Regulations.

In case of Production of non-type-certificated Aircraft under Section 36, paragraph three, the applicant may be a juristic person of categories other than those stated in paragraph one.

⁶⁰ Section 41/22 (2) and (3) was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 41/24 Not less than fifty-one percent of the total capital of an applicant for a Production Certificate for Aircraft shall belong to persons holding Thai nationality, in any one or any combination of the following categories:

- (1) Natural person who holds Thai nationality;
- (2) Ministry, sub-ministry, department or State agency;
- (3) Limited company or public limited company, of which not less than fifty-one percent of the total capital belongs to a person holding Thai nationality, provided that bearer shares shall be counted as the capital belonging to a person not holding Thai nationality;
- (4) Limited partnership, of which all partners of the unlimited liability hold Thai nationality and not less than fifty-one percent of the capital belongs to a person holding Thai nationality;
- (5) Registered ordinary partnership, of which all partners hold Thai nationality;
- (6) Other juristic persons as specified in the Ministerial Regulations.

The juristic person under paragraph one (3), (4), (5) or (6) shall be registered under the law of Thailand and has the principal place of business situated in the Kingdom. In addition, if such juristic person has a juristic person as its shareholder or partner, the capital of the juristic person which is the shareholder or partner shall belong to a person holding Thai nationality pursuant to this Section.

Section 41/25 The business management power of an applicant for a Production Certificate for Aircraft shall be controlled by a person holding Thai nationality.

In the following cases, it shall be deemed that the business management power is not controlled by a person holding Thai nationality:

- (1) Half or more than half of directors do not hold Thai nationality;
- (2) Managers or persons who have managerial power do not hold Thai nationality;
- (3) Management is dominated by persons not holding Thai nationality subject to the characteristics and conditions prescribed in the Ministerial Regulations.

Upon finding that Aircraft Production by the applicant requires high technology from foreign countries, the Minister shall, with the recommendation of the Director, have the power to exempt the applicant for such certificate from the qualifications pursuant to this Section but the exemption shall not last more than five years from the date of receipt of the Production Certificate for Aircraft.

Section 41/26 A director, manager or person who has managerial power of an applicant for a Production Certificate for Aircraft shall not have the following prohibited characteristics:

- (1) Being an incompetent person or quasi-incompetent person;
- (2) Being a bankrupt;
- (3) Being sentenced to imprisonment by a final court judgment, except for a punishment for commission of an offense through negligence or a petty offense;
- (4) Having been a director, manager or person who had managerial power of an applicant [*sic*] for a Production Certificate for Aircraft, whose the Production Certificate for Aircraft was revoked as a result of the business management by such person;
- (5) Having been punished by dismissal on disciplinary grounds from office in an administrative agency, State agency or State enterprise due to corruption in office;
- (6) Having been removed from office under the provisions of the Constitution of the Kingdom of Thailand;
- (7) The individual's business operation licence or professional licence having been revoked for commission of an offense of high treason as prescribed in the Ministerial Regulations;
- (8) Having been a director, manager or person who had managerial power of a juristic person, the business operation licence of which was revoked for commission of an offense of high treason as prescribed in the Ministerial Regulations;
- (9) Other prohibited characteristics prescribed in the Ministerial Regulations.

Section 41/27 Before issuing a Production Certificate for Aircraft, the Director shall examine the qualifications of the applicant, the Aircraft type design applied for Production as well as the Production places and procedures of the applicant.

The Director will issue the Production Certificate for Aircraft to the applicant when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 41/22;
- (2) The applicant has the capability to produce Aircraft in full compliance with the Type Certificate or the type permitted in case of Production of non-type-certificated Aircraft under Section 36, paragraph three; and
- (3) The applicant has arranged the Production quality control under Section 41/18(7).

In issuing the Production Certificate for Aircraft, the Director may specify conditions or limitations on Production as may be appropriate.

The Production Certificate for Aircraft shall be in accordance with the form specified in a notification by the Director.

Section 41/28 A Production Certificate for Aircraft shall have a period of validity not exceeding thirty years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in regulations.

Section 41/29 To renew a Production Certificate for Aircraft, the holder of the certificate shall submit the application to the Director at least sixty days before expiration of the certificate in accordance with rules and procedures prescribed in requirements.

Upon examination of the qualifications and capability of the applicant, if it appears that the applicant maintains the qualifications and capability to undertake Production in line with the certificate, the Director shall renew the certificate in accordance with the period of validity stated in Section 41/28.

Upon submission of the application for renewal of the certificate under paragraph one, the holder of the certificate shall continue undertaking the Aircraft Production until the Director orders that the renewal of the certificate not be permitted.

Section 41/30 If an applicant for a Production Certificate for Aircraft is the Holder of the Type Certificate, the applicant may request the Director to issue a provisional Production Certificate for Aircraft for Production under such Type Certificate and the Director shall have the power to issue the provisional production certificate which has a period of validity not exceeding one year from the date of issuance of the certificate but not exceeding two years from the date when the applicant obtained the Type Certificate. The provisions of Section 41/19 shall apply *mutatis mutandis*.

The Production control under the provisional Production Certificate for Aircraft shall be in accordance with the rules and procedures prescribed in requirements.

Where the period of validity under paragraph one has expired but the holder of the provisional Production Certificate for Aircraft has not yet met the qualifications for obtaining the Production Certificate for Aircraft, the Director shall, upon an application made by the applicant, have the power to extend one period of validity but not exceeding one year.

Section 41/31 The holder of the Production Certificate for Aircraft under Section 41/21 and Section 41/30 shall also have the right to produce Airframes and Aircraft Parts in accordance with the designs, procedures, conditions and limitations specified in the certificate.

The holder of the certificate who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

Section 41/32 No person shall produce Major Aircraft Appliances unless a Production Certificate for Major Aircraft Appliances has been obtained from the Director.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/33 The provisions of Section 41/22, Section 41/23, Section 41/24, Section 41/25, Section 41/26 and Section 41/27 shall apply *mutatis mutandis* to qualifications and characteristics of an applicant for a Production Certificate for Major Aircraft Appliances, issuance of the Production Certificate for Major Aircraft Appliances and issuance of a provisional Production Certificate for Major Aircraft Appliances.

The Production Certificate for Major Aircraft Appliances shall be in accordance with the form specified in a notification by the Director.

Section 41/34 A Production Certificate for Major Aircraft Appliances shall have a period of validity not exceeding twenty years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in regulations.

The renewal of the Production Certificate for Major Aircraft Appliances shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

Section 41/35 The holder of a Production Certificate for Major Aircraft Appliances under Section 41/32 shall also have the right to produce parts of the Major Aircraft Appliances in accordance with the designs, procedures, conditions and limitations specified in the certificate.

The holder of the certificate who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

2. PRODUCTION OF AIRCRAFT REPLACEMENT PARTS

Section 41/36 Production of Aircraft Replacement Parts for installation on type-certificated Aircraft or Major Aircraft Appliances shall be undertaken in accordance with the Approved Design or standards for airworthiness applicable to the Aircraft on which they will be installed.

Production of Aircraft Replacement Parts for installation on non-type-certificated Aircraft or Major Aircraft Appliances under Section 36, paragraph three shall be undertaken to be safe for operation pursuant to the rules and procedures under the requirements of the Director.

Section 41/37 No person shall produce replacement parts for Aircraft or Major Aircraft Appliances which are not TSO Articles unless a Production Certificate for Aircraft Replacement Parts has been obtained.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

The provisions in paragraph one shall not apply to:

(1) Production of parts under a Production Certificate for Aircraft under Section 41/21 or provisional Production Certificate for Aircraft under Section 41/30;

(2) Production of parts under a Production Certificate for Major Aircraft Appliances under Section 41/32 or provisional Production Certificate for Major Aircraft Appliances under Section 41/33;

(3) Production of Standard Parts specified in a notification by the Director to be used with Aircraft under Section 34, paragraph two;

(4) Production of parts by an Aircraft owner or Aircraft registrant or Air Operator to be used for Maintenance of its Aircraft or Major Aircraft Appliances under Section 41/44;

(5) Fabrication of parts by a repair station for Maintenance of Aircraft or Major Aircraft Appliances which such repair station has accepted for maintenance under Section 41/105.

Section 41/38 An applicant for a Production Certificate for Aircraft Replacement Parts shall be a juristic person under the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) and Section 41/25, paragraph three shall apply *mutatis mutandis* to qualifications and characteristics of the applicant.

Section 41/39 Before issuing a Production Certificate for Aircraft Replacement Parts, the Director shall examine the qualifications of the applicant, the Aircraft Replacement Part design applied for production as well as the Production places and procedures of the applicant.

The Director will issue the Production Certificate for Aircraft Replacement Parts to the applicant when it appears that:

(1) The applicant has the qualifications and characteristics pursuant to Section 41/38;

(2) The applicant has the capability to produce the Aircraft Replacement Parts in full compliance with the design applied for permission;

(3) The design of the Aircraft Replacement Part applied for production is identical to that of an Aircraft Part or Major Aircraft Appliance under the Approved Design or is a new design developed under the standards for airworthiness used in designing the Aircraft or Major Aircraft Appliance;

(4) The Aircraft Replacement Part design applied for production meets standards not lower than the technical standards under Section 34(1);

(5) The result of tests on the Aircraft Replacement Part meets the standards specified in the design applied for; and

(6) The applicant has arranged the Production quality control under Section 41/18(7).

In issuing the Production Certificate for Aircraft Replacement Parts, the Director may specify conditions or limitations on Production and operation of the Aircraft Replacement Parts as may be appropriate. In addition, it shall be deemed that the issuance of the certificate is also approval of the Aircraft Replacement Part design applied for production permission.

The Production Certificate for Aircraft Replacement Parts shall be in accordance with the form specified in a notification by the Director.

Section 41/40 A Production Certificate for Aircraft Replacement Parts shall have a period of validity not exceeding ten years each. The period of validity of the certificate shall be determined in accordance with the rules prescribed in requirements.

The renewal of the Production Certificate for Aircraft Replacement Parts shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

Section 41/41 The holder of a Production Certificate for Aircraft Replacement Parts shall produce Aircraft Replacement Parts in accordance with the designs, procedures, conditions and limitations specified in the certificate.

Section 41/42 The holder of a Production Certificate for Aircraft Replacement Parts who wishes to engage in Production which is different from the Approved Design under the production certificate shall:

(1) In the case of a minor alteration, be entitled to amend the design and undertake production under the original certificate and notify the Director without delay. However, if the Director finds that it is a major alteration, the Director shall order such person to proceed under (2). The notification shall be in accordance with the rules and procedures prescribed in requirements;

(2) In the case of a major alteration, apply for permission from the Director in accordance with the rules and procedures prescribed in requirements. If the Director finds, upon examination of the design applied for alteration, that the Aircraft Replacement Parts produced under such design meet the performance requirements not lower than the standards for airworthiness applicable to the Aircraft or Major Aircraft Appliance pursuant to the original Approved Design, the Director shall amend the original certificate or issue a new certificate to the applicant.

Section 41/43 The holder of a Production Certificate for Aircraft Replacement Parts who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director.

The application for change in the procedures, conditions or limitations for Production under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/44 An Aircraft owner, Aircraft registrant or Air Operator wishing to produce parts to be used for Maintenance of its Aircraft or Major Aircraft Appliances shall submit an application for permission to the Director in accordance with the rules and procedures prescribed in requirements.

Upon finding that the applicant has the capability to undertake Production of the parts pursuant to the standards for airworthiness of the Aircraft or Major Aircraft Appliance, the Director shall grant permission as applied for, and may specify conditions or limitations on the Production and operation of such parts as may be appropriate.

Section 41/45 The provisions of Section 41/9 and Section 41/11 shall apply *mutatis mutandis* to an order requiring the holder of a Production Certificate for Aircraft Replacement Parts to amend the Aircraft Replacement Part design, to the issuance of an order specifying conditions or limitations on operation of the Aircraft Replacement Parts, and to the notification of an order specifying conditions or limitations on operation of the Aircraft Replacement Parts.

3. PRODUCTION OF TSO ARTICLES

Section 41/46 Production of TSO Articles for installation on type-certificated Aircraft or Major Aircraft Appliances shall be undertaken in accordance with technical standards for TSO Articles under Section 34 (1).

Section 41/47 No person shall produce TSO Articles unless a Production Certificate for TSO Articles has been obtained from the Director.

The application for the certificate and issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/48 An applicant for a Production Certificate for TSO Articles under Section 41/47 shall be a juristic person under the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) shall apply to qualifications and characteristics of the applicant *mutatismutandis*.

Section 41/49 Before issuing a Production Certificate for TSO Articles, the Director shall examine the qualifications of the applicant, the TSO Article design applied for Production as well as the Production places and procedures of the applicant.

The Director will issue the production certificate to the Applicant, when it appears that:

- (1) The applicant has the qualifications and characteristics pursuant to Section 41/48;
- (2) The applicant has the capability to produce the TSO Articles in full compliance with the design applied for permission;
- (3) The TSO Article design applied for production meets standards not lower than the technical standards under Section 34;
- (4) The result of tests on the TSO Articles meets the standards specified in the design applied for production permission; and
- (5) The applicant has arranged the Production quality control under Section 41/18 (7).

In issuing the Production Certificate for TSO Articles, the Director may specify conditions or limitations on Production and operation of the TSO Articles as may be appropriate. In addition, it shall be deemed that the issuance of the certificate is also approval of the TSO Article design applied for production permission.

The Production Certificate for TSO Articles shall be in accordance with the form specified in a notification by the Director.

Section 41/50 A Production Certificate for TSO Articles shall have a period of validity not exceeding ten years each. The period of validity of the certificate shall be determined in accordance with the rules and procedures prescribed in regulations.

The renewal of the Production Certificate for TSO Articles shall follow the period of validity stated in paragraph one. In addition, the provisions of Section 41/29 shall apply *mutatis mutandis*.

Section 41/51 The holder of a Production Certificate for TSO Articles shall produce TSO Articles in accordance with the designs, procedures, conditions or limitations specified in the certificate.

Section 41/52 The holder of a Production Certificate for TSO Articles, who wishes to engage in Production which is different from the Approved Design under the production certificate, shall:

(1) In the case of a minor alteration, be entitled to amend the design and undertake production under the original certificate and notify the Director without delay. However, if the Director finds that it is a major alteration, the Director shall order such person to proceed under (2). The notification shall be in accordance with the rules and procedures prescribed in requirements;

(2) In the case of a major alteration, apply for permission from the Director in accordance with the rules and procedures prescribed in requirements. If the Director finds, upon examination of the design applied for alteration, that the TSO Articles produced pursuant to such design meet the performance requirements not lower than the technical standards specified by the Director, the Director shall amend the original certificate or issue a new certificate to the applicant.

Section 41/53 The holder of a Production Certificate for TSO Articles who wishes to change the procedures, conditions or limitations for Production so that they will differ from those permitted shall submit an application to the Director.

The application for change in the procedures, conditions or limitations for Production under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

Section 41/54 The provisions of Section 41/9 and Section 41/11 shall apply *mutatis mutandis* to an order requiring the holder of a Production Certificate for TSO Articles to amend the TSO Article design, to the issuance of an order specifying conditions or limitations on operation of the TSO Articles, and to the notification of an order specifying conditions or limitations on operation of the TSO Articles.

4. CONTROL OF PRODUCTION OF PRODUCTS

Section 41/55 The holder of a production certificate or a person who has the right to produce Products under the provisions of this part shall identify the Products with marks and codes.

The characteristics of the marks and codes and methods of identification of the marks and codes under paragraph one shall be in accordance with those prescribed in requirements.

Section 41/56 The holder of a production certificate for Products shall affix an Airworthiness Approval Tag issued by the Director under Section 41/74 to the Major Aircraft Appliance, Aircraft Replacement Part or TSO Article in accordance with the rules and procedures prescribed in requirements.

Section 41/57 For the purpose of controlling Production of Products, the Director or Competent Official shall have the following powers and duties:

(1) To enter the factory, building or place of the holder of the production certificate between sunrise and sunset or during operation hours of such place to examine the Production and relevant documents or evidence;

(2) To examine the Production, and to seize or attach the Products produced;

(3) To examine, and to seize or attach, the documents and evidence concerning the Production for examinations;

(4) To order suspension of the Production to the extent that it fails to conform to the operation manual related to Production or may cause unsafe condition;

(5) To take the Products produced for examinations or tests;

(6) To order the holder of the production certificate to put the Products produced to examinations or tests;

(7) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration.

Section 41/58 The Director has the power to suspend a production certificate for Products in the following cases:

(1) The holder of a certificate fails to allow the Director or Competent Official to carry out actions under his/her powers and duties, or fails to comply with the order of the Director or Competent Official under Section 41/57;

(2) The holder of a certificate fails to control the quality of, or maintain the capability to undertake, the Production of the Products to meet the standards stated in this chapter.

Section 41/59 The Director has the power to revoke a production certificate for Products in the following cases:

(1) The holder of the certificate insolubly lacks the substantial qualifications or lacks other qualifications and fails to rectify it within the specified period of time pursuant to the order of the Director;

(2) The holder of a certificate fails to control the quality of, or fails to maintain the capability to undertake, the Production of the Products to meet the standards within the specified period of time pursuant to the order of rectification issued by the Director;

(3) The certificate of the holder of the certificate has been suspended more than twice in a period of two years;

(4) The holder of a Production Certificate for Aircraft Replacement Parts or a Production Certificate for TSO Articles fails to amend the design within the period of time specified by the Director under Section 41/45 or Section 41/54.

Section 41/60 The holder of a production certificate for Products shall not transfer the right under the certificate to other persons unless written permission has been obtained from the Director.

The submission of the application for transferring the right under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in requirements.

Part 4

Airworthiness

1. CERTIFICATION OF AIRWORTHINESS OF AIRCRAFT

Section 41/61 Aircraft used in air navigation in the Kingdom shall have a Certificate of Airworthiness issued for that Aircraft pursuant to the provisions of this part.

Section 41/62 There are two classifications of a Certificate of Airworthiness, namely:

(1) Standard Certificate of Airworthiness issued for Aircraft operated for the purpose of transporting passengers or goods, including animals, and constructed pursuant to the type under a standard Type Certificate under Section 37 (1) or pursuant to the type under a letter of validation under Section 41/14;

(2) Special Certificate of Airworthiness of which there are four types, viz.

(a) Type one issued for Aircraft operated for purposes other than transporting passengers or goods, including animals and constructed pursuant to the type under a specific Type Certificate under Section 37 (2) or pursuant to the type under a letter of validation under Section 41/14;

(b) Type two issued for Aircraft operated for the purpose of flight tests for issuing a Type Certificate under Section 41/2, paragraph one or a Supplemental Type Certificate under Section 41/5, paragraph two (2) (a) or for other purposes as prescribed in requirements;

(c) Type three issued for Aircraft operated for a temporary purpose and constructed pursuant to the type under a provisional Type Certificate under Section 41/4;

(d) Type four issued for Aircraft operated for a specific purpose which does not require a Type Certificate under Section 36, paragraph three.

A Certificate of Airworthiness under this Section will be issued to an Aircraft which has been registered and is safe for operation under the specified purposes.

Section 41/63 Subject to Section 41/65, an applicant for a Certificate of Airworthiness shall be an Aircraft registrant under this Act and shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

The application for the Certificate of Airworthiness may be submitted together with an application for the certificate of registration of the Aircraft, but the Certificate of Airworthiness will be issued only after the certificate of registration of the Aircraft has been issued.

Section 41/64⁶¹ Upon receiving the application for the Certificate of Airworthiness, the Director shall inspect the Aircraft applied for, and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Aircraft conforms to the Approved Design or rules and procedures for Production under the requirements of the Director under Section 41/20, paragraph two and is in condition for safe operation, the Director shall issue the Certificate of Airworthiness pursuant to the form stated in Section 41/62 to the applicant.

The Director may appoint officials of the Civil Aviation Authority of Thailand as authorized officials to issue a Certificate of Airworthiness on behalf of the Director.

⁶¹ Section 41/64 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 41/65 The holder of a licence to operate an air navigation business, who uses a Foreign Aircraft for the business operation in the Kingdom under a lease contract or other similar contracts, may apply for a Certificate of Airworthiness under the provisions of this chapter if there is an international agreement for that purpose.

Section 41/66 If the holder of a Production Certificate for Aircraft wishes to have its officer issue Certificates of Airworthiness for Aircraft produced by it, the holder shall submit an application to the Director. Upon finding that the holder of the certificate and the officer have sufficient capability and responsibility, the Director shall issue a certificate of authority to the officer to be a designated manufacturing inspection representative to issue Certificates of Airworthiness for Aircraft of the type which the holder of the certificate is entitled to produce.

The qualifications and prohibited characteristics of the designated manufacturing inspection representative, [and] the application, issuance, suspension and revocation of the certificate of authority for the designated manufacturing inspection representative shall be in accordance with the rules and conditions prescribed in the Ministerial Regulations.

The certificate of authority for the designated manufacturing inspection representative shall be in accordance with the form specified in a notification by the Director and shall have a period of validity not exceeding one year each.

The holder of the certificate of authority under paragraph one shall perform duties pursuant to the rules set out by the Director. In addition, such officer shall be an official under the Penal Code.

The issuance, suspension and revocation of the certificate of authority for the designated manufacturing inspection representative shall be final.

Section 41/67 The Certificate of Airworthiness under Section 41/62 shall be in accordance with the form specified in a notification by the Director, comprising at least the particulars as mentioned below:

- (1) A standard Certificate of Airworthiness shall contain:
 - (a) The name of Thailand;
 - (b) The name of the entity issuing the Certificate of Airworthiness;
 - (c) The nationality and Aircraft registration marks;
 - (d) The name of the builder, name of the type and serial number of the Aircraft of the builder;
 - (e) The category of Aircraft operations under Section 34, paragraph three;

- (f) The date of issuance of the Certificate of Airworthiness and date of expiration;
 - (g) The signature and title of an official who issues the Certificate of Airworthiness;
 - (h) The statement indicating that the Certificate of Airworthiness is issued pursuant to the Convention and this Act;
- (2) A special Certificate of Airworthiness shall contain the particulars stated in (1) (a), (b), (c), (d), (e) and (f) and conditions or limitations on the use of the Aircraft.

Section 41/68 A Certificate of Airworthiness shall have a period of validity as follows:

- (1) A standard Certificate of Airworthiness shall have a period of validity of three years each;
- (2) A special Certificate of Airworthiness:
 - (a) Type one shall have a period of validity of three years each;
 - (b) Type two shall have a period of validity each not exceeding one year but not exceeding the period of time specified by the Director for the applicant for a Type Certificate to complete the construction of the prototype Aircraft or prototype of the Major Aircraft Appliance under Section 38, paragraph three, or the period of time pursuant to which flights for other purposes will be made under Section 41/62 (2)(b);
 - (c) Type three shall have a period of validity of one year each;
 - (d) Type four shall have a period of validity of one year each.

Section 41/69 The holder of a Certificate of Airworthiness shall submit an application for renewal of a Certificate of Airworthiness to the Director at least sixty days before expiration of the Certificate of Airworthiness in accordance with the rules and procedures prescribed in requirements.

Upon inspecting the Aircraft [and] the Maintenance record and arranging, or ordering the applicant to make, tests as may be necessary for the purpose of safety, the Director shall extend the period of validity of the Certificate of Airworthiness of the Aircraft pursuant to the period of validity specified in Section 41/68 if the Director finds that:

- (1) In the case of the type-certificated Aircraft, such Aircraft has undergone Maintenance to retain its condition pursuant to the Approved Design and Airworthiness Directive, and is in condition for safeoperation;
- (2) In the case of the non-type-certificated Aircraft, such Aircraft has undergone Maintenance as specified by the Director, and is in condition for safe operation.

Section 41/70 Subject to Section 41/85, a Certificate of Airworthiness shall become invalid when any of the following events occurs:

- (1) The certificate of registration of such Aircraft becomes ineffective under Section 32;
- (2) The Type Certificate for Aircraft or Type Certificate for Major Aircraft Appliance is revoked under Section 41/10, paragraph one;
- (3) An alteration to the Aircraft violates Section 41/78;
- (4) The Director orders revocation of the Certificate of Airworthiness under Section 41/87; or
- (5) The Aircraft is so damaged or deteriorated that it is in a dangerous condition, which the Personnel cannot fix.

Section 41/71 Any person who wishes to obtain an export Certificate of Airworthiness shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

Upon receiving the application under paragraph one, the Director shall inspect the Aircraft and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Aircraft meets the standards for Aircraft under Section 34 and requirements of the importing country, and is in condition for safe operation, the Director shall issue the export Certificate of Airworthiness to the applicant. The provision of Section 41/64, paragraph two and Section 41/66 shall apply *mutatis mutandis*.

The export Certificate of Airworthiness shall be in accordance with the form specified in a notification by the Director, comprising the following particulars:

- (1) The name of the entity issuing the export Certificate of Airworthiness;
- (2) The name of the builder, name of the type and serial number of the Aircraft of the builder;
- (3) The date of issuance of the export Certificate of Airworthiness;
- (4) The statement indicating that it is a new Aircraft or a used Aircraft;
- (5) The signature [and title] of the official who issues the export Certificate of Airworthiness.

Section 41/72 Subject to Section 41/65, a Foreign Aircraft used in air navigation in the Kingdom shall have a Certificate of Airworthiness issued for that Aircraft under the law of the country of registration of the Aircraft which is a State Party to the Convention or the country entering into an agreement with Thailand, provided that the issuance of such Certificate of Airworthiness shall meet standards not lower than the standards prescribed in the Annexes to the Convention.

2. CERTIFICATION OF AIRWORTHINESS OF OTHER PRODUCTS

Section 41/73 With respect to a Major Aircraft Appliance, Aircraft Replacement Part and TSO Article used for installation on a type-certificated Aircraft which has a Certificate of Airworthiness, an Airworthiness Approval Tag shall be attached to such Product except for a Standard Part.

The Product under paragraph one which will be installed on a non-type-certificated Aircraft which has a special Certificate of Airworthiness under Section 41/62 (2) (d) shall conform to the requirements of the Director issued under Section 41/20, paragraph two or Section 41/36, paragraph two.

Section 41/74 The holder of a production certificate for Products who wishes to obtain an Airworthiness Approval Tag for the produced Major Aircraft Appliance, Aircraft Replacement Part, or TSO Article, shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

Upon receiving the application under paragraph one, the Director shall inspect such Product and arrange, or order the applicant to make, tests as may be necessary for the purpose of safety. Upon finding that the Product meets the standards for Aircraft under Section 34 and is in condition for safe operation, the Director shall issue an Airworthiness Approval Tag for such Product to the applicant. The provisions of Section 41/64, paragraph two and Section 41/66 shall apply *mutatis mutandis*.

The Airworthiness Approval Tag shall be in accordance with the form specified in a notification by the Director.

Section 41/75 Any person who wishes to request an export Airworthiness Approval Tag for a Major Aircraft Appliance, Aircraft Replacement Part or TSO Article shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements. The provisions of Section 41/64 and Section 41/66 shall apply *mutatis mutandis*.

Section 41/76 An Airworthiness Approval Tag issued by a foreign country specified in a notification by the Director General shall be as effective as the Airworthiness Approval Tag issued under the provisions of this chapter.

The Director General will specify as such in a notification under paragraph one only when that country has the standards for issuing the Airworthiness Approval Tag not lower than those stated in this Act.

3. CONTINUING AIRWORTHINESS

Section 41/77 For the purpose of continuing airworthiness, an Aircraft having a Certificate of Airworthiness shall undergo Maintenance to be in condition for safe operation as follows:

(1) A type-certificated Aircraft shall undergo Maintenance to retain the condition pursuant to the Approved Design and the Airworthiness Directive under Section 41/82;

(2) A non-type-certificated Aircraft shall undergo Maintenance to be in condition for safe operation pursuant to the requirements of the Director issued under Section 41/20, paragraph two and the Airworthiness Directive under Section 41/82.

Rules, procedures and time schedules for Maintenance under paragraph one shall be in accordance with those specified in a notification by the Director.

Section 41/78 No alteration to an Aircraft having a Certificate of Airworthiness shall be made so as to differ from the Type Certificate unless written approval has been granted by the Director under Section 41/5, paragraph two (1) or Section 41/7, paragraph two, or a Supplemental Type Certificate has been obtained under Section 41/5, paragraph two (2)(a) or Section 41/6, paragraph two.

Section 41/79 Where the Maintenance of an Aircraft having a Certificate of Airworthiness requires a replacement part for replacement, modification or alteration on the Aircraft or Major Aircraft Appliance, the replacement part to be used shall be:

(1) A Product produced by the holder of a production certificate for Products or a part modified or newly manufactured by the holder of a Repair Station Certificate to be used for Maintenance under Section 41/105; or

(2) A part produced by the Aircraft owner, Aircraft registrant or Air Operator for its own use under Section 41/44, or a Standard Part.

Section 41/80 An Aircraft registrant has the following duties:

(1) To provide Maintenance recordkeeping of the Aircraft, [and] Major Aircraft Appliances, and to retain Airworthiness Approval Tags for the Major Aircraft Appliances, Aircraft Replacement Parts and TSO Articles used in Maintenance as evidence of the Maintenance;

(2) To make a Maintenance report for the Aircraft, and submit it to the Director every six months;

(3) To make a report concerning the important substances in relation to the Aircraft as stated in Section 32;

(4) To inform without delay that the Aircraft is missing.

The performance of the duties under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

If there is an Air Operator for any Aircraft, the Air Operator shall assume the duties under paragraph one.

Section 41/81 When there are reasonable grounds to suspect that an Aircraft having a Certificate of Airworthiness is unsafe for operation, the Competent Official has the powers to order in writing that the Aircraft registrant shall carry out an inspection, and also to specify particulars and a period of time for completion of the inspection.

Upon inspecting the Aircraft under paragraph one and finding defects, the Aircraft registrant shall perform Maintenance of the Aircraft under Section 41/77, keep a Maintenance record, and make a Maintenance report under Section 41/80. In addition, if the defects have an impact on safe operations, the Aircraft registrant shall immediately notify the Competent Official.

Section 41/82 When it appears that any Aircraft or an Aircraft of any type having a Certificate of Airworthiness is, or might be, unsafe for operation for any grounds and such grounds may apply to other Aircraft constructed pursuant to the type of the aforesaid Aircraft or other similar types of the Aircraft, the Director has the power to issue the following Airworthiness Directives in order for the Aircraft of such types to be operated safely:

(1) To inspect or rectify all or some of those Aircraft;

(2) To remove and replace a Major Aircraft Appliance, TSO Article or Aircraft Part;

(3) To prescribe or change conditions or limitations on Aircraft operation.

In issuing the Airworthiness Directive under paragraph one, the Director shall specify particulars and a period of time for execution. The provisions of Section 41/81, paragraph two shall apply *mutatis mutandis*.

Section 41/83 When it is evident that any Aircraft or an Aircraft of any type is unsafe for operation, the Director shall order that such Aircraft, the Aircraft of such type or other Aircraft of similar types be prohibited from flying, and shall require the Aircraft registrant to rectify such Aircraft until safety for operation is met. When such Aircraft has undergone Maintenance under Section 41/77 and been certified under Section 41/84, the Director shall cancel the order of flight prohibition.

Section 41/84 An Aircraft which has undergone Maintenance may fly only when certified by the Personnel having the privileges under Section 45 or certified by the repair station under Section 41/101(1).

Section 41/85 A Certificate of Airworthiness shall become temporarily ineffective, when there appear any of the following events:

(1) A Major Aircraft Appliance, TSO Article or Aircraft Part replacing on an Aircraft does not have an Airworthiness Approval Tag under Section 41/73, paragraph one;

(2) The Aircraft has not undergone Maintenance under the rules, procedures and specified periods of time for Maintenance specified in a notification by the Director under Section 41/77, paragraph two;

(3) The replacement of the Product under (1) on the Aircraft does not obtain the Replacement Maintenance certification under Section 41/84;

(4) When an Aircraft Commander requests an engineer to perform Maintenance under Section 41/88.

When an Aircraft has undergone Maintenance under Section 41/77 and certification has been obtained under Section 41/84, the Certificate of Airworthiness of such Aircraft shall recommence to be effective.

Section 41/86 The Director shall have the power to order suspension of a Certificate of Airworthiness of any Aircraft when a person having the duties under Section 41/80 fails to keep a record or make a report and submit it to the Director, keeps an untruthful record, or makes an untruthful report.

Section 41/87 The Director shall have the power to order revocation of a Certificate of Airworthiness of any Aircraft or an Aircraft of any type in the following cases:

(1) When the Director issues the Airworthiness Directive under Section 41/82 or when the Director or the Competent Official issues the order with respect to safety under Section 41/81 or Section 41/83, and such Aircraft or the Aircraft of such type has not undergone Maintenance pursuant to the particulars and periods of time specified in the order/directive of the Director or the Competent Official without reasonable grounds;

(2) When a person having the duties under Section 41/80 fails to keep a record or make a report and submit it to the Director, or, substantially or repeatedly, keeps an untruthful record or makes an untruthful report;

(3) Such Aircraft or the Aircraft of such type may not be rectified to be safe for operation.

The Director shall have the power to establish a criterion as may be appropriate to determine when the recordkeeping or report making shall be deemed as substantially or repeatedly untruthful under (2).

Section 41/88 Upon finding that the Aircraft is not in condition for safe operation, an Aircraft Commander shall request an engineer to perform Maintenance for the Aircraft to be in condition for safe operation before flying the Aircraft.

Section 41/89 No person shall fly an Aircraft in the following cases:

- (1) There is no Certificate of Airworthiness under Section 41/61;
- (2) A Certificate of Airworthiness becomes invalid under Section 41/70;
- (3) A Certificate of Airworthiness becomes temporarily ineffective under Section 41/85;
- (4) The Aircraft is not inspected pursuant to particulars upon expiration of the period of time specified in the order/directive by the Competent Official or Director under Section 41/81 or Section 41/82;
- (5) The Aircraft is prohibited from flying pursuant to the order under Section 41/83;
- (6) A Certificate of Airworthiness is suspended under Section 41/86; or
- (7) A Certificate of Airworthiness is revoked under Section 41/87.

Section 41/90 If it is necessary for any Aircraft prohibited from flying under Section 41/89 to fly back to the base of the Aircraft registrant or Air Operator, to fly to a repair station, or to fly for avoidance of impending danger; or if it is necessary to allow any Aircraft having a Certificate of Airworthiness to make a flight apart from the limitations specified in the Aircraft manual, the Director may, upon finding that such Aircraft is capable of safe flight for that purpose, permit in writing that the Aircraft fly to that place, subject to the conditions specified by the Director.

Section 41/91 Upon finding that any Foreign Aircraft not in flight may be unsafe for operation, the Director shall communicate with the pertinent officials of the country of the Aircraft registrant. Upon finding that a Foreign Aircraft which is intended to fly may be unsafe or may cause damage, the Director shall have the power to order that such Aircraft be prohibited from flying in the Kingdom unless it conforms to the conditions specified by the Director. The provisions of Section 41/90 shall apply *mutatis mutandis*.

Section 41/92⁶² If the Director issues an Airworthiness Directive under Section 41/82 or the Director or Competent Official issues an order with respect to safety under Section 41/81, Section 41/83, Section 41/86, Section 41/87 or Section 41/91, the Director or Competent Official shall inform such order/directive to the Aircraft registrant, Air Operator and relevant persons, or make a public announcement of such order/directive.

Part 5

Repair Station

Section 41/93 Subject to Section 41/109, the business operation of a repair station in the Kingdom shall obtain a Repair Station Certificate pursuant to the provisions of this part.

The Repair Station Certificate has three classes, namely:

- (1) Class one for Aircraft maintenance;
- (2) Class two for Major Aircraft Appliance maintenance;
- (3) Class three for TSO Article and Aircraft Part maintenance.

Section 41/94 No person shall operate a repair station business unless a Repair Station Certificate has been obtained from the Director.

The application for the certificate and the issuance of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements. The Director shall specify in the Repair Station Certificate the type of Aircraft, Major Aircraft Appliances, TSO Articles or Aircraft Parts of which a repair station has the privilege of maintenance

Section 41/95 A person applying for a Repair Station Certificate shall have the following qualifications and characteristics:

(1) For a Repair Station Certificate, class one, the qualifications and characteristics pursuant to the rules stated in Section 41/22 shall apply *mutatis mutandis*, except for a Repair Station Certificate for an Aircraft of maximum takeoff mass not exceeding five thousand seven hundred kilograms, to which the Director may apply the qualifications as stated in (2).

(2) For a Repair Station Certificate, class two and class three, a juristic person as prescribed in the Ministerial Regulations is required. The provision of Section 41/22 (2), (3) and (4) shall *mutatis mutandis* apply to the qualifications and characteristics of the applicant.

⁶² Section 41/92 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 BE. 2558.

Section 41/96 Before issuing a Repair Station Certificate, the Director shall examine the qualifications and characteristics of the applicant, as well as the Maintenance places and procedures of the applicant.

The Director will issue the Repair Station Certificate to the applicant when it appears that the applicant has the qualifications and characteristics as stated in Section 41/95, and places, apparatus, documents and evidence concerning rules of airworthiness, repair station exposition manuals, Maintenance manuals as well as the quality control system and quality assurance system as stated in Section 41/103 (1) are suitable for the business applied for the certificate.

In issuing the Repair Station Certificate, the Director may specify conditions or limitations on Maintenance in the certificate.

The Repair Station Certificate shall be in accordance with the form specified in a notification by the Director.

Section 41/97 A Repair Station Certificate shall have a period of validity as follows:

(1) A Repair Station Certificate, class one, shall have a period of validity not exceeding twenty years each;

(2) A Repair Station Certificate, class two, shall have a period of validity not exceeding ten years each;

(3) A Repair Station Certificate, class three, shall have a period of validity not exceeding five years each.

The period of validity of the Repair Station Certificate shall be determined in accordance with the rules prescribed in regulations.

Section 41/98 To renew a Repair Station Certificate, the holder of the Repair Station Certificate shall submit an application to the Director at least sixty days before expiration of a period of validity in accordance with the rules and procedures prescribed in requirements. The provisions of Section 41/29, paragraph two and paragraph three shall apply *mutatis mutandis*.

Section 41/99 The holder of a Repair Station Certificate, class one, shall have the privilege of Maintenance of Aircraft, including Major Aircraft Appliances, TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

The holder of a Repair Station Certificate, class two, shall have the privilege of Maintenance of Major Aircraft Appliances, including TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

The holder of a Repair Station Certificate, class three, shall have the privilege of Maintenance of TSO Articles and Aircraft Parts only for the particular type specified in the certificate in accordance with the procedures, conditions or limitations specified in the certificate.

Section 41/100 The holder of a Repair Station Certificate shall appoint a Repair Station Accountable Manager to perform the duty of supervision of, and to be responsible for, the general operation of the repair station, and perform the duties under Section 41/103, in which case the Director shall be informed of the appointment.

The Repair Station Accountable Manager shall have the qualifications and shall not have the prohibited characteristics as prescribed in the Ministerial Regulations.

If it appears that the Repair Station Accountable Manager lacks the qualifications or has the prohibited characteristics under paragraph two, the Director shall have the power to order the holder of the certificate to replace the Repair Station Accountable Manager.

Section 41/101 Upon completing the Maintenance of an Aircraft, Major Aircraft Appliance, TSO Article or Aircraft Part, the holder of a Repair Station Certificate shall have the following duties:

- (1) To issue a letter of approval for return to service, in the case of the Aircraft;
- (2) To issue an Airworthiness Approval Tag, in the case of the Major Aircraft Appliance, TSO Article or Aircraft Part, and attach the Airworthiness Approval Tag to the Product as stated in Section 41/73, paragraph one.

The letter of approval for return to service and the Airworthiness Approval Tag under (1) and (2) shall be in accordance with the forms specified by the Director which shall contain at least the maintained items, Repair Station Certificate's number and pertinent details, including signatures of the officers or engineers appointed under Section 41/102.

Upon installing the Major Aircraft Appliance, TSO Article or Aircraft Part in replacement of the original Product, the repair station shall deliver the Airworthiness Approval Tag for the Product installed to relevant persons in order for the Aircraft registrant to keep a Maintenance record and retain such Airworthiness Approval Tag under Section 41/80 (1).

Section 41/102 The holder of a Repair Station Certificate shall appoint an officer or engineer as an authorized person to sign a letter of approval for return to service and an Airworthiness Approval Tag under Section 41/101. The appointment shall be endorsed by the Director.

The officer or engineer who will be appointed under paragraph one shall have the qualifications and shall not have the prohibited characteristics as specified in a notification by the Director.

The officer or engineer appointed under paragraph one shall perform the duties under the rules set out by the Director.

Section 41/103 In addition to those stated in Section 41/100 and Section 41/102, the holder of a Repair Station Certificate and the Repair Station Accountable Manager has the following duties:

- (1) To provide:
 - (a) Places used for Maintenance;
 - (b) Apparatus used for Maintenance;
 - (c) Documents and evidence concerning rules on airworthiness of the tasks to be performed;
 - (d) Repair station exposition manuals, Maintenance manuals as well as a quality control system and quality assurance system;
 - (e) Recordkeeping and retention of information about the maintenance tasks performed;
- (2) To recruit an adequate number of knowledgeable and skillful staff to perform the tasks, as well as to provide staff training policies and supervise such staff to perform the tasks in accordance with the Maintenance manuals;
- (3) To report information about Maintenance and causes which have an impact on the airworthiness of the maintained Products;
- (4) Other duties specified by the Director.

The particulars under (1) (c), (d) and (e) and (3) shall be in accordance with the forms and rules specified in a notification by the Director.

Section 41/104 The holder of a Repair Station Certificate shall by itself perform Maintenance of those Aircraft, Major Aircraft Appliances, TSO Articles or Aircraft Parts which it has accepted to maintain.

If it is necessary or appropriate to subcontract some tasks to another person, the holder of the Repair Station Certificate shall supervise the operation of the tasks subcontracted in accordance with the conditions specified by the Director and shall be responsible for the tasks performed by the subcontractor.

Section 41/105 The holder of a Repair Station Certificate, wishing to fabricate Aircraft Parts to be used for Maintenance of those Aircraft or Major Aircraft Appliances which it has accepted to maintain, shall submit an application to the Director in accordance with the rules and procedures prescribed in requirements.

Upon finding that the applicant has the capability to fabricate the Aircraft Parts in line with the standards for airworthiness of Aircraft or Major Aircraft Appliances, the Director shall grant permission as applied for, and may specify conditions or limitations on fabrication and operation of such parts as may be appropriate.

Section 41/106. For the purpose of controlling Maintenance of Aircraft, Major Aircraft Appliances, TSO Articles or Aircraft Parts, the Director or Competent Official shall have the power to inspect the operation of a repair station. The provisions of Section 41/57 shall apply *mutatis mutandis*.

Section 41/107 The Director has the power to suspend a Repair Station Certificate in the following cases:

(1) The holder of the certificate fails to allow the Director or Competent Official to carry out actions under his/her powers and duties, or fails to comply with the order of the Director or Competent Official under Section 41/100, paragraph three and Section 41/106;

(2) The holder of the certificate fails to maintain the quality control system, quality assurance system or capability to undergo Maintenance to meet the standards.

Section 41/108 The Director has the power to revoke a Repair Station Certificate in the following cases:

(1) The holder of the certificate insolubly lacks the substantial qualifications or lacks other qualifications and fails to rectify it within the specified period of time under the order of the Director;

(2) The holder of the certificate is unable to improve the quality control system, quality assurance system or capability to undergo Maintenance to meet the standards within the specified period of time pursuant to the order of suspension by the Director under Section 41/107 (2);

(3) The certificate of the holder of the certificate has been suspended more than twice in a period of two years.

Section 41/109 The owner, registrant or Air Operator of a Foreign Aircraft may perform Maintenance of its Aircraft in the Kingdom only when the Director has been informed in accordance with the rules set out by the Director, except for Maintenance before/after flying and removal/replacement of Major Aircraft Appliances or Aircraft Parts which such person has the capability to maintain.

In Maintenance of the Aircraft under paragraph one, the owner, registrant or Air Operator shall comply with the rules on Maintenance as set out by the Director.

Section 41/110 The business operation of Maintenance only [*sic*] of Foreign Aircraft in the Kingdom shall obtain a certificate from the Director.

The application, issuance, suspension and revocation of the certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements. The provisions of Section 41/95 shall apply to the qualifications of the applicant *mutatis mutandis*.

Section 41/111 A repair station or center situated in other countries, which is willing to perform Maintenance of Thai Aircraft or maintenance of Major Aircraft Appliances, TSO Articles or Aircraft Parts to be used on Thai Aircraft shall obtain a foreign Repair Station Certificate from the Director.

The application, issuance, form, period of validity, suspension and revocation of the foreign Repair Station Certificate under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

The provisions of Section 41/103 shall apply *mutatis mutandis* to the applicant for the foreign Repair Station Certificate.

Chapter 4/1

Air Operator Certificate⁶³

Section 41/112 The Director shall have power to issue regulations to prescribing the criteria for granting the Air Operator Certificate in order to certify that the person applying for the said certificate has the ability to perform Air Operation safely and effectively.

The Director will issue an Air Operator Certificate to those intending to operate that has proven to perform a safety management standard for commercial air transportation which not lower than the minimum standard specified in the regulation issued by the Director.

⁶³ Chapter 4/1 was added by the Air Navigation Act (No.14) B.E. 2562.

Section 41/113 No person shall use the Aircraft for commercial air transportation unless an Air Operator Certificate has been obtained from the Director.

Section 41/114 The person who is entitled to apply for an Air Operator Certificate shall be a juristic person of Thai nationality who obtained a Commercial Air Transport Licence and shall have other qualifications specified in the regulation issued by the Director.

The juristic person applying for the certificate under paragraph one shall not be the person whose Air Operator Certificate has been revoked and a five-year period from the date of revocation was not lapsed. Neither the director or person who has managerial power is the same person with managerial power of the juristic person whose Air Operator Certificate has been revoked and a five-year period from the date of revocation was not lapsed.

In the case of an application for a Commercial Air Transport Licence was applied for, and the applicant is eligible for being an Air Operator with reasonable grounds to submit an application for an Air Operator Certificate. The Director may allow to submit an application for an Air Operator Certificate under this Act, in accordance with the rules and procedures required in the regulation issued by the Director.

Section 41/115 The application, issuance, revision and renewal of the Air Operator Certificate, as well as the form of the Certificate and its Operations Specifications shall be in accordance with the regulation issued by the Director.

Section 41/116 An Air Operator Certificate shall be valid for not more than ten (10) years, in accordance with the regulations prescribed by the Director, taking into account the type and size of the business.

Section 41/117 The holder of the Air Operator Certificate shall conduct its operation safely and perform other duties pursuant to the criteria, requirements, conditions and privileges granted in accordance with the regulation issued by the Director.

Section 41/118 For the purpose of public safety, the Director shall have power to revise or amend details in any Air Operator Certificate or its Operations Specifications of the Air Operator Certificate holder.

Section 41/119 For the purpose of regulate and oversight the operation of the Air Operator Certificate holder to ensure standard, safety and efficiency, the Director, the Competent Official, or the Aviation Inspector shall have the following duties and powers:

- (1) To suspend departure or detain an Aircraft of the Air Operator as necessary for inspection;
- (2) To enter the premises or the place to be use as the base of operation of the Air Operator during an operation hour of such premises or places;
- (3) To enter an Aircraft, including travel with an Aircraft, or in case of necessity may get into the cockpit while an aircraft is in service for the purpose of inspection the operation of the flight crew Personnel and crew members;
- (4) To inspect the operation under Air Operation Certificate and other operation to ensure compliance with the certificate and operation specifications and conditions;
- (5) To inspect the operation manuals, document or evidence, including possession of documents and evidences for inspection;
- (6) To require account, manifest, registration, or other documents from Air Operator or other concerned person for the purpose of inspection;
- (7) To conduct fact-finding or call the Air Operator or related person, by a written notice, to provide a statement;
- (8) Other duties and powers specified by the Director.

Section 41/120 When it appears that any Air Operator performs any of the following acts, the Director shall have power to suspend its Air Operator Certificate:

- (1) violating or not complying with the conditions specified in the Air Operator Certificate or in the Operations Specifications and operating conditions that cause or may cause harm to air navigation;
- (2) violating or not complying with the duty of the Air Operator Certificate holder as prescribed in this Act;
- (3) it is found that the Air Operator Certificate holder is unable to perform the operation safely;
- (4) not complying with any regulations, criteria, rules or any other requirements prescribed by the Director.

In the order of suspension of an Air Operator Certificate, the Director shall specify the period or conditions that the Air Operator must correct or follow.

Section 41/121 The Director shall have power to revoke an Air Operator Certificate when an Air Operator Certificate holder:

(1) violating or not complying with the conditions specified in the Air Operator Certificate or in the Operations Specifications and operating conditions that causing serious harm to air navigation

(2) its Air Operator Certificate was suspended for more than two time within the period of two years;

(3) ceases its operation in whole or in part without permission;

(4) unable to conduct its operation within the period of six months from the date of being granted the Air Operator Certificate;

(5) ceases its operation continuously for a period of more than one year without any appropriate reason.

When the Director ordered the revocation of an Air Operator Certificate, the holder shall return the Air Operator Certificate to the Director within seven days as from the date of its recognition of such order.

Section 41/122 A Foreign Air Operator Certificate issued by the State of Operator, which is a State Party to the Convention or a State entering into an agreement with Thailand shall be deemed as valid as the Air Operator Certificate under this Act for air operation into or from the Kingdom. The issuance of such Certificate by that State shall meet standards not lower than the standards set forth in the Annexes.

When it appears that the issuance of the Air Operator Certificate of the State which is a State Party to the Convention or a State entering into an agreement with Thailand, if any State does not meet any standards required by the Annexes related to any particular subject matter, the Director shall have power to declare unrecognition or recognition under conditions for the Air Operator Certificate issued by that State in that regard subject matter.

Section 41/123 In the event that the Director finds that the Foreign Air Operator who are flying into or from the Kingdom, performing flight operation or maintenance below the standards set out in the Annexes and may cause an unsafe in air navigation. The Director shall have power to order that Foreign Air Operator cease its operation in whole or in part.

Chapter 4/2

Civil Aviation Economic Regulation ⁶⁴

Section 41/124 The Civil Aviation Board shall be responsible for economic regulation for civil aviation business.

Civil aviation businesses that are subject to economic regulation are as follows;

- (1) Commercial Air Transport;
- (2) Aerial work;
- (3) General aviation as specified by the Civil Aviation Board;
- (4) Other Civil Aviation Business as specified by the Civil Aviation Board.

Section 41/125 Any person who wishes to operate the civil aviation business under Section 41/124 must obtain a Licence from the Minister with the approval of the Civil Aviation Board.

In issuing the Licence under paragraph one, the Minister may also prescribe any conditions or requirements with the approval of the Civil Aviation Board for the licensee to comply with.

Qualifications and prohibited characteristics of the applicant, including rules, procedures and conditions for application and renewal of the licence, consideration of the licence, form of the licence, and period of the licence shall be in accordance with the regulations issued by Civil Aviation Board.

Section 41/126 Any Foreign Air Operator who wishes to operate Commercial Air Transport, whether flying into or from the Kingdom, there must obtain an Air Operator Certificate issued by Civil Aviation Authority which entered into the Air Services Agreement with Thailand and has been designated to be the user of the commercial air transport traffic right under that Agreement and shall be granted with the permission from the Director.

Rules, procedures and conditions for application, permission, and the period of permission including conditions and limitations for permission shall be in accordance with the requirement issued by the Director.

Section 41/127 The Director shall monitor and inspect the operation of the holder of a civil aviation operating licence under Section 41/125 according to the appropriate period. Such inspection shall at least for changes of its ownership, business management, financial status and any actions that may affect the qualifications of the licensee.

⁶⁴ Chapter 4/2 was added by the Air Navigation Act (No.14) B.E. 2562.

In the inspection under paragraph one, the Director shall have the power to summon information and financial evidence documents or other current evidence documents from the licensee to be used for monitoring and inspection.

Section 41/128 Conditions and limitations on the operation of civil aviation business under Section 41/125 paragraph two may be prescribed in the following matters:

- (1) the period of business operation;
- (2) the number of types or sizes of aircraft used;
- (3) the type of service that the licensee can provide;
- (4) other matters as specified by the Civil Aviation Board.

Section 41/129 The Minister, with the approval of the Civil Aviation Board, have the power to change, amend, improve, suspend or revoke whether in whole or in part, the civil aviation operating licence under Section 41/125, when the licensee is unable to comply with any provisions in this Act; or not complying with orders or regulations issued under this Act; or not complying with the conditions or limitations of licensing in accordance with the rules and conditions prescribed by the Civil Aviation Board.

Section 41/130 Commercial Air Transport is a public service.

The determination of air fares and freights for Transport Aircraft must be reasonable and fair to service providers and users.

Collecting fare and freight for Transport Aircraft must comply with the rules and procedures for calculate the fare and freight for transport aircraft operators and must not exceed the highest rate as specified in the Civil Aviation Board regulation.

Collecting fare and freight for International Transport Aircraft shall be in accordance with those specified in the International Agreement on Air Service.

Section 41/131 In issuing regulations to specify rate of fares and freight under Section 41/130, the Civil Aviation Board shall consider the following rules:

- (1) reasonable cost for providing public transport services with reasonable profit according to the type and nature of the service that is normal in the business;
- (2) fairness, equality and non-discrimination;
- (3) must not be a burden to passengers or consignors more than usual;
- (4) fair competition.

The Civil Aviation Board regulation under paragraph one will require the Commercial Air Transport operators to give discounts or waive fares or freight from passengers or service users who are the following persons or businesses:

- (1) children or youth;
- (2) person aged from sixty years and over;
- (3) persons with disability according to the law on promotion and development of quality of life of persons with disabilities;
- (4) other persons specified by the Civil Aviation Board;
- (5) businesses that are charitable or humanitarian.

Section 41/132 A holder of a civil aviation operating licence under Section 41/125, who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126, shall provide contractual liability and third-party liability insurance for damage caused by aircraft accident. The amount of money which is insured under such insurance policy shall not be less than that specified in the law on international carriage by air.

Section 41/133 Commercial Air Transport business is a public transport business. The holder of a civil aviation operating licence under Section 41/125 who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126 will not be able to refuse carriage of passengers unless for the purpose of safety or security reason or in the case as specified in the Civil Aviation Board regulations.

The holder of a civil aviation operating licence under Section 41/125 who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126 shall have the rights to refuse carriage of passengers, baggage, and items which the passenger or consignor does not allow to screen or does not pass screening for security under this Act, including passengers who have behaved or have a history of disruptive behavior on board an aircraft.

No holder of a civil aviation operating licence under Section 41/125 who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126 shall refuse the carriage of persons with disability under the law on promotion and development of quality of life of persons with disabilities, except in the case of paragraph one or paragraph two or as prescribed in the Civil Aviation Board regulations.

Section 41/134 For the purpose of public interest and for protection of passenger rights, the Civil Aviation Board shall have the power to issue the Civil Aviation Board regulations prescribing measures to protect the rights of passengers on domestic and international flights.

In the case of denied boarding, cancel flight, flight delay or the loss, damage or delay of baggage, the holder of a civil aviation operating licence under Section 41/125 who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126 shall comply with the Civil Aviation Board regulations under paragraph one.

Section 41/135 The holder of a civil aviation-operating licence under Section 41/125 who is a Commercial Air Transport operator, and a foreign air operator permitted under Section 41/126 shall have the following duties:

(1) do not act as a monopoly and unfair competition according to the Competition Law;

(2) announces or displays the rates of airfares and freights including the conditions of carriage in public at the premise and the place of business of the operator;

(3) exercise the right of the licence for their own benefit and not allow other persons to exercise their rights or allow other person to conduct business on their behalf in any way.

Chapter 5

Personnel

Section 42 No person shall act as Personnel unless that person has obtained permission from the Competent Official under this Act or holds a Personnel licence issued by a State Party to the Convention or a State entering into an agreement with Thailand. However, the Personnel on board an Aircraft registered under Thai law shall obtain permission from the Competent Official under this Act.

If the holder of a Personnel licence issued by a State Party to the Convention or State entering into an agreement with Thailand has such licence certified by the Competent Official, such holder shall be deemed as a person having obtained permission from the Competent Official under this Act.

Section 43 The application, issuance and certification of a Personnel licence shall be in accordance with those specified in requirements.

Section 44⁶⁵ An applicant for a Personnel licence shall have the following qualifications:

- (1) Being of Thai nationality;
- (2) Being of good conduct;
- (3) Being of an age, good health, knowledge and skills as prescribed in regulations.

When there is necessity or there are special grounds in a particular case, the Director shall have the power to grant exemption from the qualifications as specified in paragraph one in accordance with rules and conditions set forth in the notification by the Minister.

Section 45 Personnel shall have the privileges as prescribed in regulations.

Section 46 A Personnel licence shall be effective in accordance with a period of time prescribed in the Ministerial Regulations.

Section 47 Upon finding that any Personnel is deficient of the qualifications pursuant to Section 44 (3) with respect to health, knowledge or skills, the Competent Official has the power to order such Personnel to undergo tests by having medical examinations or undergo knowledge and skill tests in theory or practice.

Section 48⁶⁶ (Repealed)

Section 49 Personnel shall comply with the disciplines prescribed in regulations.

⁶⁵ Section 44 was amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

⁶⁶ Section 48 was repealed by the Air Navigation Act (N0.14) B.E. 2562.

Section 50⁶⁷ No Personnel having a duty on board an Aircraft shall perform the duty during the state of illness or injury which may impair the ability to perform the duty. If the illness or injury lasts for a period of seven (7) days or more, such Personnel shall not perform the duty until a doctor designated by the Competent Official has conducted an examination and issued a certificate stating that such Personnel has recovered from the illness or injury, and the Competent Official has allowed such Personnel to resume the duty.

In the event that there is a reasonable reason to suspect that any Personnel who deficient of the qualifications on physical or mental health. The Director shall have the power to order such Personnel to be tested or receive medical examination according to the rules prescribed by the Director.

Section 50 bis⁶⁸ (Repealed)

Section 50/1⁶⁹ The Director shall have power to require Personnel to undergo the examination of psychoactive substances usage that may affect or negatively affect the performance of duties prior, after or during the performance of the duties.

The Competent Official assigned by the Director shall have power to perform an examination of any Personnel prior, after or during the performance of his duties and in a case whether any personnel is not willing to be examined or obstructs such examination, the Competent Official shall have power to detain that person as necessary. Also, in the case where it is found that that person violates this Section, the Competent Official shall have power to deliver the person to an inquiry official for prosecution.

Procedures for examination, detaining and delivery to the inquiry official under paragraph two shall follow the rule issued by the Director.

⁶⁷ Section 50 was amended by the Air Navigation Act (N0.14) B.E. 2562.

⁶⁸ Section 50 bis was repealed by the Air Navigation Act (N0.14) B.E. 2562.

⁶⁹ Section 50/1 was added by the Air Navigation Act (N0.14) B.E. 2562.

Section 50/2.⁷⁰ The Director shall have power to suspend a Personnel Licence when that person:

(1) violates or fails to comply with regulation on personnel's disciplines, which is not categorized as serious violation or any rule related to the performance of Personnel's duties, which is not determined by the Director to be of significance;

(2) being sentenced to imprisonment by a final court judgement, except for a punishment for commission of an offence through negligence, which is not one of any offence in Title 10 Offences concerning life and limb of the Criminal Code or a petty offence;

(3) violates or fails to comply with any rule issued by the Director or any provisions in this Act.

The Director shall suspend the Personnel Licence for a period of not more than ninety (90) days each time or until such person rectifies it according to the order of the Director as the case may be.

Section 50/3⁷¹ The Director shall have power to revoke a Personnel Licence when that person:

(1) lacks any qualification of the Personnel as specified by Section 44;

(2) violates or fails to comply with regulation on personnel's disciplines, which is categorized as serious violation or any rule related to the performance of personnel's duties, which is determined by the Director to be of significance;

(3) has its Personnel Licence suspended pursuant to Section 50/2 more than twice in a period of two years from the date of the last suspension.

Section 50/4⁷² In the case in which the Director suspended a Personnel Licence under Section 50/2 or revoked a Personnel Licence under Section 50/3 of any personnel, if that person holds any other Personnel Licence(s) and the reason for which the licence was suspended or revoked is found to be of such significance that affects the other licence(s), the Director shall have power to suspend or revoked that person's other licence(s).

The reason to be of such significance that other Personnel Licence(s) may be suspended or revoked under paragraph one shall be specified in the rule issued by the Director.

⁷⁰ Section 50/2 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷¹ Section 50/3 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷² Section 50/4 was added by the Air Navigation Act (N0.14) B.E. 2562.

Section 50/5⁷³ A Personnel Licence shall become invalid when the personnel:

- (1) is imprisoned for committing an offence under this Act or other laws, except for a punishment for commission of an offence through negligence, which is not one of any offence in Title 10 Offences concerning life and limb of the Criminal Code or a petty offence;
- (2) is an incompetent person or quasi-incompetent person;
- (3) has its Personnel Licence revoked pursuant to Section 50/3.

Section 50/6⁷⁴ A Personnel who holds a Personnel licence issued by a State Party to the Convention or a State entering into an agreement with Thailand and who wishes to perform duties on board aircraft registered under Thai Law shall submit the licence to the Competent Official for conversion, which shall be deemed as an application for a Personnel Licence under this Act.

The application and conversion of a Personnel Licence shall be conducted in accordance with the requirement issued under Section 43. Also, the Director may issue the requirement on conditions and limitations for consideration and usage of the licence converted under paragraph one.

Section 50/2, Section 50/3, Section 50/4 and Section 50/5 shall apply to conversion of the Personnel Licence under paragraph one *mutatis mutandis*.

Section 50/7⁷⁵ Personnel who perform duties in or related to foreign Aircraft flying in the Kingdom must hold a Personnel Licence issued or rendered valid under the law of such State of Registry, which is a State Party to the Convention or a State entering into an agreement with Thailand. In this regard, the issuance of Personnel Licence of such States shall meet standards not lower than the standards set forth in the Annexes, otherwise they shall have a Personnel Licence under this Act.

For the purpose of executing this Act, the Personnel Licence for the performance of duties under paragraph one, which was issued or rendered valid under the law of the State of Registry, shall be deemed as the Personnel Licence under this Act. However, if it appears that issuing or rendering valid the Personnel Licence of any State Party to the Convention does not meet the standards set forth in the Annexes on any matter, the Director shall have power to issue a declaration to cancel

⁷³ Section 50/5 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷⁴ Section 50/6 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷⁵ Section 50/7 was added by the Air Navigation Act (N0.14) B.E. 2562.

its recognition or recognize under conditions such Personnel Licence issued by that State subject to that matter. Also, in the case of a State entering into the agreement with Thailand, such agreement shall contain a clause stating that the issuance of a Personnel Licence of the State Party must be in accordance with the standards and conditions within the framework of the Convention.

Section 50/8⁷⁶ Personnel who perform duties in or related to foreign Aircraft flying in the Kingdom under Section 50/7 shall have a Medical Certificate for such personnel which issued or rendered valid by such State of Registry. In this regard, the issuance of Medical Certificate of such State shall meet standards not lower than the standards set forth in the Annexes.

Section 50/9⁷⁷ No person shall act as personnel unless that person holds a Medical Certificate issued by a Medical Examiner designated by the Civil Aviation Authority of Thailand.

Types of Personnel required to undergo medical assessments and class of Medical assessments, criteria, methods of application, issuance, renewal of the Medical Certificate, as well as qualifications and characteristics of the applicant, its period of validity, revocation and form of the Medical Certificate, and the conditions attached to the Certificate shall be in accordance with rules issued by the Director.

Section 50/10⁷⁸ For the purpose of protection of public interest, the documents relating to the physical and mental examination of the applicant of Medical Certificate those are in the possession of the Civil Aeromedical Center or Aeromedical Office or any medical facility shall be documents disclosed to the Civil Aviation Authority of Thailand.

⁷⁶ Section 50/8 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷⁷ Section 50/9 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁷⁸ Section 50/10 was added by the Air Navigation Act (N0.14) B.E. 2562.

Section 50/11 ⁷⁹ In performing the duties under this Act, Medical Examiner shall be an official under the Penal Code.

Section 50/12 ⁸⁰ In issuing a Certificate for validating a Personnel Licence under Section 42 paragraph two, or in issuing a Personnel Licence by conversion under Section 50/6, if the Director considers that the Medical Certificate for a personnel issued by a State Party to the Convention or a State entering into an agreement with Thailand are in accordance with the standards set forth in the Annexes, the Director shall specify in a Certificate for validating a Personnel Licence or in a Personnel Licence issued by conversion, as the case may be, that the Medical Certificate shall be as valid as the Medical Certificate under this Act.

In this regard, the Director may also specify conditions and period of validity of that Medical Certificate in a Certificate for validating a Personnel Licence or in the Personnel Licence issued by conversion, as the case may be, as he deems appropriate.

Section 50/13 ⁸¹ The applicant for the Personnel Licence according to the categories determined by the Director must complete the certified course from the Aviation Training Organization certified by the Director.

The application and issuance of certificate, qualifications and characteristics of the applicant, period, renewal, suspension and revocation of certificate under paragraph one, shall be in accordance with the rules and procedures as specified in the requirements.

Section 50/14 ⁸² Except in case of emergency which may endanger an aircraft or persons on board, or in case of emergency medical service or medivac, no aircraft commander shall have the aircraft taken off or landed at any place other than a Licenced Aerodrome, or a Temporary Takeoff and Landing Area Licenced or as specified by the Competent Official for that flight.

⁷⁹ Section 50/11 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁸⁰ Section 50/12 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁸¹ Section 50/13 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁸² Section 50/14 was added by the Air Navigation Act (N0.14) B.E. 2562.

Chapter 5/1 Security⁸³

Section 50/15. The Civil Aviation Authority of Thailand shall be the National Civil Aviation Authority responsible for the national civil aviation security and to establish, implement and regulate the implementation of the National Civil Aviation Security Programme-NCASP. Including being responsible for safeguarding civil aviation operations against act of unlawful interference.

In addition to the operations under paragraph one, the Civil Aviation Authority of Thailand must perform the following matters as well;

- (1) responsible for the regulation of aviation security in Thailand;
- (2) regulate and monitor the security operations of Airport, Aircraft, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP, for the purpose of-
 - (a) protecting passengers, crew members, airport personnel and other users of the airport and air navigation facilities
 - (b) preventing act that are a threat to aviation and other act of unlawful interference against civil aviation; and
 - (c) assuring that appropriate action is taken when an act that are a threat to aviation or an act of unlawful interference occurs or is likely to occur;
- (3) coordinate activities between related agencies under the NCASP and another related Programme.

In the implementation of this Section, the Civil Aviation Authority of Thailand must comply with the Convention and Annexes including obligations under international agreements on civil aviation that Thailand is a party to.

Section 50/16 The Civil Aviation Authority of Thailand shall establish the NCASP to be a guideline for the security and safeguarding civil aviation against act of unlawful interference through regulations, practices and procedures with regard to safety, regularity and efficiency of flights.

The Director shall regulate, monitor or take any action for the relevant parties to adopt the NCASP into practice and establish its own Civil Aviation Security Programme.

The Director may issue requirements; guidance or orders, as the case may be, for the purpose of the management; regulation; and monitoring, in order to comply with the NCASP.

⁸³ Chapter 5/1 was added by the Air Navigation Act (N0.14) B.E. 2562.

Section 50/17 In the management of the NCASP, the Director shall have the following duties and powers:

In the management of the NCASP, the Director shall have the following duties and powers:

(1) regulate the implementation of the NCASP in consultation with the other relevant authorities and the National Civil aviation Security Committee established under the provisions of Section 50/20;

(2) define and allocate the task for the implementation of the NCASP among the authorities, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP including any other entities and persons involved in the NCASP;

(3) ensure the establishment and implementation of and Airport Security Programme for each airport serving civil aviation at least the Director must proceed in the following matters:

(a) communicate the relevant portion of the NCASP to each owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft;

(b) approved and proposed to review the Airport Security Programme of each airport;

(c) inspect or audit the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft to ensure its full implementation of its Airport Security Programme;

(d) arrange for the establishment of and Airport Security Committee at each airport that serving civil aviation in order to provide advice on security measure at such airport.

(4) regulate, monitor or take any action to ensure the establishment and implementation of an Air Operator Security Programme for each Air Operator, which shall cover passenger, baggage, cargo, courier, express parcels, mail, as well as aircraft catering and cleaning operation. For this purpose, the Director shall;

(a) communicate the relevant portion of the NCASP to each operator;

(b) approved and proposed to review the Air Operator Security Programme for each operator;

(c) inspect or audit operator to ensure its full implementation of its Air Operator Security Programme.

(5) regulate, monitor or take any action to ensure the establishment and implementation of the Security Programme of Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the

NCASP, which shall cover security measures that apply to their services. For this purpose, the Director shall;

(a) communicate the relevant portion of the NCASP to each operator;

(b) approved and proposed to review the Security Programme of Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP for each operator;

(c) inspect or audit operator to ensure its full implementation of each operator's Security Programme.

(6) regulate, monitor or take any action to ensure that the airport security services at airports are provided with the necessary facilities, including office space, telecommunications equipment, appropriate security equipment and training facilities;

(7) regulate, monitor or take any action to ensure that architectural and infrastructure-related requirements necessary for the effective implementation of aviation security measures are integrated into the design and construction of new facilities and any modification of existing facilities at any airport;

(8) periodically review and maintain the effectiveness of the NCASP, including the re-evaluation and adjustment where necessary of security measures in the light of acts of unlawful interference or attempts thereof, and the taking of action as necessary to counter any perceived threats;

(9) establish, regulate, monitor or take any action in order to comply with the National Civil Aviation Security Training Programme (NSTP), for the training of personnel involved in or responsible for the implementation of aviation security measures pursuant to the NCASP;

(10) establish, regulate, monitor or take any action in order to comply the National Civil Aviation Security Quality Control Programme (NSQP), for the measuring of compliance with and the validation of the effectiveness of the NCASP;

(11) establish and implement the Screener Certification Programme, with the objective of making official certification and evaluation by or on behalf of the Civil Aviation Authority of Thailand in order to ensure that the person has the capability necessary to perform the duties in accordance with the work procedures of the screener within the Thai Public Airport at the acceptable level as specified by the Civil Aviation Authority of Thailand;

(12) establish and implement the Security Instructor Certification Programme, with the objective of making official certification and evaluation by or on behalf of the Civil Aviation Authority of Thailand in order to ensure that the instructor has the capability necessary to perform the duties in accordance with the work procedures of the security within the Thai Public Airport at the acceptable level as specified by the Civil Aviation Authority of Thailand;

(13) periodically review and maintain the effectiveness of the NSTP, the NSQP, the Screener Certification Programme and the Security Instructor Certification Programme, including their re-evaluation and adjustment where necessary;

(14) keep under constant review the level of threat to civil aviation within the territory and establish and implement policies and procedures to adjust relevant elements of the NCASP accordingly, based on a security risk assessment carried out by the Director;

(15) take the measures necessary for a rapid response to any increased security threat to civil aviation, including the establishment of a rapid response working group where appropriate;

(16) require the maintenance of records of any act of unlawful interference and of any security incident, including any cases of non-compliance with the requirements of the NCASP.

The programme under (9) and (10) must be approved by the National Civil Aviation Security Committee.

The National Civil Aviation Security Committee must ensure that the authorities under the NSQP operate independently from the agencies or individuals responsible for the implementation of the measures specified in that programme.

The Civil Aviation Authority of Thailand shall provide whole or part of the details of the NCASP that is suitable for the Airport Operator, Air Operator, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP.

Section 50/18 Under the NSQP in Section 50/17 (10), the Director shall arrange for inspections to monitor the compliance with the NCASP, the NSTP or the Security Programme of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air operator, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP. Therefore, the Director must comply with the details of the standards set forth in the NSQP.

The NSQP shall be based on best practices and shall allow for the swift detection and correction of failures.

The NSQP shall require all airports to be inspected regularly in accordance with a common methodology and shall be carried out by the aviation inspector.

Section 50/19. Under the NSTP in Section 50/17 (9), the concerned persons have to provide the training for all personnel involved in or responsible for the implementation of aviation security measures pursuant to the NCASP. Moreover,

the NSTP shall include selection, qualification, training, certification, and motivation of security staffs, and shall specify responsibilities, administrative directives, training plans, curriculum, training system, and other appropriate elements.

The Director shall coordinate the development and be responsible for the approval of the aviation security training programmes established by agencies, entities and organizations, which shall be in line with the NSTP.

The review of the NSTP must be approved by the National Civil Aviation Security Committee.

Section 50/20 The Civil Aviation Board shall establish a National Civil Aviation Security Committee for the purpose of approving the scope and allocation of work according to the NCASP, including the following recommendations and cooperation in security activities:

(1) cooperation between Ministries, Bureaus, Departments or other relevant government agencies;

(2) cooperation between the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP;

(3) provide advice to agencies under (1) and (2) for the purpose of reviewing and increasing the efficiency in compliance with the NCASP and security measures.

Section 50/21 For the purpose of regulating civil aviation security, The Civil Aviation Authority of Thailand shall implement the following matters:

(1) regularly conduct security surveys to identify security needs;

(2) conduct security inspections and audits of security controls;

(3) conduct security tests of security controls and security measures relating to passengers and their cabin baggage, checked baggage, cargo and other goods including test of access controls and airport design to assess their effectiveness; and

(4) conduct an exercise to check the professional efficiency of the personnel responsible for implementing the civil aviation security procedures and test the adequacy of security measures of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator, Air Traffic Service Provider, Regulated Agent, Regulated Postal Authority, Catering Service Provider, Ground Service Provider and other operators as specified in the NCASP.

Section 50/22 In the case of the need for security in accordance with the NCASP, the NSTP, and the NSQP, the Director shall have the following powers:

(1) issue a Security Directive in order to set security measures for the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator, Air Traffic Service Provider, Regulated Agent, Regulated Postal Authority, Catering Service Provider, Ground Service Provider and other operators as specified in the NCASP;

(2) issue a security advisory or recommendation in order to advise or recommend any persons or entities to take such security measures as may be specified in the security advisory or recommendation.

A Security Directive under (1) shall specify a date by which the person or entity shall comply with the directive and shall also specify that any person or entity to whom a security directive is issued shall appoint a person to be responsible for the effective implementation of the security measures specified in the security directive, and shall urgently inform the Director of that person's particulars.

Section 50/23 The Director shall have the power to collect information related to civil aviation security. It shall be the duty of each of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft; Air Operator, Air Traffic Service Provider, Regulated Agent, Regulated Postal Authority, Catering Service Provider, Ground Service Provider and other operators as specified in the NCASP, who shall furnish such information upon the Director's request.

In implementation under paragraph one, the Director or the Aviation Inspector shall access the premises of the person or agency under paragraph one during its normal business hours for the purpose of collecting information which must be notified at least three days in advance. In the case of accessing the premises of the person or agency outside of normal business hours, the Director or the Aviation Inspector shall have such access only in case of imminent danger of an act of unlawful interference being committed clearly and if the access is necessary to prevent such act.

Section 50/24 For the security of the Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall be responsible for ensuring none of an act of unlawful interference occurring in such area.

In carrying out paragraph one, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall have power to screen and if necessary to search persons, items, baggage and cargo, including courier and express parcels for weapons, objects or any other devices which may be

used to commit an act of unlawful interference. In the case of mail item, it can be opened and searched only when there is a reasonable indication that the item contains any weapons, objects or any other devices that may be used to commit an act of unlawful interference. In this regard, it shall be in accordance with the rules and procedures prescribed in the requirements.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft may delegate the duties under paragraph one and paragraph two to other persons or groups of persons to act on behalf of them.

The persons delegated to act on behalf of paragraph three must be taken all necessary measures for the diligent selection, training and supervision to ensure that the standards, rules and procedures of the NCASP, the NSTP, and NSQP are fully implemented.

Section 50/25 In order to guarantee the suitability and reliability of civil aviation security, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall perform to carry out background checks or take responsibility for conducting background checks of the following persons;

(1) a person who applies for position in the civil aviation security,

(2) a person who applies for a permit of unescorted access under an airport security identification permit system or access control system.

A background check under paragraph one shall primarily serve to confirm a person's identity and previous experience, including any criminal history.

Section 50/26 In screening or searching of persons under Section 50/24, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft may check the identity of persons and for this purpose may temporarily retain a person at the checkpoint, in this regard, may assign a person or group of people who perform a search under section 50/24 to do temporarily retain.

Arrest and detention of persons shall only be carried out by the competent police authorities.

Section 50/27 The NCASP, NSTP, NSQP, the Airport Security Programmes, the Air Operator Security Programmes, and any other security programmes established under section 15/17 (9) (10) (11) and (12) shall have confidential status.

The Civil Aviation Authority of Thailand shall have any measures or actions in order to ensure that other authorities, entities and persons involved in the establishment or implementation of these programmes are aware of their confidential status and that they will safeguard the information accordingly. Such

information shall only be communicated on a need-to-know basis. In this regard, the status of such information may be determined and such information recipients must be aware of the confidential status of such information.

Section 50/28 No person shall operate a public airport unless there is a Civil Aviation Security Programme of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft which approved by the Director.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall establish and implement its Civil Aviation Security Programme that has been prepared in writing. The Civil Aviation Security Programme of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall be in line with the requirements of the NCASP and the Airport Operator must review and update its Civil Aviation Security Programme.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall develop and implement the Civil Aviation Security Training Programme to ensure the efficient operation of their security operation personnel in accordance with the requirements specified in the NCASP.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall submit a Civil Aviation Security Training Programme according to paragraph three to the Director for approval before implementing.

Section 50/29 No person shall operate as an Air Operator unless there is a Civil Aviation Security Programme of the Air Operator which approved by the Director or according to the International Agreement on Air Service.

The Air Operator must establish and implement its Civil Aviation Security Programme that has been prepared in writing. The Civil Aviation Security Programme of the Air Operator shall be in line with the requirements of the NCASP. In case that the Air Operator also provides cargo transportation services, there shall be an additional Cargo and Postal Security Control Programme approved by the Director.

The Air Operator shall develop and implement the Civil Aviation Security Training Programme to ensure the efficient operation of their security operation personnel in accordance with the requirements specified in the NCASP.

The Air Operator shall submit a Civil Aviation Security Training Programme according to paragraph three to the Director for approval before implementing.

Section 50/30 No person shall operate as an Air Traffic Service Provider of any airport in the Kingdom unless there is a Civil Aviation Security Programme of the Air Traffic Service Provider which approved by the Director.

The Air Traffic Service Provider shall establish and implement its Civil Aviation Security Programme that has been prepared in writing. The Civil Aviation Security Programme of the Air Traffic Service Provider shall be in line with the requirements of the NCASP.

The Air Traffic Service Provider shall develop and implement the Civil Aviation Security Training Programme to ensure the efficient operation of their security operation personnel which in accordance with the requirements specified in the NCASP.

The Air Traffic Service Provider shall submit a Civil Aviation Security Training Programme according to paragraph three to the Director for approval before implementing.

Section 50/31 No person shall operate with the objective of handling or forwarding transport of goods, mail, baggage or other cargos by air unless there is a Civil Aviation Security Programme of the Regulated Agent and Regulated Postal Authority which approved by the Director and received a certificate of Regulated Agent or Regulated Postal Authority issued by the Director for this purpose.

The Regulated Agent or the Regulated Postal Authority shall establish and implement its Civil Aviation Security Programme that has been prepared in writing. The Civil Aviation Security Programme of the Regulated Agent or the Regulated Postal Authority shall be in line with the requirements of the NCASP.

The Regulated Agent or the Regulated Postal Authority shall establish and implement the Civil Aviation Security Training Programme to ensure the efficient operation of their security operation personnel in accordance with the requirements specified in the NCASP.

The Regulated Agent or the Regulated Postal Authority shall submit a Civil Aviation Security Training Programme according to paragraph three to the Director for approval before implementing.

Section 50/32 In order to protect civil aviation against acts of unlawful interference, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator, Regulated Agent, Regulated Postal Authority, Air Traffic Service Provider and other operators as specified in the NCASP shall:

- (1) implement its Security Programme, subject to the approval of the Director;
- (2) participate in the NSTP and NSQP;
- (3) cooperate in any inspections, audits or investigations of the full implementation of its Security Programme;
- (4) furnish any security-related information requested by the Director;
- (5) participate in the operation of the relevant Airport Security Committee;
- (6) comply with any Security Directive directed to it which issued by the Director.

Section 50/33 In order to protect civil aviation against acts of unlawful interference, any other persons or entities named in the NCASP and whose support and cooperation is required under the Programme shall;

- (1) complying with any Security Programme approved by the Director, which requires him to comply with;
- (2) participate in the NSTP and NSQP;
- (3) cooperate in whole or in part of inspection and audit and any investigation in which the Director makes the decision;
- (4) furnish any security-related information requested by the Director;
- (5) participate in the operation of the relevant Airport Security Committee upon request;
- (6) comply with any Security Directive directed to it which issued by the Director.

Section 50/34 In case of the law enforcement officers or other authorized persons who acting in their performance of their duties in accordance with the law, wishes to carry weapons on board Aircraft, they must obtain special permission from the Director and comply with the rules and procedures specify by the Director.

Performance of duties of the In-Flight Security Officers, which must be stationed on an Aircraft, must comply with the Law on Certain Offences Against Air Navigation.

Section 50/35. No person shall transport, carry or possess firearms or weapons, explosives or inflammable materials within the Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, unless authorized in writing from the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft or being a law enforcement officer on duty in conformity with the relevant law.

No passengers or other persons shall transport or carry firearms or weapons, explosives or inflammable materials into the Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, unless authorized by the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft and complying with the conditions of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft. In this regard, it shall be the duty of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft to conduct the inspection or other operations to prevent such action from occurring.

In the permission under paragraph one or paragraph two, the Director may also issue notification prescribes rules and procedures to be used as guidelines for permission.

Section 50/36 In the case that the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft allow other persons to rent his premises or facilities whether it is the part of the passenger terminal (landside) or airside, the tenants of that area must be responsible for control of access through their respective area and must comply with the security programme of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft.

For the purpose of this Section "tenant" means an individual or organization granted a licence, permit or other authorization by an owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft to conduct business operations at the aerodrome, including a concessionaire, cargo handler, caterer, tour operator, taxi and bus operator, aircraft maintenance organization, fuel company and Government authority and agency that performs the duty at the Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft.

Section 50/37 The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft also has the duty to surveillance threats against the Air Navigation Facility of the aerodrome or any part of the Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft which is not in their own responsibility. In the event of threat, one of the following actions must be taken immediately:

(1) notify the Civil Aviation Authority of Thailand and other entities concerned of the nature of the threat;

(2) determine whether the threat affects the security of the aerodrome;

and

(3) coordinate the implementation of appropriate measures to counter any threat.

Section 50/38 Where the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft determines that there is a threat that affects the security of the aerodrome, the operator shall immediately take all measures necessary to ensure the safety of the aerodrome and persons at the aerodrome, including informing those persons of the nature of the threat.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft shall immediately inform the Civil Aviation Authority of Thailand of the receipt of a bomb threat or other occurrences that would have a serious impact against an Aerodrome, Air Navigation Facilities or an Aircraft.

Section 50/39 The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, Air Operator or any persons involved in the NCASP shall keep a record of every security incident occurring in the course of their operations.

For the purpose of this Section " security incident" under paragraph one means an actual, attempted, threatened or suspected act of unlawful interference, which would result in interference, a breach or malfunction of the civil aviation security system. Such incidents include but are not limited to: hijackings, attempted hijackings, explosions, the discovery of weapons, explosive substances or incendiary devices and specific threats against the aerodromes or air operators.

Section 50/40 Subject to section 60/17, the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft has power to conduct screening of all passengers and passenger's baggage and property according to the proper method which must be announced in general.

The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft has power to prohibit any person from being on board an aircraft. If it appears that the person has not, when requested by a security officer, submitted to an authorized search, or permitted an authorized search to be carried out on the baggage that the person takes or had placed on board the aircraft.

Section 50/41 For the purpose of implementing of Section 50/40, the Director shall issue requirements requiring that all passengers and all baggage intended to be carried on the aircraft, in commercial air transport, be screened, which at least must include:

- (a) procedures of detecting weapons, explosives or any objects that may be used in acts of unlawful interference, both technical and physical screening; or
- (b) procedures, tools and equipment for screening and search, employed or operated by employees or agents of the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft, prior to boarding the aircraft for transportation.

The requirements issued under paragraph one shall prescribe, to the extent practicable, uniform procedures for the screening and search of passengers and passenger's baggage in domestic commercial air transport and international commercial air transport.

Chapter 5/2

Civil Aviation Facilitation ⁸⁴

Section 50/42 The Civil Aviation Authority of Thailand shall be responsible for the establishment, development and implement of the National Civil Aviation Facilitation Programme - NCAFP to be a framework and guidelines for customs, immigration, public health and other interested governmental authorities to support and facilitate civil aviation in accordance with their duties and powers, including providing help and solving problems as needed which at least must contain the following matters:

- (1) facilitating the movement of aircraft, crew members, passengers, cargo, mail and stores, by removing unnecessary obstacles and delays;
- (2) increasing the efficiency and quality of civil air transportation services as well as encouraging the development of concepts in solving civil aviation facilitation problems;
- (3) harmonizing the interests of all entities involved in facilitation, and promoting the growth of a safe, reliable and viable air transport industry.

The NCAFP shall not have any characteristics that affect the requirements or measures of safety and security.

Section 50/43. For the purpose of implementing the NCAFP, the Civil Aviation Board shall establish a National Civil Aviation Facilitation Committee composed of representatives of agencies involved in facilitation, clearance agencies (immigration, customs, public health, agriculture, security and narcotics control), tourism, commerce, foreign affairs and operators including ground handling service providers and other agencies. In this regard, the Director may propose the relevant

⁸⁴ Chapter 5/2 was added by the Air Navigation Act (N0.14) B.E. 2562.

authorities that will be appointed as the National Civil aviation Facilitation Committee for the purpose of cooperation and advice in civil aviation facilitation including the following duties and powers:

(1) coordinate cooperation between entities involved in order to implement the NCAFP and improve efficiency and enhance civil aviation facilitation services by removing unnecessary obstacles and delays;

(2) consider policy issues in relation to clearance formalities applied to the international air transport services;

(3) consider recommendation made by Airport Facilitation Committees and, in turn, refer matters to Airport Facilitation Committees for attention;

(4) make recommendations to the departments, competent authorities and other organizations concerned with the NCAFP;

(5) encourage the creation of excellent practices in various areas of civil aviation facilitation;

(6) keep the departments, competent authorities and other organizations concerned informed of significant developments in the field of international civil aviation insofar as they affect operations into and out of Thailand;

(7) discuss amendments to rules and regulations regarding civil aviation facilitation;

(8) coordinate with the National Civil Aviation Security Committee in relation to the civil aviation facilitation.

Section 50/44 The Civil Aviation Authority of Thailand shall have the duty to coordinate, regulate and monitor the implementation of civil aviation facilitation with quality and efficiency in the following matters;

(1) conduct civil aviation facilitation surveys to identify facilitation needs;

(2) conduct civil aviation facilitation inspection and audit at least once a year;

(3) arrange an exercise to verify the professional efficiency of the personnel responsible for implementing the clearance procedures at any airport in Thailand.

Section 50/55 The government authorities and agencies involved in civil aviation facilitation operations shall provide appropriate facilities related to customs, immigration, public health and other civil aviation facilitation services at airports serving international, in accordance with any other law and standards set forth in Annexes.

The operations of customs, immigration, public health and other civil aviation facilitation services shall be the duty and power of the concerned Government authorities and agencies. The Civil Aviation Authority of Thailand is responsible for providing advice to carry out the operations of those authorities and agencies in relation to travel documentation, customs, immigration, public health, quarantine, law enforcement, etc., in order to comply with the standards, set forth in the relevant Annexes.

Section 50/56 The Public Aerodrome Operator who provides international services shall establish an Airport Facilitation Committee which having the following duties and powers;

(1) implement the NCAFP at the airport level responsibility;

(2) examine affected problem arising in connection with the clearance of aircraft, passengers, baggage, cargo, mail and stores (warehouse). If possible, when a problem arises within an international airport, to determine a solution to solve the problem immediately;

(3) propose the operation problems that the Airport Facilitation Committee cannot solve to the National Civil Aviation Facilitation Committee to acknowledge and find further solutions;

(4) inform the National Air Transport Facilitation Committee for action taken and recommendations made.

Chapter 6

Aerodrome and Air Navigation Facility⁸⁵

Section 51 No person shall establish an Aerodrome or Air Navigation Aid unless permission has been obtained from the Competent Official with the approval of the Minister.

Section 52 The application for and the issuance of an Aerodrome establishment licence or an Air Navigation Facility establishment licence shall be in accordance with those prescribed in the Ministerial Regulations.

Section 53 No person shall establish a Temporary Takeoff and Landing Area for Aircraft unless permission has been obtained from the Competent Official.

The person who has obtained permission under this Section shall comply with the procedures and conditions specified by the Competent Official.

Section 53 bis⁸⁶ (Repealed)

⁸⁵ In this Chapter, Section 60/1 to Section 60/35 were added by the Air Navigation Act (No.11) B.E. 2551.

⁸⁶ Section 53 bis was added by the Air Navigation Act (No. 2) B.E. 2498 and then repealed by the Air Navigation Act (No. 11) B.E. 2551.

Section 54 When it appears that a person having obtained permission to establish an Aerodrome, Air Navigation Facility or Temporary Takeoff and Landing Area for Aircraft fails to comply with the Ministerial Regulations or procedures and conditions specified for that purpose by the Competent Official, the Competent Official shall have the power to suspend or revoke the respective licence.

Section 55 The Minister shall have the power to designate in a notification that any area on land or water is a Licenced Aerodrome or a Temporary Takeoff and Landing Area for Aircraft.

Section 56⁸⁷ The owner or operator of a Licenced Aerodrome providing services to the public shall not collect money for the use of the Licenced Aerodrome providing services to the public except for service charges, tariffs or any other monetary remuneration as follows:

- (1) Departure passenger service charge under chapter 6 *bis*;
- (2) Aircraft takeoff and landing service charge;
- (3) Aircraft storage service charge;
- (4) Ramp Services charge;
- (5) Any other service charges, tariffs or monetary remuneration as prescribed by the Royal Decree.

The service charges under (2) and (3) shall be collected at amounts not exceeding the rates prescribed in regulations, which shall not exceed the rates prescribed in the Ministerial Regulations.

Any other service charges, tariffs or monetary remuneration under (4) and (5) shall be in accordance with the conditions and rates pursuant to the rules approved by the Director. In such approval, the Director shall take into account fairness to consumers and the competitiveness of that Aerodrome.

The provisions of this Section shall also apply to a Licenced Temporary Takeoff and Landing Area providing services to the public.

Section 57⁸⁸ The owner or operator of an Air Navigation Facility providing services to the public shall collect a service charge for the Air Navigation Facility in accordance with the conditions and rates approved by the Director.

⁸⁷ Section 56 was amended by the Air Navigation Act (No. 11) B.E. 2551.

⁸⁸ Section 57 was amended by the Air Navigation Act (No. 11) B.E. 2551.

Section 58 The Minister shall have the power to designate in the Government Gazette that an area near an Aerodrome or a place in which an Air Navigation Facility is situated is an air navigation safety zone.

Section 59 Within an air navigation safety zone under Section 58, no person shall construct or alter buildings or other structures, or plant trees unless written permission has been obtained from the Competent Official.

In granting the permission under this Section, the Competent Official may specify any conditions as may be appropriate.

Section 59/1⁸⁹ No person shall lights and releases or act in any way to launch Bungfai (sky rocket), firework, Talai (firework with circular wing), Khomloy (floating lantern), Khomfai (fire lantern), Khomkwan (smoky lantern), or other similar objects up to the air that disturb or endanger the air navigation or operation of aircraft within the air navigation safety zone under Section 58.

Section 59/2⁹⁰ No person shall perform the following activities, in accordance with the nature or level of activities announced by the Director, within the air navigation safety zone under Section 58 unless in compliance with the rules, procedures and conditions prescribed by the Director;

- (1) release the laser light or any light up into the air;
- (2) release sound waves, radio waves, or Hertzian waves which are electromagnetic waves;
- (3) use electronic devices that release an electrical wave
- (4) other activities prescribed in the notification issued by the Director which must be determined as necessary and not affect the daily life or create unreasonably burdens to the people.

The provisions of this Section do not apply to such activities related to civil aviation of the related officials or agencies within the air navigation safety zones.

Section 59/3.⁹¹ For the safety purpose of civil aviation, in the case of carrying out activities under Section 59/1 or Section 59/2 outside the air navigation safety zone under Section 58, the Director shall have the power to prescribe, in the Notification, the rules to be a prohibition or the practice in any such activity. By that Notification may determine the nature of activity, control area, period of time, and method or conditions for such activity as appropriate and as necessary by publish in the Government Gazette.

⁸⁹ Section 59/1 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁹⁰ Section 59/2 was added by the Air Navigation Act (N0.14) B.E. 2562.

⁹¹ Section 59/3 was added by the Air Navigation Act (N0.14) B.E. 2562.

When the Director has issued the Notification to prescribe rules under paragraph one for any activity, if that activity is required be permitted to operate in addition to having to get permission, approved or to do anything in order to be able to carry out those activities from the Competent Officials or Officials under the relevant laws. It shall also be permitted by the Competent Officials under the said Notification. When granting permission, the Competent Official may set conditions as deemed appropriate.

In the event that the Notification has issued under this section, the Civil Aviation Authority of Thailand shall provide information on rules, prohibitions or practices in the conduct of activities as specified. As well as providing a display of an activity control area in order to make the public know in general by posting the Notification at the District Office, Office of Local Government Organization or any other place in the control area under this Notification as well.

Section 60 If there appears violation of Section 59, paragraph one or violation of the conditions under Section 59, paragraph two, the Competent Official shall have the power to order in writing that the violator remove the buildings or structures, or cut down or remove the trees within a specified period of time.

If there is violation of the order of the Competent Official under the preceding paragraph, the Competent Official shall have the power to remove the buildings or structures, or to cut down or remove the trees. The expenses incurred in this regard shall be compensated by the violator.

In the case of violation of Section 59/1, Section 59/2 or Section 59/3, the Competent Official shall have the power to order the violator to act correctly. If the violator does not comply with, the Competent Official shall have the power to take measures as necessary to suppress the cause of such violations. The Competent Official shall also promptly notify the official or officer in connection with the execution of the law on such matter.⁹²

Section 60/1 Subject to Section 60/34, a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area may open for providing services to the public only when a Public Aerodrome Operating Certificate has been obtained from the Director.

The Public Aerodrome Operating Certificate shall be in accordance with the categories of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area as prescribed in the Ministerial Regulations which shall be based on the characteristics of locations, sizes of Aircraft to take off and land, number of passengers to use the service, and types of flights.

⁹² Section 60 paragraph three was amended by the Air Navigation Act (N0.14) B.E. 2562.

Section 60/2 The owner or operator of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area, wishing to open it for providing services to the public shall submit to the Director an application for a Public Aerodrome Operating Certificate, together with an aerodrome manual for that Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area and other documents in accordance with the rules and procedures prescribed in requirements.

Section 60/3⁹³ Subject to Section 60/34 and Section 60/35, an applicant for a Public Aerodrome Operating Certificate shall be a juristic person pursuant to the rules prescribed in the Ministerial Regulations. The provisions of Section 41/22 (2), (3) and (4) shall apply to the qualifications and characteristics of the applicant *mutatis mutandis*.

With respect to a Public Aerodrome Operating Certificate issued for a Temporary Takeoff and Landing Area for Aircraft, the Director may require other qualifications and characteristics which differ from those stated in paragraph one.

The provisions under paragraph one and paragraph two shall not apply to government agencies or State agencies which operate the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area for Aircraft open for providing services to the public.

Section 60/4 The provisions of Section 41/23 (1) and (2), Section 41/24, Section 41/25 and Section 41/26 shall *mutatis mutandis* apply to the capital, business management power, and prohibited characteristics of directors, managers or persons having managerial power, of the applicant for the Public Aerodrome Operating Certificate.

Section 60/5 For the purpose of providing public services, when an applicant for a Public Aerodrome Operating Certificate has submitted an application under Section 60/2, the Director, upon finding that there are reasonable grounds to allow the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area to be operated temporarily, shall have the power to issue a provisional Public Aerodrome Operating Certificate in which conditions or limitations may also be specified.

⁹³ Section 60/3, paragraph one and two was added by the Air Navigation Act (No. 11) B.E. 2551. Section 60/3 paragraph three was added by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

The provisional Public Aerodrome Operating Certificate shall be effective until the issuance of the Public Aerodrome Operating Certificate, or until the date specified by the Director in the provisional Public Aerodrome Operating Certificate but not exceeding six months from the issuing date of the certificate.

The provisional Public Aerodrome Operating Certificate under this Section shall be subject to a monthly fee pursuant to the rate prescribed in the Ministerial Regulations.

Section 60/6 The Director will issue a Public Aerodrome Operating Certificate to an applicant when it appears that:

(1) The applicant has the qualifications and characteristics pursuant to Section 60/3 and Section 60/4;

(2) The physical characteristics of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area and surrounding obstacles, including facilities, installations, equipment and services both normal and emergency, meet standards prescribed in requirements;

(3) A person who will act as a Public Aerodrome Manager has a certificate under Section 60/12;

(4) Rules on the operating procedures, Safety Management System, Security, an internal audit system and an aerodrome manual for the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area are in line with Section 60/15;

(5) There is an adequate number of competent staffs for the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area.

In issuing the Public Aerodrome Operating Certificate, the Director may specify conditions or limitations on operations as may be appropriate. In addition, for the purpose of enforcing the provisions of this Act, the Director shall distinctly identify the conditions or limitations which are of significance in the certificate.

The Public Aerodrome Operating Certificate shall be in accordance with the form specified in a notification by the Director.

Section 60/7 A Public Aerodrome Operating Certificate shall have a period of validity of ten years each but not exceeding the period of validity of the Aerodrome establishment licence.

Section 60/8 To renew a Public Aerodrome Operating Certificate, the holder of the Public Aerodrome Operating Certificate shall submit an application to the Director at least ninety days before the date of expiration of such certificate in accordance with the rules and procedures prescribed in requirements.

Upon examination of the qualifications and capability of the applicant, if it appears that the applicant maintains the qualifications and capability to operate the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area in line with the certificate, the Director shall extend a period of validity of the certificate pursuant to the period of time stated in Section 60/7.

Upon submission of the application for renewal of the certificate under paragraph one, the holder of the Public Aerodrome Operating Certificate shall continue operating such Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area until the Director orders that the renewal of the certificate not be permitted.

Section 60/9 When there are grounds pursuant to Section 60/32 (1), (2) or (3), the Director shall have the power to amend the conditions or limitations specified in the Public Aerodrome Operating Certificate as may be appropriate.

Section 60/10 If the holder of a Public Aerodrome Operating Certificate wishes to change the operations so that they will differ from those specified in the Public Aerodrome Operating Certificate, an application together with documents and evidence shall be submitted to the Director at least sixty days in advance in accordance with the rules and procedures prescribed in requirements.

Section 60/11 The holder of a Public Aerodrome Operating Certificate shall arrange to have one Public Aerodrome Manager as a person responsible and accountable for the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area pursuant to the certificate.

Section 60/12 The person who will act as a Public Aerodrome Manager under Section 60/11 shall be a person who has obtained a Public Aerodrome Manager certificate from the Director.

The application, issuance and revocation of the Public Aerodrome Manager certificate shall be in accordance with the rules and procedures prescribed in requirements.

Section 60/13 A Public Aerodrome Manager under Section 60/11 shall have the following qualifications:

- (1) Being not less than 35 years of age;
- (2) Having knowledge and skills as prescribed in requirements;
- (3) Having other qualifications as prescribed in the Ministerial

Regulations.

Section 60/14 A Public Aerodrome Manager shall have the same responsibilities and accountabilities for the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area as the holder of a Public Aerodrome Operating Certificate as stated in Section 60/15 (1), (3), (4) and (5), Section 60/16 and Section 60/17.

Section 60/15 The holder of a Public Aerodrome Operating Certificate has the following duties:

(1) To provide services to the public equally and to collect service charges, tariffs or any other monetary remuneration in compliance with Section 56 and Section 60/37;

(2) To control the performance of the Public Aerodrome Manager;

(3) To operate the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area by:

(a) Providing, improving and following rules on the operating procedures, Safety Management System, Security and internal audit system of such Licenced Aerodrome and Licenced Temporary Takeoff and Landing Area;

(b) Providing sufficient staff and the system for regular supervision of staff performance;

(c) Providing a complete set of an aerodrome manual for the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area to the staff and updating or amending the aerodrome manual to be always current;

(d) Maintaining the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area, facilities as well as installations and equipment therein to meet standards prescribed in requirements;

(e) Supervising the services in the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area pursuant to the certificate as obtained to meet the standards prescribed in requirements;

(f) Making a report and submitting it to the Competent Official pursuant to the rules set out by the Director;

(4) To cooperate with the Director or Competent Official who carries out actions under Section 60/19, Section 60/20 and Section 60/22;

(5) To perform other duties as prescribed in requirements.

The operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under (3) shall be in accordance with the category of the Public Aerodrome Operating Certificate as obtained.

The rules on the operating procedures, internal audit system, system for supervision of staff performance, and aerodrome manual under (3) shall be in accordance with the standards, and shall contain full information, pursuant to the rules set out by the Director.

Section 60/16 The holder of a Public Aerodrome Operating Certificate shall supervise the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under the certificate as obtained so that it shall not be used, or shall not be allowed to be used by another person, in breach of the conditions or limitations specified in the Public Aerodrome Operating Certificate.

Section 60/17 For the purpose of Security for operation under a Public Aerodrome Operating Certificate, the holder of a Public Aerodrome Operating Certificate has the following powers and duties:

- (1) To screen passengers, Personnel or workers who will get on an Aircraft, including any articles to be taken on the Aircraft by such persons;
- (2) To screen baggage or articles to be loaded onto an Aircraft;
- (3) To screen persons, vehicles as well as articles that will enter a restricted area of the Aerodrome.

The screening under paragraph one shall be in accordance with the rules and procedures prescribed in requirements.

In carrying out this Section, the holder of the Public Aerodrome Operating Certificate shall declare the restricted area and appoint an implementation officer, and except in case of necessity and urgency the Director shall be informed of such appointment in advance, in accordance with the rules set out by the Director.

The Director shall have the power to specify qualifications of the implementation officer under this Section. In addition, the holder of the Public Aerodrome Operating Certificate shall keep a record of the implementation chronicle and results pursuant to the rules set out by the Director.

In performing the duties by the officer under this Section, the officer shall be deemed as an official under the Penal Code.

Section 60/18 In case of necessity, the holder of a Public Aerodrome Operating Certificate may request the Director to designate an Air Operator or agent of the Air Operator as a person having the power and duty on behalf of such holder to screen baggage or cargo to be loaded onto the Aircraft which will depart from the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area providing services to the public. The provisions of Section 60/17, paragraph two, paragraph three, paragraph four and paragraph five shall apply.

Section 60/19⁹⁴ In case of necessity for the purpose of public order, the Minister or the Director shall have the power to order the Competent Official to take action on screening under Section 60/17 and Section 60/18.

Section 60/20 For the purpose of controlling the operation of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate, the Director or Competent Official shall have the following powers and duties:

(1) To enter the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under the Public Aerodrome Operating Certificate pursuant to this chapter between sunrise and sunset or during operation hours of such place in order to inspect the relevant operation and documents or evidence;

(2) To seize the documents or evidence concerning the operation for the purpose of inspection;

(3) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration;

(4) To order suspension of the operation of the public Aerodrome only for the part that fails to conform to the operating procedures, Safety Management System, Security, internal audit system, aerodrome manual for the Aerodrome or conditions or limitations specified by the Director under Section 60/6, or that may cause unsafe condition to the users.

Section 60/21 The holder of a Public Aerodrome Operating Certificate shall not transfer the rights under the certificate to another person unless written permission has been obtained from the Director.

The submission of the application for transferring the rights under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in requirements.

Section 60/22 For the purpose of public protection or security, the Director General shall order suspension, in whole or in part, of the operation of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate, or to order the official to assume the operation in lieu until the rationales for such order have no longer existed.

⁹⁴ Section 60/19 was added by the Air Navigation Act (No. 11) B.E. 2551, and amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Section 60/23 For the purpose of national security, the Minister, with the endorsement of the Council of Ministers, shall have the power to order temporary control over the operation of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under a Public Aerodrome Operating Certificate.

To order control over the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under this Section, the Minister shall appoint an Aerodrome Control Committee comprising a Chairman appointed by the Minister with the recommendations of the Civil Aviation Board, and not more than six other members, at least one of which shall be a representative of the Ministry of Transport, one of which shall be a person nominated by the Civil Aviation Board and the rest of which shall be other qualified persons.

Section 60/24 The Director shall in writing inform the order to control the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under Section 60/23 to the holder of the Aerodrome Operating Certificate, shall post it at a conspicuous area at the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area or other places as considered appropriate by the Director, and shall publish it in at least two nationwide newspapers in three consecutive days.

Section 60/25 Upon having the order to control the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under Section 60/23, the Aerodrome Control Committee shall have the power and duty to manage the operation of such Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area.

The Chairman of the Aerodrome Control Committee shall be a representative of the juristic person having obtained a Public Aerodrome Operating Certificate.

In performing the duties, the Aerodrome Control Committee shall have the same powers and duties as those of the Competent Official under Section 60/20 and shall have the power to appoint, and define the powers and duties of, one or more Aerodrome control officers to carry out any actions.

Section 60/26 Upon having the order to control the operation of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under Section 60/23:

(1) The board of directors, directors and officers of the juristic person having obtained the Public Aerodrome Operating Licence shall not operate any business of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area which is under the control order of the Minister under Section 60/23 unless otherwise assigned by the Aerodrome Control Committee;

(2) The directors and officers of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area shall properly manage to preserve assets and benefits of such Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area and shall expeditiously report the Aerodrome Control Committee and deliver property, together with records, documents and others in relation to the business, assets and liabilities to the Aerodrome Control Committee without delay.

Section 60/27 Upon having the order to control the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under Section 60/23, a possessor of property or documents in relation [to] the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area shall inform the Aerodrome Control Committee of such possession without delay.

Section 60/28 In controlling a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under Section 60/23, operating expenses for the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area shall be collected as the public revenue.

The operating expenses for the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under paragraph one shall be collected at the rate of five percent of the revenue of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area during the control over the Aerodrome or temporary takeoff and landing area.

If, in any fiscal year, the operation of such Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area is not profitable or is profitable but inadequate for the operating expenses for the Aerodrome or temporary takeoff and landing area pursuant to the rate stated in paragraph two, it shall be exempted or the operating expenses shall be collected at the amount equal to the profitable amount, as the case may be.

Section 60/29 The Aerodrome Control Committee and Aerodrome control officers appointed by the Aerodrome Control Committee may be remunerated as determined by the Minister.

The expenses and remuneration in controlling the Aerodrome shall be paid from the assets of the juristic person having obtained the Public Aerodrome Operating Certificate.

Section 60/30 When the Aerodrome Control Committee finds that the rationales for controlling the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area have no longer existed, a report shall be submitted to the Minister to order cancellation of the control, in which case Section 60/24 shall apply *mutatis mutandis*.

When the Minister has ordered cancellation of the control, the Aerodrome Control Committee shall deliver such Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area to the holder of the Public Aerodrome Operating Certificate in accordance with the rules set forth by the Director.

Section 60/31 The Director has the power to suspend a Public Aerodrome Operating Certificate in the following cases:

(1) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager is unable to perform the duties as stated in Section 60/14, Section 60/15, Section 60/16 or Section 60/17 and the Director has ordered rectification of the operation but the operation cannot be rectified to attain safety within the period of time pursuant to the order of the Director, the Director shall determine a period of suspension as may be appropriate. Each period of suspension shall not exceed six months;

(2) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager fails to allow the Director or Competent Official to carry out actions under his/her powers and duties, or fails to follow the order of the Director or Competent Official under Section 60/20.

Section 60/32 The Director has the power to revoke a Public Aerodrome Operating Certificate in the following cases:

(1) There is necessity of national security;

(2) There is a major change concerning the physical characteristics of a Licenced Aerodrome or Temporary Takeoff and Landing Area or areas near the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area, which is so different from the time of issuance of the Public Aerodrome Operating Certificate that it causes unsafe condition for the use of such Aerodrome or temporary takeoff and landing area;

(3) There is a change in safety standards for operation of a Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area, which has an impact on safety for the operation of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area in an insoluble manner;

(4) The holder of a Public Aerodrome Operating Certificate had obtained the certificate as a result of producing false or incomplete facts with intention to unlawfully obtain the certificate;

(5) The holder of a Public Aerodrome Operating Certificate lacks the qualifications or characteristics under Section 60/3 or Section 60/4, and fails to rectify them within a specified period of time pursuant to the order of the Director;

(6) The holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager violates or fails to comply with Section 60/14, Section 60/15, Section 60/16 and Section 60/17, which caused severely unsafe condition to the users;

(7) There are orders of suspension of a Public Aerodrome Operating Certificate twice or more within a period of two years.

When the Director has ordered revocation of the Public Aerodrome Operating Certificate, the holder of the Public Aerodrome Operating Certificate shall return the Public Aerodrome Operating Certificate to the Director within seven days from the date of acknowledgement of the order of revocation of the certificate.

Section 60/33⁹⁵ For the purpose of continuity of public services, if there is an order to suspend or revoke a Public Aerodrome Operating Certificate under Section 60/31 or Section 60/32, the Minister or the Director may order the Competent Official to operate the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area temporarily in order to mitigate the difficulties which will happen to the public, in which case Section 60/23, Section 60/24 Section 60/25, Section 60/26, Section 60/27, Section 60/28, Section 60/29 and Section 60/30 shall apply *mutatis mutandis*.

Section 60/34⁹⁶ (Repealed)

Section 60/35⁹⁷ (Repealed)

⁹⁵ Section 60/33 was added by the Air Navigation Act (No. 11) B.E. 255, and amended by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

⁹⁶ Section 60/34 was added by the Air Navigation Act (No. 11) B.E. 2551, and repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

⁹⁷ Section 60/35 was added by the Air Navigation Act (No. 11) B.E. 2551, and repealed by the Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558.

Chapter 6 bis

Departure Passenger Service Charge⁹⁸

Section 60/36 In this chapter,

“Fiscal Year” means a fiscal year for which the owner or operator of a Licenced Aerodrome shall prepare an account pursuant to the law on accounting, but for an administrative agency, State agency and State enterprise which is not a limited company or public company, shall include a budget year pursuant to the law on budget procedure.

Section 60/37 A departure passenger service charge shall be collected for the purposes of Aerodrome safety and maintenance, procurement and improvement of Aerodrome facilities for passengers, environmental preservation and reduction of pollution caused by the use of an Aerodrome.

The owner or Air Operator of a Licenced Aerodrome may collect a departure passenger service charge from Aircraft passengers at the Licenced Aerodrome when approved by the Minister, with the recommendations of the Civil Aviation Board.

Section 60/38 The owner or operator of a Licenced Aerodrome wishing to collect a departure passenger service charge under Section 60/37 shall submit an application to the Director in order to propose to the Minister for approval in accordance with the rules and procedures prescribed in requirements.

Section 60/39 A departure passenger service charge shall be spent on the following matters:

- (1) Repair, improvement or expansion of an Aerodrome;
- (2) Procurement, improvement or operation of Aerodrome facilities for passengers;
- (3) Improvement of Aerodrome safety and Security;
- (4) Construction or installation of equipment to reduce noise effect caused by the use of an Aerodrome;
- (5) Environmental preservation and reduction of pollution caused by the use of an Aerodrome;
- (6) Other matters in association with an Aerodrome as approved by the Minister.

⁹⁸ Chapter 6 bis was added by the Air Navigation Act (No. 4) B.E. 2504. The name of this chapter “Departure Passenger Service Charge”, and Section 60/36 to Section 60/46 were added by the Air Navigation Act (No. 11) B.E. 2551.

Section 60/40 The owner or operator of a Licenced Aerodrome approved to collect a departure passenger service charge under Section 60/37, paragraph two shall prepare:

- (1) A budget showing the revenues and expenditures of the departure passenger service charge in accordance with the rules for allocation approved by the Director;
- (2) An annual budget divided into an investment budget and an operation budget;
- (3) A financial report showing the revenues, expenditures as well as problems and difficulties of receiving and spending the departure passenger service charge received.

The annual budget under (2) shall be submitted to the Director at least ninety days before the beginning of the Fiscal Year. In addition, if the expense of the investment budget exceeds the amount specified in the Ministerial Regulations, a project shall be proposed to the Minister for approval in advance in accordance with the rules and procedures stipulated by the Minister.

The financial report under (3) shall be submitted to the Director every half of the Fiscal Year within sixty days from the due date.

Section 60/41 For the purpose of facilitating passengers, the owner or operator of a Licenced Aerodrome may request the Director to require that an Aircraft owner or registrant, or an Air Operator collect a departure passenger service charge on the behalf of such person.

The Director shall have the power to order that the Aircraft owner or registrant, or the Air Operator be a collector of the departure passenger service charge in accordance with the rules and procedures prescribed in requirements, and may also specify that remuneration may be granted to the collector for collecting the departure passenger service charge.

The person under paragraph two has the duty to collect the departure passenger service charge and remit it to the owner or operator of the Licenced Aerodrome in accordance with the rules, procedures and periods of time specified in requirements. If the total amount of the departure passenger service charge is not remitted in whole or in part within the specified period of time, such person shall reimburse the owner or operator of the Licenced Aerodrome for the amount of the non-remitted service charge together with the surcharge of twenty-five percent per annum.

Section 60/42 For the purpose of controlling collection and expenditure of the departure passenger service charge, the Director or Competent Official shall have the following powers and duties:

(1) To enter a Licenced Aerodrome or place of business of the owner or operator of the Licenced Aerodrome or of a person having a duty to collect pursuant to Section 60/41, paragraph two between sunrise and sunset or during operation hours of such place in order to examine compliance with the provisions of this chapter;

(2) To examine the budgeting, collection of the departure passenger service charge, and accounting;

(3) To seize or attach an account, document or evidence concerning the departure passenger service charge;

(4) To call upon any person, by a written notice, to give a statement or deliver any document or material for consideration.

Section 60/43 For the purpose of managing an Aerodrome used for the general public, the Minister shall have the power to require that the owner or operator of the Licenced Aerodrome remit the money received from collecting a departure passenger service charge at a rate not exceeding ten percent to a working fund account under Section 60/44.

Section 60/44⁹⁹ The Department of Airports shall establish a working fund, called "Department of Airport Working Fund" with the objective to spend on improvement and development in safety or security of passengers, providing and improving facilities for passengers in the Licenced Aerodrome, environmental protection and pollution reduction from airports and support other related businesses for the benefit of passengers, including for spending on airport management or other related activities as necessary.

Department of Airport Working Fund consists of the following money and assets;

(1) money or assets transferred from the working fund under Section 60/44 of the Air Navigation Act B.E. 2497, as amended by the Air Navigation Act (No.11) B.E. 2551;

(2) government grants or money allocated from the Annual Expenditures Budget which the Minister submit to the Council of Ministers to consider for approval, which has to specify altogether the amount and reason of necessity in order to request that subsidy;

⁹⁹ Section 60/44 was amended by the Air Navigation Act (No.14) B.E. 2562.

- (3) money or assets remitted to the working fund account under paragraph three;
- (4) money or assets donated or devoted to the working fund;
- (5) interest of money or income from assets of the working fund.

The following money or assets shall be remitted to the working fund account under paragraph one:

(1) service charges, tariffs or monetary remunerations of Licenced Aerodrome operated by the Department of Airports which were collected under Section 56 (2)(3)(4) and (5)

(2) Passenger Service Charge of Licenced Aerodrome operated by the Department of Airports which were collected under section 60/37 paragraph two;

(3) surcharge under Section 60/41 paragraph three;

(4) Passenger Service Charge under Section 60/43;

(5) fares, freight, fees or service fees that exceeds the rate according to Section 60/45;

(6) money or assets generated by the use of spaces of the Licenced Aerodrome operated by the Airport Department. In case of that money or properties generated by the use of 'Ratchaphatsadu Land', the written agreement between the Department of Airports and the Treasury Department shall be implemented.

Money and assets of the working fund under paragraph two do not have to deliver to the treasury as public revenue under the Law on State Fiscal and Financial Disciplines and the Law on Treasury Reserve.

Spending of money and assets from the Department of Airport Working Fund shall follow the objectives stated under paragraph one. In spending money or properties of the working fund, the money and properties from the working fund under (3) of paragraph two, except the money collected under (1) and (6) of paragraph three, shall not be used in airport management activities or other related activities. Nevertheless, the remaining money or assets left after spending according to the project or plan in the previous year can be used as supporting money for expenses of airport management activities or other related activities.

Rules and procedures for receiving, payment, storage money and procuring benefits of money or assets of the Department of Airport Working Fund shall be in accordance with the regulations prescribed by the Working Fund Management Committee with approval from the Ministry of Finance.

Except as provided in this Section, management, the Working Fund Management Committee and its officer, accounting and auditing, evaluation and other matters related to the Department of Airport Working Fund shall be in accordance with the law on working fund management.

Section 60/45 If an Air Operator, the owner or operator of an Aerodrome or Temporary Takeoff and Landing Area for Aircraft, the owner or operator of an Air Navigation Facility, or the operator of Ramp Services collects an air fare, air freight or fee, or service charge in excess of the rates specified under Section 20, Section 56, Section 57, Section 60/37, paragraph two or Section 60 *sexies* as the case may be, the Director General shall order that the surplus be remitted to the working fund account under Section 60/44 within a specified period of time but not exceeding fifty days. In the event of failure of remittance, there shall be the surcharge at the rate of twenty-five percent per annum.

If there are reasonable grounds, the Director General may approve the extension of the due time in remitting the surplus or surcharge provided that the interest shall be paid at the average loan interest rate of general commercial banks in accordance with the rules set forth by the Director.

In case of dispute, the law on administrative procedure on appeals against administrative orders shall apply *mutatis mutandis*.

Section 60/46 The provisions of this chapter shall also apply to a Licenced Temporary Takeoff and Landing Area which provides public services.

Section 60 bis¹⁰⁰ (Repealed)

Section 60 ter¹⁰¹ (Repealed)

¹⁰⁰ Section 60 *bis* was added by the Air Navigation Act (No. 4) B.E. 2504 and repealed by the Air Navigation Act (No. 5) B.E. 2507.

¹⁰¹ Section 60 *ter* was added by the Air Navigation Act (No. 4) B.E. 2504 and repealed by the Air Navigation Act (No. 11) B.E. 2551.

Chapter 6 *ter* **Ramp Services and Aircraft Technical Services** ¹⁰²

Section 60 *quarter* The Minister shall have the power to publish in the Government Gazette to designate a Ramp of a Licenced Aerodrome.

When the Minister has designated any Ramp of the Licenced Aerodrome, no person shall provide Ramp Services or Aircraft Technical Services unless an operator licence to provide Ramp Services or Aircraft Technical Services as the case may be has been obtained from the Competent Official, with the approval of the Minister.

Section 60 *quinquies* The holder of an operator licence for Ramp Services or Aircraft Technical Services shall have the qualifications and characteristics pursuant to regulations or be a foreign designated airline accepted by Thailand in accordance with an air services agreement and the country which has designated such airline does not impose prohibitions or restrictions upon a Thai designated airline to operate Ramp Services or Aircraft Technical Services in that country.

Rules, procedures and conditions for the issuance, period of validity, suspension and revocation of the operator licence for Ramp Services or Aircraft Technical Services shall be prescribed in the Ministerial Regulations.

The holder of the licence under this Section shall comply with the conditions specified by the Competent Officer.

Section 60 *sexies* An operator of Ramp Services shall not collect a Ramp Services charge in excess of the rate approved by the Director, with the endorsement of the Minister.

Section 60 *septies* No person shall enter a Ramp unless the Security measures stipulated by the owner of a Licenced Aerodrome or person assigned by the owner to be a custodian of the Licenced Aerodrome are complied with.

A person entering a Ramp shall comply with regulations.

¹⁰² Chapter 6 *ter* – Ramp Services and Aircraft Technical Services, from Section 60 *quarter* to Section 60 *septies*, was added by the Air Navigation Act (No. 7) B.E. 2521.

Chapter 7

Accident and Incident Investigation ¹⁰³

Section 61 In this Chapter;

“Accident” means an occurrence associated with the operation of an aircraft which causes the aircraft damage or missing, or causes danger to a person life and body, as announced by the Aircraft Accident and Incident Investigation Commission.

“Incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

“Serious Incident” means an incident involving circumstances indicating that there was a high probability of an accident, as announced by the Aircraft Accident and Incident Investigation Commission.

“Aircraft Custody” means preservation and protection of an accident or serious incident aircraft, any part thereof and its contents whether inside or outside the aircraft for a period that is necessary for the purpose of investigation. It shall include protection against damage that may occur from access, pilfering, destroy, deterioration or any actions that may cause damage to the aircraft in whole or in part, or to any items of the accident or serious incident aircraft.

“Investigation” means a process which includes the gathering, recording and analysis of information and details involving related evidence, the conclusions of causes and contributing factors, and the making of safety recommendations for the purpose of preventing the occurrence of accident and incident.

“Flight Recorder” means a recorder installed in the aircraft for the purpose of complementing accident or incident investigation.

“Office of AAIC” means Office of the Aircraft Accident and Incident Investigation Commission

“Director of AAIC” means the Director of Office of the Aircraft Accident Investigation Commission

¹⁰³Chapter 7 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Part 1
Aircraft Accident and Incident Investigation Committee

Section 62 There shall be the Aircraft Accident and Incident Investigation Commission, abbreviated as “AAIC” (“Kor Sor Or”), comprising the chairman, one vice chairman and other commissioners not exceeding seven persons, appointed by the Minister under the approval by the Council of Ministers, who shall have experience and expertise in flight operations, aircraft engineering, aviation medicine, air traffic control, laws or other areas related to civil aviation which are beneficial to AAIC operations.

There shall be three full time AAIC commissioners.

The Director of AAIC shall be a secretary of the AAIC. The Permanent Secretary of Transport shall appoint, as advised by the Director of AAIC, not more than two government officials of Office of AAIC as assistant secretaries.

The appointment of AAIC chairman, vice chairman and commissioners shall be in accordance with rules and conditions prescribed by the Council of Ministers.

The Office of AAIC is an administrative unit of the AAIC responsible for managing and supporting the AAIC in technical areas, conducting researches and studies, performing activities in relation to operations of the AAIC and sub commissions appointed by the AAIC, and performing other works as prescribed in this Chapter or as designated by the AAIC.

Section 63 In addition to qualifications prescribed in Section 62, paragraph one, AAIC chairman, vice chairman and commissioners shall possess qualifications and shall not be under prohibitions as follows.

- (1) being of Thai nationality;
- (2) being an age not less than forty-five years;
- (3) not being a holder of a political position, a committee member or a holder of a position in a political party, a member or an officer of a political party;
- (4) not being a government official, an employee or a wage-earner of a government unit or organization having conflict of interest or conflicting with AAIC operations;
- (5) not being a committee/board member of a government unit or organization having conflict of interest or conflicting with AAIC operations;
- (6) not being a committee/board member or a holder of positions or a person who undertake any activities of a private business or a professional organization having conflict of interest or conflicting with AAIC operations;
- (7) possessing qualifications and being under prohibitions prescribed in the Ministerial Regulation;

A person appointed as chairman, vice chairman and commissioners shall present credible evidences that he/she has resigned from the position, left the position, or ceased to engage in activities in accordance with (4), (5) or (6) to the Director of AAIC within fifteen days from the date of appointment. In the case that the appointed person does not proceed within the specified period, it shall be deemed that such person has never been appointed as AAIC chairman, vice chairman or commissioner as the case may be.

Section 64 AAIC chairman, vice chairman and commissioners shall hold office for a term of four years from the date of appointment.

AAIC chairman, vice chairman and commissioners who retire from office upon the expiration of term shall remain in office to perform duties until AAIC chairman, vice chairman and commissioners newly appointed are in charge.

Section 64/1 Apart from retirement from office upon the expiration of term, the AAIC chairman, vice chairman and commissioners retire from office upon:

- (1) death;
- (2) resignation;
- (3) attain the age of seventy years;
- (4) being an incompetent person or quasi-incompetent person;
- (5) lack of qualifications or being under prohibitions prescribed in Section 63;
- (6) being subject to a final sentence of imprisonment, regardless of the sentence having been suspend, except the suspension of a sentence for an offence committed negligently, a minor offence or a defamation offence;
- (7) being discharged from office by the Council of Ministers upon a Minister advice due to incompetence, failure of duty or malfeasance, or misconduct;

In case of full-time commissioners, not being able to perform duties full time shall cause the full-time commissioner retiring from office under paragraph one.

In case of the AAIC chairman, vice chairman or commissioners retire form office under paragraph one or paragraph two as the case may be, the AAIC shall be deemed as comprising the remaining commissioners and shall continue to perform duties, except when there are AAIC chairman, vice chairman and commissioners remained in total less than five persons. The Minister, under the approval by the Council of Ministers, shall appoint the AAIC chairman, vice chairman or commissioners to replace the empty position. Such appointed person shall hold office for a period of a remaining term of the AAIC chairman, vice chairman or commissioner whom he/she replaces.

Section 64/2 Upon an AAIC commissioner retirement from office upon the expiration of term under Section 64 or by other causes under Section 64/1, the Minister, under the approval by the Council of Ministers, shall appoint the AAIC commissioner without delay.

Section 64/3 Meetings, meeting procedures, votes and performing duties of the AAIC shall be in accordance with rules, means and conditions prescribed by the AAIC.

Section 64/4 The AAIC shall have following duties and powers;

- (1) To prescribe accidents and serious incidents investigation rules and procedures;
- (2) To conduct investigations into accidents and serious incidents.
- (3) To participate in accident and incident investigations conducted by foreign states, as appropriate.
- (4) To analyze aviation safety data, and accident, serious incident and incident data.
- (5) To produce accident and serious incident investigation report.
- (6) To recommend aviation authorities in Thailand and other states any preventive measures discovered during the course of the investigation that it is necessary to be taken promptly to enhance aviation safety;
- (7) To address safety recommendations to concerning persons/organizations in Thailand, accident investigation authorities of concerning foreign States and the International Civil Aviation Organization (ICAO), as appropriate, and monitor actions taken;
- (8) To consider safety recommendations from accident investigation authorities of foreign States in order to distribute them to concerning persons/organizations to consider taking actions, and monitor actions taken;
- (9) To prepare an annual performance report for submission to the Council of Ministers and the Civil Aviation Board;
- (10) To perform other duties as stated in this Act or other laws, or as designated by the Minister or the Council of Ministers.

In performing duties under (1) (2) (4) and (5), the AAIC may specify based on characteristics of accidents, incidents or serious incidents as appropriate.

In performing duties under paragraph one, the AAIC may appoint subcommissions to perform duties as designated by the AAIC.

In performing duties under paragraph one, the AAIC shall perform in accordance with the Convention and its Annexes.

Section 64/5 AAIC commissioners and subcommissioners shall receive remunerations, meeting allowances, expenses for performing duties and other benefits as prescribed by the Council of Ministers.

Part 2

Accident and Incident Investigation

Section 64/6 For the purpose of accident or serious incident investigation, the AAIC shall have the following powers;

(1) To enter a land, building, tenement or construction on which an accident or incident aircraft, any parts thereof or any objects carried by the aircraft fell or is present;

(2) To control, inspect or search an accident or incident aircraft, or objects or any items in the aircraft;

(3) To access in order to conduct an inspection or search in an aerodrome or a temporary takeoff and landing area where an accident or incident aircraft took off or landed, related air traffic control unit premises, or related air navigation facility locations;

(4) To conduct an inspection or search any documents or objects which are evidences related to the investigation. The AAIC shall have powers to seize or control such evidenced documents or objects as necessary for the purpose of investigation. The AAIC shall produce a list of seized or controlled documents or objects for their owners or possessors;

(5) To conduct an examination or order to conduct an examination of an accident or incident aircraft or any part thereof, or aircraft or aircraft part of the same type with the accident or incident aircraft, or to conduct an examination or order to conduct an examination of any items or objects without delay in order to get the result for supporting the investigation;

(6) To order related persons to give a statement or deliver any documents or objects which are related evidences.

In performing duties under paragraph one, the AAIC may designate the Office of AAIC, or AAIC appointed organization or person to perform duties under paragraph one in whole or in part, and may request other organizations or officers for assistance in performing the duties or to provide supports.

The AAIC designated organization or person, or the other organizations or officers requested to provide assistances or supports under paragraph two shall receive compensations or remunerations as necessary as the case may require as appropriate in accordance with rules and rates prescribed by the AAIC with the approval of Ministry of Finance, reimbursed from the budget of the Office of Permanent Secretary, Ministry of Transport.

Section 64/7 The accident and serious incident investigation under this Act shall be conducted for the purpose of obtaining information for the improvement of aviation safety in order to prevent same accidents and incidents to happen again. It is not the purpose of this investigation to apportion blame or liability to any person.

The AAIC shall have powers to investigate accident or serious incidents happened in areas as follows;

(1) in the Kingdom;

(2) when happens to Thai registered aircrafts, not in area stated in (1),

(a) in the territory of a non-contracting state which does not intend to conduct an investigation in accordance with the Convention and Annexes.

(b) in an area not in the territory of any state.

In addition to conducting the investigation under paragraph one, the investigation under this Chapter shall be conducted separately from other investigations, judicial proceedings and any proceedings of other organizations having power to investigate in accordance with other laws for the purpose of apportioning blame or liability to a person as prescribed in the laws.

The AAIC may conduct an investigation into an incident that affects or may affect safety of aircraft operations significantly. The investigation of such incident shall be in accordance with rules and procedures prescribed by the AAIC. The AAIC may prescribe such rules and procedure to be the same as the investigation of the serious incident. The AAIC shall have powers as prescribed in Section 64/6 *mutatis mutandis*.

For the purpose of accident and serious incident investigation under this Act, the AAIC may establish a work agreement with other organizations having duties and powers to investigate in accordance with other laws.

Section 64/8 The AAIC shall conduct the investigation under Section 64/7 independently without direct or indirect interference. The AAIC shall consider the purpose of the investigation to determine causes of accident and incident, and safety of air navigation as priority.

No organization under Section 64/7, paragraph three shall call the AAIC chairman, vice chairman, commissioners, AAIC subcommissioners, and AAIC designated organizations or persons related to investigation to be a witness concerning an accusation or liability related to the investigation conducted by such organization.

Section 64/9 For the purpose of the investigation, the AAIC may request foreign states for assistance or accept requests from foreign states to assist in the investigation as appropriate in accordance with the Convention and Annexes.

Foreign States may request to appoint an accredited representative, advisors or experts to participate in the investigation, conducted by the AAIC under this Chapter, under supervision of the AAIC or the AAIC designated person in accordance with rules, procedures and conditions prescribed in AAIC regulations.

Section 64/10 When an accident or a serious incident happens to an aircraft in the Kingdom or to a Thai registered aircraft outside the Kingdom, an aircraft registrant, an aircraft owner, an aircraft possessor, an air operator, personnel, a repair station, an air navigation service provider or an aerodrome operator shall send a notification to the AAIC or an AAIC designated person immediately and make a preliminary report on accident or incident. Rules and procedures on notification and making the preliminary report shall be prescribed in AAIC regulations.

The AAIC regulations under paragraph one shall be announced to be known in general.

Section 64/11 When an accident happens, no one shall perform any acts whatsoever to an accident aircraft or any parts thereof or objects carried by such aircraft, except in case of an urgent necessity for safety of persons, or protection of such aircraft from damage by fire or other causes which may cause the aircraft or any parts thereof or objects carried by such aircraft destroyed, or when an administrative official or police calls for assistance.

Section 64/12 When an accident or a serious incident under Section 64/7 paragraph two happens to any aircraft in the Kingdom, the aircraft or any parts thereof, and objects carried by such aircraft shall be under custody of the AAIC or an AAIC designated person as necessary for the investigation.

Characteristics of an accident and a serious incident, as well as, rules and procedures to take custody of the aircraft under paragraph one shall be in accordance with AAIC regulations.

An aircraft registrant or an air operator shall be responsible for moving the aircraft from where an accident and a serious incident occurs. Otherwise, the AAIC or a designated AAIC person shall send a written order to the aircraft registrant or the air operator to move the aircraft within specified period. In case the order is disobeyed, the AAIC or an AAIC designated person shall have power to move the aircraft where the expense incurred from such operations shall be responsible by an aircraft registrant or an air operator.

Section 64/13 For the purpose of the investigation and the protection of evidences, the AAIC shall announce to specify an area where an accident or serious incident occurs and its surrounding area as an investigation control area, and make the announcement known in general. The specification period shall not exceed fifteen days. If necessary, the AAIC may extend the period further but not longer than fifteen days. The AAIC shall arrange an establishment of boundary marks of such investigation control area.

When the announcement on the investigation control area under paragraph one is made, no unauthorized person shall access into the area or perform any acts whatsoever to such aircraft or any parts thereof, and objects carried by such aircraft, unless obtaining a permission from the AAIC or an AAIC designated person.

In case that it is not necessary to control the area under paragraph one any longer, the AAIC shall announce a cancellation of the investigation control area, and make the announcement known in general.

Section 64/14 In the event of an accident happens to any aircraft in the Kingdom causing a person to death, the AAIC shall notify an official having duties and powers to conduct an autopsy as prescribed in the Criminal Procedure Code to conduct an autopsy immediately and submit an autopsy report to the AAIC without delay.

In case of a dead person under paragraph one is personnel involving with the accident, the AAIC shall coordinate with the official having duties and powers under paragraph one to create autopsy rules and procedures in order to obtain information necessary for the investigation.

Section 64/15 In the event of an accident or a serious incident happens, personnel involving with such accident or serious incident shall proceed to receive a medical examination without delay. If the personnel do not proceed to receive the medical examination, the AAIC or an AAIC designated person shall have power to control and bring such personnel to receive the medical examination in accordance with rules and procedures prescribed in AAIC regulations. The personnel shall submit the medical examination result to the AAIC without delay.

Section 64/16 In conducting an accident or serious incident investigation, the AAIC may conduct the investigation or appoint AAIC subcommissions comprising one full time AAIC commissioner as the chairman and other subcommissioners not exceeding four persons appointed from a person being or not being a government official or employee of the Office of AAIC in order to perform duties and be responsible to conduct such accident or serious incident investigation.

In an appointment of the AAIC subcommission under paragraph one, the AAIC shall appoint the subcommissioners from persons having knowledge and expertise in accident or serious incident investigations who have qualification, knowledge and competency as prescribed in the AAIC regulations. In this connection, the AAIC may create a list of such knowledge and expertise persons.

The AAIC subcommission under paragraph one shall have duties and powers to investigate as same as the AAIC does. When the investigation is completed, the subcommission shall report the investigation result and produce the investigation report in order to produce the Final Report under Section 64/19 to the AAIC.

Performing of duties and the conduct of investigation of the subcommission shall be in accordance with AAIC regulations.

Section 64/17 No one shall disclose audio recordings or voices recorded in the cockpit, and image recordings or images and voices recorded in the image records during flight in a flight recorder including transcripts made from such records in whole or in part, except for the purpose of investigation under this Chapter or for investigations or any other actions prescribed by laws.

Section 64/18 In conducting the investigation under this Chapter, the AAIC and related personnel shall maintain confidentiality of information, documents or evidences relating to the investigation which are in control or under custody of the AAIC or AAIC designated persons, The disclosure of such information, documents or evidences shall be made only as necessary and for the purpose of investigation only.

Information, documents or evidences relating to the investigation under paragraph one are as follows;

(1) cockpit voice recordings and airborne image recordings and any transcripts from such recordings;

(2) information records, documents or evidences relating to the investigation as follows;

(a) statements of persons given to the AAIC;

(b) communication between persons having been involved in the operation of the aircraft;

(c) medical or private information of persons involved in the accident or incident;

(d) recordings and transcripts of recordings from air traffic control units;

(e) analysis of and opinions about information related to accidents and incidents made by the AAIC and other concerning persons/organizations;

(f) draft accident or incident investigation reports.

(3) other information records, documents or evidences related to the investigation as prescribed by the AAIC.

Section 64/19 The AAIC shall produce and complete a final report of accident or serious incident investigation as soon as possible.

Prior to producing the final report under paragraph one, the AAIC shall send a draft final report to concerning persons/organizations or foreign States inviting their comments to the draft report within a period as deemed appropriate.

Concerning persons/organizations and foreign States, and procedures to draft the final report under paragraph two shall be as prescribed by the AAIC. Such concerning persons/organizations and foreign States shall have measures to prevent the

discloser of information and details in such draft report.

The final report shall not be used in an investigation process by polices, judicial proceedings or any other actions having purposes to apportion blame or liability to any person.

Chapter 7/1 **Search and Rescue of Aircraft in Distress¹⁰⁴**

Section 64/20 In this Chapter;

“Search and Rescue of Aircraft in Distress” includes search and rescue of persons in distress from an Aircraft;

“The Office of the NSARC” means the Office of the National Search and Rescue Committee;

“The Director of NSARC” means the Director of the Office of NSARC.

Section 64/21 There shall be the National Search and Rescue Committee, abbreviated as NSARC (“Kor Chor Yor”), comprising the Minister of Transport as Chairman, the Permanent Secretary of the Ministry of Transport as the Vice Chairman, the Permanent Secretary of the Ministry of Natural Resources and Environment, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Public Health, the Supreme Commander, the Commander-in-Chief of the Royal Thai Army, the Commander-in Chief of the Royal Thai Navy, the Commander-in-Chief of the Royal Thai Air Force, and the Commissioner General of the Royal Thai Police as Committee Members .

The Director of NSARC shall be a Committee Member and Secretary. The Permanent Secretary of the Ministry of Transport, upon the recommendation of the Director of NSARC, shall appoint not more than two civil servants from the Office of the NSARC as assistant secretary.

Section 64/22 The NSARC shall have following powers and duties;

(1) To formulate the policy, guidance, measures and define the Search and Rescue Region (SSR) of Thailand;

(2) To endorse the National Search and Rescue Plan [National SAR Plan] with consideration for standards and recommended practices of the International Civil Aviation Organization (ICAO);

¹⁰⁴ Chapter 7/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

(3) To formulate measures for search and rescue in accordance with the standards in the regulations issued under Section 15/17 (7);

(4) To formulate rules and procedures related to search and rescue including the issuance of announcements or orders to proceed in accordance with such rules and procedures;

(5) To prescribe rules regarding compensation and payments for search and rescue operations in compliance with the National SAR Plan, with the endorsement of the Ministry of Finance;

(6) To provide recommendations, advice and supporting the operations and development of the national SAR system;

(7) To perform other works as prescribed in this Act or in other laws or as assigned by the Minister or the Council of Ministers.

When the NSARC has approved the plan under (2), the Office of the NSARC shall notify the agencies related to the implementation of the plan in order to comply with the plan.

When performing its duties under paragraph one, the NSARC may appoint sub-committees to perform one of its duties or may delegate some of its tasks or as assigned. The provisions of Section 11 and Section 12 shall be applied to the meetings of the sub-committees.

Section 64/23 The National SAR Plan under Section 64/22 (2) shall comply with the policies, guidelines and measures for search and rescue specified by the NSARC under Section 64/22 (1) and at least it must contain the following essence:

(1) Guidance and measures for systematic and continuous of search and rescue;

(2) Procedures for the notification, the search and immediate rescue of an Aircraft in imminent danger, including the removing of injured and dead people, the duties of public health organizations, planning and systematic solving of problems related to communication and transport;

(3) Lists of government agencies, local administrations, and relevant agencies that are responsible for activities in (1) and (2). Also specify the private sector those will be able to support or provide assistance in the process;

(4) The budget for the operations, the guidance for the preparation of personnel training, equipment, tools and operating systems for search and rescue missions in accordance with (1) and (2).

Section 64/24 The Office of the NSARC shall function as the Rescue Coordination Centre [RCC] which is the government's central agency for search and rescue of the country. The RCC shall coordinate with other related agencies to rescue

an aircraft in distress or missing or an aircraft that has lost contact, which requires an immediate search and rescue [service], and [the Office of the NSARC] shall have the following duties and powers:

- (1) To develop the National SAR Plan and propose to the NSARC for approval according to Section 64/22 (2);
- (2) To regulate search and rescue of aircraft in distress in accordance with the measures prescribed by the NSARC under Section 64/22 (3);
- (3) To study and research to find measures for effective search and rescue of aircraft in distress;
- (4) To operate, coordinate, support and provide assistance to the government agencies, local administrations, private sector and other parties related to search and rescue of aircraft in distress, and provide initial assistance to the victims and people receiving danger or damaged;
- (5) To recommend, advise and provide training for search and rescue of aircraft in distress to the government agencies, local administrations, private sector and other related parties;
- (6) To monitor, inspect and evaluate the implementation of the operations under the National SAR plan;
- (7) To perform any other tasks as prescribed in this Act or in other laws, or as assigned by the NSARC or the Council of Ministers.

Section 64/25 In the case of military aircraft or state aircraft is in danger, missing, or loss of contact, the agencies related with such aircraft may request the NSARC to provide search and rescue in accordance with the provision of this Chapter.

Section 64/26 When an aircraft is in danger, missing or loss of contact within the Kingdom, the Air traffic Services Provider [and] the owner or the operator of the Licenced Aerodrome or the Licenced Temporary Take-off and Landing Area for Aircraft shall notify the RCC immediately upon knowing.

For the purpose of search and rescue of aircraft in distress, the aircraft registrant, the aircraft owner or the Air Operator, in case of Thai-registered aircraft, or the representative of the aircraft registrant; the aircraft owner; or the Air Operator, in case of foreign-registered aircraft, shall provide information regarding the aircraft in distress to the RCC when requested.

Section 64/27 When an aircraft is in danger, missing or loss of contact or when there has been notified of distress under Section 64/26, the Office of the NSARC shall report to the Minister and the NSARC without delay.

The Provincial Governor of the area in which the incident occurs shall be the ‘On-Scene Commander’ to control and monitor the search and rescue operation according to the National SAR Plan and this Act. And for the purpose of the search and rescue mission, the ‘On-Scene Commander’ shall have the power to set up the ‘Command Post’, command and order the government agencies, local administrations, private sector and other related parties as necessary. The RCC shall also provide support and assistance to the ‘On-Scene Commander’ as well.

In case that there are other reasons necessary, the Minister may consider appointing another person or changing the ‘On-Scene Commander’ as appropriate.

When the search and rescue mission has completed, the ‘On-Scene Commander’ shall notify the RCC to terminate search and rescue mission.

Section 64/28 In order to allow the search and rescue operation to be able to proceed effectively, the ‘On-Scene Commander’ shall have the power to define the [specific] areas designated for the search and rescue mission.

No person, who is not involved [with the SAR mission], shall enter the areas under paragraph one, unless authorized by the ‘On-Scene Commander’ or in the case of urgent or emergency necessities to help people who are near danger.

Chapter 8

Powers to Inspect, Seize and Delay

Section 65¹⁰⁵ For the purpose of performing duties under this Act, the Competent Official or the Aviation Inspector shall have the power to call for the documents under Section 16, or any other document issued under this act, or any other civil aviation document in accordance with the Director’s Announcement, from concerned persons for inspection. In addition, if there appears violation of the provisions of this Act in relation to any document, the Competent Official or the Aviation Inspector shall have the power to seize such document to further the process.

Section 65/1¹⁰⁶ The Competent Official or the Aviation Inspector shall have the power, by notice, to require any person involved in civil aviation to clarify, declare or provide statement, or deliver the documents under Section 16, or any other document issued under this act, or any other civil aviation document or related information within a period of time specified in that notice.

¹⁰⁵ Section 65 was amended by the Air Navigation Act (No. 14) B.E. 2562.

¹⁰⁶ Section 65/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

Documents or information under paragraph one shall be the document or information which are within the knowledge or in custody or under control of that person or which the Competent Official or the Aviation Inspector considers necessary for aviation inspection.

In the event that a person is requested to provide an explanation or a statement, the Competent Official or the Aviation Inspector shall proceed the following:

(1) record the person's answers or statement at the interview in writing;

(2) allow that person to read over that written record in (1) [in order to verify the accuracy of his answers or statement] then require the person to sign that written record.

If an interpreter or translator is required to translate the language in order to provide such person information regarding the recorded content, that interpreter or translator shall also sign such written record.

Section 66¹⁰⁷ To carry out actions under this Act, the Competent Official or the Aviation Inspector shall have the following powers:

(1) To enter any place of a Licenced Aerodrome, Temporary Takeoff and Landing Area for Aircraft or the location of Air Navigation Facility;

(2) To enter a factory or place in which an aircraft or the part of an aircraft is built, assembled, repaired, or inspected removed/adjusted, and to inspect such activities as well as various parts and types with respect to such parts during operation hours;

(3) To enter an aircraft which fly into or depart from or within the Kingdom of Thailand; and the premises of the Air Operator and Air Navigation Service Provider;

(4) To get on, inspect and search an Aircraft upon having reasonable grounds to believe that there are on board of goods prohibited or restricted under this Act or any other laws or goods imported to or to be exported from the Kingdom by evasion of customs duties;

(5) To inspect an aircraft, which has a certificate of airworthiness from time to time as may be appropriate;

(6) To enter and inspect an aircraft storage;

(7) To seize goods prohibited or restricted under this Act or any other laws or goods imported in or to be exported from the Kingdom by evasion of customs duties.

¹⁰⁷Section 66 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 67 When there is violation of the provisions of this Act with respect to any Aircraft, the Competent Official shall have the power to delay the departure of such Aircraft.

Section 67/1¹⁰⁸ In performing the duties under this Act, the Director, person assigned by the Director, or Competent Official shall present an Identification Card to a person concerned.

The Identification Card shall be in accordance with the form specified by the Director by announcing in the Government Gazette.

Section 67/2¹⁰⁹ In performing the duties under this Act, the Director, the person assigned by the Director, or the Competent Official shall be an official under the Penal Code.

Section 67/3¹¹⁰ In performing duties under this Act, the concerned person must facilitate and not taking any action which obstructs the performance of the Competent Official and the Aviation Inspector.

Section 67/4¹¹¹ For the purpose of inspection and enforcement of the provisions of this Act or any other laws under the duties and powers of The Civil Aviation Authority of Thailand, the Competent Official and the Aviation Inspector shall have the power to enter into an Aircraft, Premises in order to search such aircraft or premises, or enter and search Air Navigation Facilities, and aviation-related document in such place during operation hours or in the proper time for the purposes of ensuring that those operators are comply with or proceed in accordance with this Act.

In performing duties under paragraph one, the Competent Official and the Aviation Inspector shall have the following powers:

(1) To examine any object, make copies or extracts from any book or document found on any aircraft or premises reasonable grounds to believe that there is any information relating to the enforcement and execution of this Act;

(2) To require any person to furnish information or submit documents to the Civil Aviation Authority of Thailand, or return such information or documents or any other material necessary for the proper execution of this act,

¹⁰⁸ Section 67/1 was added by the Air Navigation Act (No. 11) B.E. 2551.

¹⁰⁹ Section 67/2 was added by the Air Navigation Act (No. 11) B.E. 2551.

¹¹⁰ Section 67/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹¹¹ Section 67/4 was added by the Air Navigation Act (No. 14) B.E. 2562.

(3) To use any computer to examine data and reproduce or print out a copy of any record or list of any that information relevant to the execution or enforcement of this Act;

(4) To query any person who is at or has been at the premises to obtain information on any matter in connection with the execution of this Act;

(5) To order a person who controls or maintains books, documents or any items that is in the premises, showing the book, document or item immediately or at any time or place;

(6) To order any person who has the possession or custody of or control books, documents or items related to the business of an employer, to deliver such books, documents or items immediately or within the specified time and place;

(7) To conduct Testing Security Controls and Security Measures of the Licenced Aerodrome Operator or a Licenced Temporary Takeoff and Landing Area Operator, Air Operator, Air Navigation Service Provider and Regulated Agent or Regulated Postal Authority.

In searching or examination under paragraph one, the Competent Official or the Aviation Inspector may be accompanied by an interpreter and any other person as appropriate and necessary required to assist the Competent Official and the Aviation Inspector in conducting the inspection.

In exercising the powers under this Section, the Competent Official and the Aviation Inspector shall show the Credential Card to the owner or the responsible person of that place or other related persons.

Any information obtained from the search or examination under this Section, which has a confidential or as personal information or is information sensitive in business or is information related to the ownership or property that nature shall not be made public, shall keep confidential. Unless obtaining permission from a person related to such information or being used for legal action purposes.

Section 67/5¹¹² In the event that it is necessary for the purpose of inspection and regulating and oversight the implementation of this Act, the Competent Official or the Aviation Inspector may enter into dwelling house or specific private place after receiving consent from the occupant or having a court warrant.

In performing under paragraph one, if any items are moved from the place which the search has done, the Competent Official or the Aviation Inspector must issue a receipt showing the items that have been moved to the owner or person controlling the place. And must bring such items returned as soon as possible after being used for the purpose of moving.

¹¹² Section 67/5 was added by the Air Navigation Act (No. 14) B.E. 2562.

The Competent Official or the Aviation Inspector who performs the duties under this section may have an interpreter or other person as appropriate and necessary to provide assistance to the Competent Official and the Aviation Inspector.

Section 67/6¹¹³ The Competent Official or the Aviation Inspector who performs a search or examination under Section 67/4 or Section 67/5 may notify in writing to the owner or person controlling the premise or any person involved in correcting or providing appropriate measures to comply with this Act or comply with any other law that provides for the execution within the period specified by the Competent Official or the Aviation Inspector.

The Notification of Compliance under paragraph one shall have at least the following items:

- (1) Details related actions that are considered non-compliance with laws;
- (2) The steps that must be taken and the timing of those steps;
- (3) Things that are prohibited to do and determine the period that prohibits such actions;
- (4) The process that must be performed in submission the appeal for the Notification of Compliance.

In the case that there is a reasonable cause, the Competent Official or the Aviation Inspector may order to amend or change the list stated in such Notification of Compliance and may extend for a specified period of time.

In the event that the person who is required to comply with the Notification of compliance fails to comply with the specified items, the Competent Official or the Aviation Inspector shall report to the Director for further action.

Filing an appeal for the issuance of the Notification of Compliance under paragraph one is not effect on the execution of such Notification while waiting for the results of the appeal,

Section 67/7¹¹⁴ The Competent Official or the Aviation Inspector shall have the power to prohibit the Owner or Aircraft Registrant, Air Operator, Or Crew Members of the aircraft not to operate the aircraft in situations of any reason or suspicion where the:

- (1) Aircraft may not be airworthy;
- (2) Crew Member may not be qualified or physically or mentally capable for the flight;
- (3) Operation of the Aircraft may cause imminent danger to persons or property on the ground;

¹¹³ Section 67/6 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹¹⁴ Section 67/7 was added by the Air Navigation Act (No. 14) B.E. 2562.

(4) Aircraft owner or registrant or Air Operator do not pay the civil aviation regulatory fees under the law on the Civil Aviation Authority of Thailand or any other fees or charges arising from the using of service of the aviation service providers, such as airport service, air navigation service or other services as specified by the Director which are due to be paid in whole or in part, or does not pay penalty or surcharge resulting from late payment of fees or service fees in accordance with the rules and procedures announced by the Director;

(5) Not to pay fines arising from violations or failing to comply with this Act.

In the proceedings under paragraph one (1) (2) and (3), the Competent Official or the Aviation Inspector may carry out the steps that necessary to detain the aircraft or prevent the Crew Member from operating the flight under paragraph one in accordance with the rules and procedures prescribed by the Director.

In the proceedings under paragraph one (4) or (5), after prohibiting the aircraft to fly, the Competent Official or the Aviation Inspector shall report to the Director as soon as possible. And if there is necessary to delay the aircraft until payment of fees, service charge, penalties, surcharges or fines are made the Competent Official or the Aviation Inspector shall propose to the Director to issue an Aircraft Delay Order. And may also set conditions that must be complied with as necessary.

Section 67/8¹¹⁵ In the event that there is a reasonable grounds to believe that any aircraft is intended or likely to be flown under circumstances where the flight would involve a contravention of this Act or any regulations, requirements, notifications, rules, orders, or administrative orders issued under this Act or any other Law; or the flight shall cause imminent danger to persons in the aircraft or to persons or property on the ground, the Director may order to detain that aircraft, or in the case of necessity may also close the services of any facilities for such aircraft.

When the Director is satisfied that this Act, regulations, requirements, notifications, rules, orders, or administrative orders issued under this Act or any other Law, is complied with, the Director shall have an order to cancel such an aircraft detention order or closure of facilities services order.

Section 67/9¹¹⁶ If it appears on reasonable grounds to believe that there is a person who intend likely to do one of the following acts, the Competent Official or the Aviation Inspector may prohibit the holder of certificate, licence, letter of permission, letter of approval or letter of validation from exercising the privileges of those certificate, licence, letter of permission, letter of approval or letter of validation:

(1) violating this Act or regulations, requirements, notifications, rules, orders, or administrative orders issued under this Act;

(2) there is an imminent danger to persons in the aircraft or to persons or property on the ground.

¹¹⁵ Section 67/8 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹¹⁶ Section 67/9 was added by the Air Navigation Act (No. 14) B.E. 2562.

A prohibition imposed under paragraph one shall be in accordance with the rules and procedures and period of time prescribed by the Director.

Section 67/10¹¹⁷ Foreign Air Operator who operated in Thailand must prepare a letter of appointment for representatives in Thailand to act on receiving notification, orders or decisions issued under this Act and proceeding as notified on behalf of such Foreign Air Operator. By sending the appointment letter to the Director General before commencing operations in Thailand.

Any Notification, order or decisions under this Act, may be issued to any Air Operator or Foreign Air Operator by sending to its head office or the office of its appointed agent, as the case may be, which shall be considered as being issued to such Air Operator or Foreign Air Operator.

In sending a Notification order or decisions issued under this Act, if the appointed person under paragraph one does not appear, sending shall be made by posting a notice at the office of the appointed agent or posting in any information network system of the Civil Aviation Authority of Thailand.

Section 67/11¹¹⁸ Filing a complaint for any action or omission that is violation of this Act or regulations, requirements, notifications, rules or orders, or any administrative orders issued under this Act, must be process in writing to the Director General.

Filing and accepting complaints, consideration and investigation of complaints under paragraph one shall be in accordance with the rules, procedures and period as prescribed by the Director General.

Section 67/12¹¹⁹ Any person who has damage or unfairness from the order of the Competent Official or Aviation Inspector issued under this Act and not a statement issued by the Director may appeal against the order to the Director within fifteen days from the date received such orders.

The Director shall consider the appeal and complete the reasoning. The decision must be made in writing and notify the appellant of the matter within seven days from the date of receiving the appeal.

The decision of the Director under paragraph two is the final judgment.

¹¹⁷ Section 67/10 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹¹⁸ Section 67/11 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹¹⁹ Section 67/12 was added by the Air Navigation Act (No. 14) B.E. 2562.

Filing and accepting appeal, consideration an appeal shall be accordance with the Director's Notification which must at least contain the criteria for giving the opportunity to the parties to express themselves, express and dispute information and proofs, in considering the appeal.

This appeal is not a reason for respite the order of such Competent Official or Aviation Inspector.

Chapter 9 **Penalty Provisions**¹²⁰

Section 67/13¹²¹ Any person who violates or fails to comply with the provisions issued under paragraph 15/10 paragraph two in matters relating to Section 15/10 paragraph one (1) or (3) shall be liable to a fine from fifty thousand Baht to five hundred thousand Baht. And in the case of a consecutive offence, an additional fine of two thousand Baht per day shall be imposed until compliance has been achieved.

Section 67/14¹²² Any person who commits any of the following actions shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding one million Baht or both:

- (1) Provide Air Navigation Services without receiving a certificate under Section 15/18;
- (2) Manufacture aircraft without obtaining a licence under Section 41/21;
- (3) Manufacture major aircraft components without obtaining a licence under Section 41/32;
- (4) Operate a Repair Station without receiving a certificate under Section 41/84;
- (5) Operate a foreign aircraft maintenance business in the Kingdom of Thailand without obtaining a licence under Section 41/110
- (6) Use an aircraft for commercial air transportation without receiving a certificate under Section 41/113;
- (7) Operate civil aviation business without obtaining a licence under Section 41/25;
- (8) Being a Foreign Air Operator who operates commercial air transportation, enter into or departure from the Kingdom of Thailand without complying with Section 41/126 paragraph one;
- (9) Operate an Aerodrome or temporary takeoff and landing area for aircraft for public service without receiving a certificate under Section 60/1;

¹²⁰ Chapter 9 – Penalty Provisions, was amended by the Air Navigation Act (No. 14) B.E. 2562.

¹²¹ Section 67/13 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹²² Section 67/14 was added by the Air Navigation Act (No. 14) B.E. 2562.

(10) Take an Aircraft to perform operations in violation of the Prohibition Order under Section 67/7 paragraph one;

(11) Providing Air Navigation Facilities in violation of the Order Suspend the Service under Section 67/8;

(12) Exercising the rights granted under the certificate, licence, letter of permission or letter of approval by violating the Prohibition Order under Section 67/9.

Section 67/15¹²³ The holder of Air Navigation Services Certificate or Air Operator Certificate or Civil Aviation Business Operation Licence, who violate or not comply with the rules, requirements, conditions, limitation, regulation, as the case may be, under Section 15/20, paragraph two, Section 41/117, Section 41/125 paragraph two or Section 41/126 paragraph two, shall be liable to a fine from fifty thousand Baht to five hundred thousand Baht. And in case of consecutive offence, an additional fine of ten thousand Baht per day shall be imposed until compliance has been achieved.

Section 67/16¹²⁴ Any holder of Air Navigation Services Certificate who has violated or failed to comply the duties prescribed in Section 15/22 shall be liable to a fine from fifty thousand Baht to five hundred thousand Baht.

Section 67/17¹²⁵ Any holder of Air Navigation Services Certificate who fails to return an Air Navigation Services Certificate under Section 15/24 paragraph two, any aircraft registrant who fails to return a Certificate of Registration under Section 32 paragraph two, any holder of Air Operator Certificate who fails to return an Air Operator Certificate under Section 41/121 paragraph two, or any holder of Public Aerodrome operating Certificate who fails to return a Public Aerodrome Operating Certificate under Section 60/32 paragraph two, shall be liable to a fine not exceeding fifty thousand Baht, and shall be liable to a fine not exceeding fifty thousand Baht and additional fine of two thousand Baht per day until returned.

Section 67/18¹²⁶ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht, or both:

¹²³ Section 67/15 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹²⁴ Section 67/16 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹²⁵ Section 67/17 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹²⁶ Section 67/18 was added by the Air Navigation Act (No. 14) B.E. 2562.

(1) Failing to allow the Director General or Competent Official or Aviation Inspector to exercise their authorities under Section 15/25, Section 41/57, Section 41/119, Section 60/20, Section 60/42, Section 65, Section 65/1, Section 66, or Section 67/4;

(2) Failing to allow the AAIC carry out actions under Section 64/6.

Section 67/19¹²⁷ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht, or both:

(1) Receive, store, carry, transfer or transport of Dangerous Goods on board an Aircraft without obtaining permission from the Director under Section 15/27;

(2) Violating or not complying with requirements, terms and conditions, limitation, and guidance for the operation with Dangerous Goods or Prohibited Items or Special Care Items issued by the Director under Section 15/28 and Section 15/30;

(3) Receive, store, carry, transfer or transport or Prohibited Items or Special Care Items on board an Aircraft without obtaining permission from the Director under Section 15/29;

(4) Send or carry on board an aircraft of Dangerous Goods or Prohibited Items or Special Care Items without declared information to the carrier under the Requirement of the Director under Section 15/31;

(5) Flying an Aircraft into the Strict Restricted Areas or Specific Restricted Areas by violating the condition or limitation under Section 22 paragraph one;

(6) Flying an Aircraft into the Dangerous Areas by not following the instructions of the Director or Competent Official under Section 22 paragraph three;

(7) Sending or carrying munitions of war on board an Aircraft without obtaining permission from the Minister under section 25;

(8) Being any of the Personnel without obtaining a Personnel licence from the Competent Official, or without receiving a certificate of validation of a licence issued by a State Party to the Convention or a State entering into an agreement with Thailand under section 42, or a Personnel licence comes from conversion under Section 50/6, or a Personnel licence issued or validated under the laws of the country of the registration of aircraft under Section 50/7;

(9) Performing duties as Personnel without obtaining a Medical Certificate under Section 50/9.

In the case of a pilot in command who makes a flight with knowing that there is an offence under (1) (2) (3) or (7) is being committed shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht, or both.

¹²⁷ Section 67/19 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 67/20¹²⁸ Any person who has obtained permission under Section 15/27, Section 15/29, Section 24, Section 25, Section 53 paragraph two or Section 60 *quinquies* paragraph three who violates or fails to comply with a condition prescribed in granting of the permission shall be liable to a fine not exceeding fifty thousand Baht.

Section 68¹²⁹ Any person who commits any of the following acts shall be liable to a fine not exceeding one hundred thousand Baht:

(1) Flying an Aircraft without a certificate of registration; Certificate of Airworthiness; journey log book; communication radio licence, should there be any communication radio; passenger manifest; and cargo manifest on board the Aircraft under Section 16 (1), (3), (4), (6), (7), (8) or (9);

(2) Flying an Aircraft on which nationality and registration marks are not displayed or to which an Aircraft identification plate is not affixed under Section 16 (2);

(3) Flying an Aircraft with the Personnel who does not take his/her own Personnel licence on board under Section 16 (5);

(4) Flying a Private Aircraft without a Private Aircraft licence on board the Aircraft under Section 29 *quinquies*;

(5) Flying an Aircraft in violation of, or non-compliance with, airworthiness limitations or other limitations under Section 41/2, paragraph two or Section 41/4, paragraph one or conditions or limitations on operation under Section 41/9, paragraph two in relation to safety without reasonable grounds.

Any person flying an Aircraft that is not registered under Section 30, that does not have a journey log book under Section 16/1, or that has Personnel who does not have a Personnel licence or a certificate of validation of a licence issued by a State Party to the Convention or a State entering into an agreement with Thailand on board the Aircraft under Section 42, or a Personnel licence comes from conversion under Section 50/6, or a Personnel licence issued or validated under the laws of the country of the registration of aircraft under Section 50/7 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand Baht on both.

Section 69 Any Aircraft registrant or Air Operator who commits any of the following acts shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht or both:

¹²⁸ Section 67/20 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹²⁹ Section 68 was amended by the Air Navigation Act (No. 14) B.E. 2562.

- (1) Failing to provide a journey log book under Section 16/1, paragraph one, or providing an incomplete journey log book under Section 16/1, paragraph two;
- (2) Failing to retain a journey log book as prescribed in the requirements issued under Section 16/1, paragraph three;
- (3) Failing to display nationality and registration marks or affix an Aircraft identification plate as prescribed in the requirements issued under Section 33.

Section 70 Any Aircraft Commander who records no particular in a journey log book, records incomplete particulars in a journey log book, or records untruthful particulars in a journey log book under Section 16/1, paragraph two shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

Section 71¹³⁰ Any Air Operator who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both:

- (1) Failing to provide a passenger manifest or a cargo manifest under Section 16/3, paragraph one, or providing an incomplete or untruthful manifest;
- (2) Failing to retain a manifest, or to record particulars in a manifest as prescribed in the requirements under Section 16/3, paragraph two;
- (3) Failing to provide a flight plan or an operational flight plan as stated in Section 16/4.

Section 72¹³¹ Except in case of emergency which may endanger an Aircraft or persons on board an Aircraft or for the Emergency Medical Services, any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both:

- (1) Having an Aircraft taken off or landed in violation of Section 17 or Section 50/14;
- (2) Flying an Aircraft outside airways specified in the requirements issued under Section 18.

¹³⁰ Section 71 was amended by the Air Navigation Act (No. 12) B.E. 2553.

¹³¹ Section 72 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 73 ¹³² Any Aircraft Commander who commits any of the following acts shall be liable to a fine not exceeding one hundred thousand Baht:

- (1) Flying an Aircraft without a flight plan under Section 18/1;
- (2) Violating or failing to comply with the air traffic rules prescribed in the regulations issued under Section 18/2;
- (3) Violating or failing to comply with the air traffic rules prescribed in the regulations issued under Section 18/3;
- (4) Violating or failing to comply with those prescribed in the regulations issued under Section 19.

Section 74 ¹³³ [Any] person who commits any of the following acts shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both:

(1) The Air Navigation Service Provider collects the service charge inconsistent with the rates specified by the Director under Section 15/27 or the Air Operator collects the fare or freight inconsistent with the rules and procedures prescribed by the Civil Aviation Board or exceeding the rates specified in the regulations of the Civil Aviation Board under Section 41/130

(2) The owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft providing services to the public collects a service charge, a tariff or any other monetary remuneration other than those prescribed in Section 56, paragraph one or in excess of the rates prescribed or approved by the Civil Aviation Board under Section 56, paragraph two or paragraph three as the case may be;

(3) **(Repealed)**

(4) The board of directors, directors and officers of a juristic person having obtained a Public Aerodrome Operating Certificate operate any business of the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area in violation of, or non-compliance with, Section 60/26;

(5) The owner or operator of a Licenced Aerodrome collects a departure passenger service charge, without obtaining the approval from the Minister, or in excess of those approved by the Minister under Section 60/37, paragraph two;

(6) Any Ramp Services operator collects a service charge in excess of the rate approved by the Director under Section 60 *sexies*.

¹³² Section 73 was amended by the Air Navigation Act (No. 14) B.E. 2562

¹³³ Section 74 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 75¹³⁴ Any Aircraft registrant, Air Operator, Air Navigation Service Provider, Personnel or holder of a Public Aerodrome Operating Certificate who violates Section 21 paragraph one shall be liable to a fine not exceeding one hundred thousand Baht.

Any person on board an Aircraft, or any other person subject to this Act who violates Section 21 paragraph one shall be liable to a fine not exceeding fifty thousand baht.

Any Air Operator or holder of a Public Aerodrome Operating Certificate and business operator in a Licenced Aerodrome, or person having the duty to comply with the National Civil Aviation Safety Program or the National Civil Aviation Security Program, who violates Section 21 paragraph two shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both.

Section 76¹³⁵ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both:

(1) Flying an Aircraft into the Strict Restricted Areas or Specific Restricted Areas designated by the Director without obtaining permission under Section 22 paragraph one;

(2) Flying a Thai Aircraft out of the Kingdom without obtaining written permission from the Competent Official under Section 27;

(3) Flying a Foreign Aircraft over, or having it taken off or landed in, the Kingdom without the right or without obtaining written permission from the Minister under Section 28;

(4) Flying a foreign military Aircraft over, or having it taken off or landed in the Kingdom without obtaining written permission from the Minister under Section 29.

Section 77 Any person who violates Section 23 or Section 60 *septies*, paragraph one or paragraph two shall be liable to a fine not exceeding fifty thousand Baht.

¹³⁴ Section 75 was amended by the Air Navigation Act (No. 14) B.E. 2562.

¹³⁵ Section 76 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 78 Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand Baht or both:

(1) Commanding or releasing a pilotless Aircraft or releasing a Parachute without obtaining written permission from the Minister under Section 24;

(2) Obstructing or avoiding the screening under Section 60/17, Section 60/18 or Section 60/19;

(3) Obstructing the assumption or control of the operation of a Licenced Aerodrome or Licenced Temporary Takeoff or Landing Area under Section 60/23 or Section 60/33;

(4) Failing to inform the Aerodrome Control Commission of possession of property or documents in relation to an Aerodrome or Temporary Takeoff or Landing Area, the operation of which is controlled under the order pursuant to Section 60/27.

Section 79 (Repealed)¹³⁶

Section 80 (Repealed)¹³⁷

Section 81 Any person who flies a Private Aircraft without obtaining permission from the Director under Section 29 *bis*, paragraph one shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand Baht or both.

Section 82 Any holder of a Private Aircraft operating licence who violates or fails to comply with the conditions specified in the attachment to the licence under Section 29 *bis*, paragraph two shall be liable to a fine not exceeding fifty thousand Baht, and in the case of a continual offense, also a fine of ten thousand Baht per day until correct compliance.

Section 83 (Repealed)¹³⁸

¹³⁶ Section 79 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

¹³⁷ Section 80 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

¹³⁸ Section 83 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

Section 84 Any person who displays or uses nationality and registration marks or an Aircraft identification plate on an Aircraft so as to be different from those prescribed in the requirements under Section 33, or flies an Aircraft on which nationality and registration marks or an Aircraft identification plate is displayed or used with knowledge that the nationality and registration marks or Aircraft identification plate is unlawfully displayed or used on the Aircraft shall be liable to imprisonment for a term of one year to seven years or a fine of forty thousand Baht to two hundred eighty thousand Baht or both.

Section 85 Any Holder of the Type Certificate who fails to inform the order of the Director under Section 41/11, paragraph two shall be liable to a fine not exceeding fifty thousand Baht.

Section 86 Any holder of a production certificate for Products who commits any of the following acts shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht:

(1) Violating or failing to comply with the regulations issued under Section 41/18 (1), (3), (7) or (8);

(2) Violating or failing to comply with the forms, procedures, conditions or limitations as specified in the production certificate for Products as stated in Section 41/31, paragraph one or Section 41/35, paragraph one or Section 41/41 or Section 41/51;

(3) Failing to inform the Director of Production of Aircraft Replacement Parts or TSO Articles which have a minor difference from the design under Section 41/42 (1) or Section 41/52 (1).

Section 87¹³⁹ Any holder of a production certificate for, or any person having the right to produce Products who violates or fails to comply with the regulations issued under Section 41/18 (2) or the requirements issued under Section 41/55 paragraph two or Section 41/56 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

Section 88 Any holder of a production certificate for Products who violates or fails to comply with the regulations issued under Section 41/18 (4), (5) or (6) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

¹³⁹ Section 87 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 89. (Repealed) ¹⁴⁰

Section 90 Any holder of a Production Certificate for Aircraft or Production Certificate for Major Aircraft Appliances who produces an Aircraft or Major Aircraft Appliance in violation of, or non-compliance with, the conditions or limitations specified by the Director under Section 41/27, paragraph three or Section 41/33 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

Section 91 Any person who produces an Aircraft Replacement Part without obtaining permission under Section 41/37 or produces a TSO Article without obtaining permission under Section 41/47 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding six hundred thousand Baht or both.

Section 92 Any holder of a Production Certificate for Aircraft Replacement Parts or Production Certificate for TSO Articles who produces an Aircraft Replacement Part or TSO Article so as to make a major difference from the design without obtaining permission from the Director under Section 41/42 (2) or Section 41/52 (2) shall be liable to a fine of one hundred thousand Baht to one million Baht.

Section 93 Any Aircraft owner, Aircraft registrant or Air Operator who produces a part to be used for Maintenance of its Aircraft or Major Aircraft Appliances without obtaining permission from the Director under Section 41/44, paragraph one shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both.

Section 94 Any Aircraft owner, Aircraft registrant or Air Operator who produces a part to be used for Maintenance of its Aircraft or Major Aircraft Appliances or uses such part in violation of, or non-compliance with, the conditions or limitations on Production or operation specified by the Director under Section 41/44, paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.

¹⁴⁰ Section 89 was repealed by the Air Navigation Act (No. 14) B.E. 2562.

Section 95 Any person who forges Product marks or codes on Products under Section 41/55 shall be liable to imprisonment for a term of one year to seven years or a fine of two hundred thousand Baht to one million four hundred thousand Baht or both.

Section 96 (Repealed)¹⁴¹

Section 97 Any holder of a production certificate for Products who transfers the production certificate without obtaining permission under Section 41/60, or any holder of a Public Aerodrome Operating Certificate who transfers the Public Aerodrome Operating Certificate without obtaining permission under Section 60/21 shall be liable to a fine not exceeding two hundred thousand Baht.

Section 98¹⁴² Any officer of the holder of a production certificate having obtained a certificate of authority to issue a Certificate of Airworthiness or an Airworthiness Approval Tag who violates or fails to comply with the rules issued under Section 41/66 paragraph four or under Section 41/74 paragraph two; or any person or persons assigned by the owner or operator of a Licenced Aerodrome or Temporary Takeoff and Landing Area for Aircraft who violates or fails to comply with the rules and procedures for search or screening pursuant to the requirements issued under Section 50/24 paragraph two; or any officer of the holder of a Public Aerodrome Operating Certificate or Air Operator, or any representative of an Air Operator who violates or fails to comply with the rules and procedures for screening pursuant to the requirements issued under Section 60/17 paragraph two and such act is not an offense relating to malfeasance in office under the Penal Code shall be liable to a fine not exceeding fifty thousand Baht.

Section 99 Any person who maintains an Aircraft by using a Product in violation of Section 41/79 shall be liable to imprisonment for a term of six months to five years or a fine of one hundred thousand Baht to one million Baht or both.

Section 100 Any Aircraft registrant or Air Operator who violates or fails to perform the duties under 41/80 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

¹⁴¹ Section 96 was repealed by the Air Navigation Act (No. 14) B.E.2562

¹⁴² Section 98 was amended by the Air Navigation Act (No. 14) B.E.2562

Section 101 Any person who flies an Aircraft in violation of Section 41/89 shall be liable to imprisonment for a term of one year to seven years or a fine of forty thousand Baht to two hundred thousand Baht or both.

Section 102 Any person who flies an Aircraft in violation of, or non-compliance with, the conditions specified by the Director under Section 41/90 or Section 41/91 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand Baht or both.

Section 103 Any holder of a Repair Station Certificate who commits any of the following acts shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht:

- (1) Violating or failing to comply with the procedures, conditions or limitations specified in the Repair Station Certificate under Section 41/99;
- (2) Violating or failing to comply with the conditions specified by the Director in supervising the operation subcontracted under Section 41/104, paragraph two;
- (3) Violating or failing to comply with the conditions or limitations on fabrication of Aircraft Parts specified by the Director in the permission for fabrication thereof to be used for Maintenance under Section 41/105, paragraph two.

Section 104 Any officer or engineer of a repair station having the power to sign a letter of approval for return to service/Airworthiness Approval Tag who makes false approval under Section 41/101, paragraph one (1) and (2) shall be liable to imprisonment for a term of six months to five years or a fine of twenty thousand Baht to two hundred thousand Baht or both.

Any Repair Station Accountable Manager who is so careless that an officer or engineer of a repair station makes false approval under paragraph one shall be as liable as the officer or engineer of the repair station under paragraph one.

Any officer or engineer of a repair station having the power to sign a letter of approval for return to service/Airworthiness Approval Tag who violates or fails to comply with the rules issued under Section 41/102, paragraph three shall be liable to a fine not exceeding fifty thousand Baht.

Section 105. Any holder of a Repair Station Certificate or any Repair Station Accountable Manager who violates or fails to comply with the duties stated in Section 41/103 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

Section 106 Any holder of a Repair Station Certificate who fabricates an Aircraft Part for its own use without obtaining permission from the Director under Section 41/105, paragraph one shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding four hundred thousand Baht or both.

Section 107 Any owner, registrant or Air Operator of a Foreign Aircraft who fails to inform the Director of the Maintenance under Section 41/109, paragraph one shall be liable to a fine not exceeding five hundred thousand Baht.

Any owner, registrant or Air Operator of a Foreign Aircraft who violates or fails to comply with the rules issued under Section 41/109, paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.

Section 107/1¹⁴³ The holder of Civil Aviation Business Operator Licence who operates commercial air transportation under Section 41/124; or a Foreign Air Operator who obtain permission under Section 41/126 who fails to provide a contractual liability and a third-party insurance for the damage caused by an aircraft under Section 41/132 shall be liable to a fine not exceeding two million Baht.

Section 107/2¹⁴⁴ The holder of Civil Aviation Business Operator Licence who operates commercial air transportation under Section 41/124; or a Foreign Air Operator who obtain permission under Section 41/126 commits any of the following acts shall be liable to a fine from fifty thousand baht to five hundred thousand baht:

(1) Refuses to carriage of people with disabilities according to the Law on Empowerment of Persons with Disabilities which is not in accordance with Section 41/133 paragraph three;

(2) Fails to comply with the duties prescribed in Section 41/135

Section 107/3¹⁴⁵ The holder of Civil Aviation Business Operator Licence who operates commercial air transportation under Section 41/124; or a Foreign Air Operator who obtain permission under Section 41/126 fails to comply with the regulation of Civil Aviation Board related protection of passenger rights measures in domestic flights or international flights under Section 41/134 shall be liable to a fine from fifty thousand baht to five hundred thousand baht.

¹⁴³ Section 107/1, was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁴⁴ Section 107/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁴⁵ Section 107/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 108 Any Personnel who commit any of the following acts shall be liable to a fine not exceeding fifty thousand Baht:

- (1) Performing a duty without the privileges as prescribed in the regulations issued under Section 45;
- (2) Failing to comply with the disciplines prescribed in the regulations issued under Section 49;
- (3) Performing a duty in violation of Section 50.

Section 108/1¹⁴⁶ Any person without reasonable reasons violating or failing to comply with the Security Order issued to him under Section 50/22 (1) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both.

Section 108/2¹⁴⁷ Any person without reasonable reasons refusing to provide information under Section 50/23 paragraph one shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

Section 108/3¹⁴⁸ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred thousand Baht or both:

- (1) Change, conceal or destroy any information that must be submitted under Section 50/23 paragraph one;
- (2) Prepare or provide false information that must be submitted under Section 50/23 paragraph one.

Section 108/4¹⁴⁹ Any owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area who violates or fails to comply with specified duty under Section 50/24 paragraph one, Section 50/25, Section 50/37, Section 50/38 or Section 50/39; or fails to comply with the requirements on search or screening under Section 50/24 paragraph two or requirement on passenger and baggage screening carry on board an Aircraft on commercial flight under section 50/41 shall be liable to a fine from fifty thousand Baht to five hundred thousand Baht.

Section 108/5¹⁵⁰ Any person who commits any of the following acts shall be liable to imprisonment for a term not more than one year or a fine not exceeding forty thousand Baht Or both:

¹⁴⁶ Section 108/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁴⁷ Section 108/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁴⁸ Section 108/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁴⁹ Section 108/4 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵⁰ Section 108/5 was added by the Air Navigation Act (No. 14) B.E. 2562.

(1) violating or failing to comply with their duties in confidentiality under Section 50/27 paragraph two without reasonable reason;

(2) Being a Law Enforcement Officer carry weapons on board an Aircraft for performing the duties under such Law without obtaining permission from the Director individually; or do not comply with the rules or procedures prescribed by the Director under Section 50/34 paragraph one.

Section 108/6¹⁵¹ Any owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area, Air Operator, Air Traffic Service Provider, or Regulated Agent or Regulated Postal Authority who operate by violating Section 50/28, Section 50/29, Section 50/30 or Section 50/31, as the case may be, shall be liable to a fine not exceeding one million Baht.

Section 108/7¹⁵² Any owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area, Regulated Agent or Regulated Postal Authority, Air Operator, Air Traffic Service provider or other operators as specified in the National Civil Aviation Security Programme who violates or fails to comply with the duties prescribed in Section 50/32 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding four hundred thousand Baht or both.

Section 108/8¹⁵³ Any person without reasonable reason violates or do not perform their duties one or the other under Section 50/33 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht or both.

Section 108/9¹⁵⁴ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand Baht or both:

(1) Transports or possess weapon, explosive or inflammable object within a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area without obtaining a written permission from the owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area, or not an official who is in the process of performing duties as prescribed by Law under Section 50/35 paragraph one;

¹⁵¹ Section 108/6 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵² Section 108/7 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵³ Section 108/8 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵⁴ Section 108/9 was added by the Air Navigation Act (No. 14) B.E. 2562.

(2) Carry weapon, explosive or flammable object into a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area without obtaining a permission from the owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area, or not complying with the conditions or requirements of the owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area under Section 50/35 paragraph two;

(3) The tenant does not proceed in accordance with the Security Programme of the owner or operator of a Licenced Aerodrome or a Licenced Temporary Takeoff and Landing Area to control the access to the area that is relevant to him under Section 50/36.

Section 108/10. ¹⁵⁵ Any passenger who obstructs or avoids searching and screening under Section 50/41 shall be imprisonment for a term not exceeding one year or a fine not exceeding forty thousand Baht or both.

Section 109. Any person who establishes an Aerodrome or Air Navigation Facility without obtaining permission from the Competent Official under Section 51 or establishes a Temporary Takeoff and Landing Area for Aircraft without obtaining permission from the Competent Official under Section 53, paragraph one shall be liable to imprisonment for a term not exceeding ten years and a fine not exceeding two million Baht.

Section 109/1 ¹⁵⁶ Any person who lights and releases or does any acts in order to launch Bungfai (sky rocket), firework, Talai (firework with circular wing), Khomloy (floating lantern), Khomfai (fire lantern), Khomkwan (smoky lantern), or other similar objects up to the air that disturb or endanger air navigation or operation of aircraft within the air navigation safety zone, in violation of Section 59/1 shall be liable to imprisonment for a term not exceeding five years or fine not exceeding two hundred thousand Baht or both.

Section 109/2 ¹⁵⁷ Any person who violates or fails to comply with Section 59/2 or the notification prescribed by the Director under Section 59/2 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding one hundred and twenty thousand Baht or both.

¹⁵⁵ Section 108/10 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵⁶ Section 109/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵⁷ Section 109/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 109/3 ¹⁵⁸ Any person who violates or fails to comply with the notification under Section 59/3 paragraph one or fails to comply with conditions prescribed under Section 59/3 paragraph two shall be liable to imprisonment a term not exceeding one year or fine not exceeding forty thousand Baht or both.

Section 110 Any holder of a Public Aerodrome Operating Certificate or Public Aerodrome Manager who fails to supervise the Licenced Aerodrome or Licenced Temporary Takeoff and Landing Area under the certificate as obtained so that it shall [not] be used, or shall [not] be allowed to be used by another person, in breach of the conditions or limitations specified in the certificate under Section 60/16 shall be liable to a fine not exceeding two hundred thousand Baht and, in the case of a continued offense, shall also be liable to a fine of ten thousand Baht per day until correct compliance.

If the commission of the offense under paragraph one is an act in breach of the conditions or limitations specified in the certificate as the significant conditions or limitations, [such person] shall be liable to imprisonment for a term not exceeding six months and, in the case of a continued offense, shall also be liable to a fine of twenty thousand Baht until correct compliance.

Section 111 Any person who is a Public Aerodrome Manager without obtaining a certificate from the Director under Section 60/12 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding one hundred twenty thousand Baht or both.

Section 112 Any holder of a Public Aerodrome Operating Certificate or any Public Aerodrome Manager who violates or fails to comply with the duties stated in Section 60/15 shall be liable to a fine of fifty thousand Baht to five hundred thousand Baht.

Section 113 Any person who operates Ramp Services or Aircraft Technical Services without obtaining permission from the Competent Official under Section 60 *quarter*, paragraph two shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding four hundred thousand Baht or both.

Section 114 ¹⁵⁹ Any Aircraft registrant, Aircraft Owner or Aircraft Possessor, Air Operator, Personnel, Repair Station, Air Navigation Service Provider, or Aerodrome Operator who violates Section 64/10 shall be liable to a fine not exceeding two hundred thousand Baht.

¹⁵⁸ Section 109/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁵⁹ Section 114 was amended by the Air Navigation Act (No. 14) B.E. 2562.

Section 115¹⁶⁰ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding one year or fine not exceeding forty thousand baht or both:

(1) Performing any acts to an aircraft or aircraft part or object carried by such aircraft which violates Section 64/11;

(2) Accessing into the investigation control area or performing any acts to an aircraft or aircraft part or object carried by such aircraft which violates Section 64/13, paragraph two;

(3) Performing any acts whatsoever to an aircraft or aircraft part or object carried by such aircraft which are under custody of the AAIC or an AAIC designated person causing the detriment of the investigation and the preservation of evidences.

Section 115/1¹⁶¹ Any person who discloses audio recordings or voices recorded in the cockpit, image recordings or images and voices recorded during flight in a flight recorder, or transcripts made from such records which violates Section 64/17 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding two hundred thousand Baht or both.

Section 115/2¹⁶² Any Aircraft registrant, Aircraft owner, or Air Operator in the case of aircraft registered under Thai law, or the representative of the aircraft registrant, or the owner of the aircraft or the air operator in the case of a foreign aircraft who violates section 64/26 paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.

Section 115/3¹⁶³ Any person who enters an area designated by the On-Scene Commander as a search and rescue of a disaster aircraft area in violation of Section 64/28 paragraph two shall be liable to a fine not exceeding fifty thousand Baht.

¹⁶⁰ Section 115 was amended by the Air Navigation Act (No. 14) B.E. 2562.

¹⁶¹ Section 115/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁶² Section 115/2 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁶³ Section 115/3 was added by the Air Navigation Act (No. 14) B.E. 2562.

Section 116 Any person who has a Product for sale with knowledge that the Product is produced inconsistent with the type or standard indicated in the mark or code affixed to such Product shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

Section 117 Any person who forges a certificate, licence, letter of permission, or letter of approval/letter of validation/Airworthiness Approval Tag issued pursuant to the provisions of this Act shall be liable to imprisonment for a term of six months to five years or a fine of twenty thousand Baht to two hundred thousand Baht or both.

Any person who uses or refers to a document made by the commission of the offense under paragraph one shall be as liable as the offender under paragraph one.

If the offender under paragraph two is the person who forges the document under paragraph one, the punishment under paragraph two shall apply only.

Section 117/1¹⁶⁴ Any person who commits any of the following acts shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding one hundred and twenty thousand Baht or both:

(1) showing light or signal or any communication in place or in or in a manner that may cause misleading as a real light or signal related to Aerodrome or Air Navigation Facilities;

(2) Doing any acts that interfere with the operation of light or signal or communication related to Aerodrome or Air Navigation Facilities.

Section 118¹⁶⁵ In case that an offender [under this Act] is a juristic person, if the commission of the offense of the juristic person results from an order or act of a director, a manager or any person in charge of the conduct of the juristic person; or in case that such person has a duty to order or act and omits to order or act, resulting in the juristic person committing the offense, such person shall also be liable as specified for that offense.

Section 119 The settlement authority under Section 120 shall have the power to settle all offences under this Act which are punishable by solely a fine or by imprisonment for a term not exceeding one year or a fine.

The Director may issue regulations stating that recidivism or an offense considered serious is an offense not allowed to be settled by a fine under paragraph one.

¹⁶⁴ Section 117/1 was added by the Air Navigation Act (No. 14) B.E. 2562.

¹⁶⁵ Section 118 was added by the Air navigation Act (No.11), B.E.2551, and amended by the Act Amending Provisions of Laws Relating to Criminal Offenses of Representative of Juristic Persons, B.E. 2560.

Section 120 The settlement authority under this Act is:

(1) The inquiry official for an offense punishable by solely a fine not exceeding fifty thousand Baht or by imprisonment for a term not exceeding six months or by a fine under Section 77;

(2) The Director for an offense punishable by solely a fine not exceeding fifty thousand Baht or by imprisonment for a term not exceeding six months or by a fine, which is not the offense subject to the power of the inquiry official under(1);

(3) The Offense Settlement Committee appointed by the Minister for an offense punishable by solely a fine exceeding fifty thousand Baht or by imprisonment for a term not exceeding one year or by a fine, which is not an offense subject to the power of the inquiry official under (1) or of the Director under (2).

In the settlement under this chapter, the settlement authority under (2) or (3) shall impose a fine not exceeding one-half of the punishment provided for such offense.

Section 121 If the commission of an offense under this Act involves property made or possessed to be an offense or property used or possessed for use in the commission of the offense or property acquired by a person through the commission of the offense, such offense may be settled only when the offender consents that the exhibit property, seized or attached, shall become forfeited and vested in the State.

Section 122 There shall be a Settlement Committee appointed by the Minister comprising three persons: a representative of the Ministry of Transport, a representative of the Civil Aviation Authority of Thailand and a representative of the Office of the Attorney General.

Meetings and proceedings of the Settlement Committee shall be in accordance with those prescribed in a notification by the Minister.

Section 123 If the inquiry official finds that any person who commits an offense under Section 119 is not subject to the power of the inquiry official under Section 120 (1), the inquiry official shall, upon the consent of that person to the settlement, impart the matter to the Civil Aviation Authority of Thailand within seven days from the date such person expressed the consent to the settlement in order for the settlement authority to further the process.

Section 124 The Director shall have the power to issue regulations to establish rules and procedures for dealing with the property under Section 121.

Section 125 When the settlement authority has settled a case, the case shall be deemed as settled pursuant to the provisions of the Criminal Procedure Code upon an offender paying a fine of the settled amount within a period of time specified by the settlement authority which shall not exceed thirty days from the date of settlement.

Section 126 If an offender who consents to the settlement fails to pay the fine within the period of time under Section 125, the case shall continue and the prescription shall start counting from the due date of the fine pursuant to the order of the settlement authority.

Countersigned by
Field Marshal P. Pibulsonggram
Prime Minister

Rates of Fees ¹⁶⁶

(1) Permission to deliver, store, carry, transfer or transport of Dangerous Goods on board Aircraft in Section 15/27 and prohibited or Special Care Items in Section 15/29 ¹⁶⁷	20,000 Baht each
(2) Certificate of registration	100,000 Baht each
(3) Private Aircraft operating licence	10,000 Baht each
(4) Type Certificate for Aircraft	1,000,000 Baht each
(5) Type Certificate for Major Aircraft Appliances	500,000 Baht each
(6) Supplemental Type Certificate	100,000 Baht each
(7) Certification of Type Certificate for Aircraft or Major Aircraft Appliances or Supplemental Type Certificate issued by a State Party to the Convention or a country entering into the agreement with Thailand	100,000 Baht each
(8) Production Certificate for Aircraft	500,000 Baht each
(9) Provisional Production Certificate for Aircraft	200,000 Baht each
(10) Production Certificate for Major Aircraft Appliances	300,000 Baht each
(11) Production Certificate for Aircraft Replacement Parts	200,000 Baht each
(12) Production Certificate for TSO Articles	200,000 Baht each
(13) Certificate of Airworthiness	100,000 Baht each
(14) Export Certificate of Airworthiness	100,000 Baht each
(15) Airworthiness Approval Tag	10,000 Baht each
(16) Export Airworthiness Approval Tag	10,000 Baht each
(17) Certificate of authority for a designated manufacturing inspection representative to issue a Certificate of Airworthiness and Airworthiness Approval Tag	100,000 Baht each
(18) Repair Station Certificate	100,000 Baht each
(19) Personnel licence	20,000 Baht each

¹⁶⁶ Rates of Fees were repealed by the Air Navigation Act (No. 8) B.E. 2525, and added by the Air Navigation Act (No. 11) B.E. 2551.

¹⁶⁷ (1) amended by the Air Navigation Act (No. 14) B.E. 2562.

(20) Certificate of a Personnel licence issued by a State Party to the Convention or a State entering into the agreement with Thailand	4,000 Baht each
(21) Aerodrome establishment licence	
(a) For an Aerodrome providing public services	150,000 Baht each
(b) For a Private Aerodrome	100,000 Baht each
(22) Air Navigation Facility establishment licence	40,000 Baht each
(23) Temporary Takeoff and Landing Area for Aircraft establishment licence	
(a) More than 3 months	50,000 Baht each
(b) Less than 3 months	7,000 Baht each
(24) Public Aerodrome Operating Certificate	500,000 Baht each
(25) Provisional Public Aerodrome Operating Certificate	70,000 Baht each 30,000 Baht monthly
(26) Public Aerodrome Manager certificate	20,000 Baht each
(27) Operator licence for Ramp Services	40,000 Baht each
(28) Operator licence for Aircraft Technical Services	40,000 Baht each
(28/1) Air Operator Certificate	20,000,000 Bath each
(28/2) Civil Aviation Business licence	10,000,000 Bath each
(28/3) Air traffic management Service Certificate	1,000,000 Bath each
(28/4) Communications, Navigation and Surveillance Systems Service Certificate	1,000,000 Bath each
(28/5) Meteorological for Air Navigation Service Certificate	1,000,000 Bath each
(28/6) Aeronautical Information Services/Aeronautical Information Management (AIS/AIM) Certificate	1,000,000 Bath each
(28/7) Instrument Flight Procedure Design Service Certificate	1,000,000 Bath each
(28/8) Certificate of Aviation Training Organization	50,000 Bath each ¹⁷⁰

¹⁷⁰ (28/1)-(28/8) was added by the Air Navigation Act (No. 14) B.E. 2562.

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| (29) Replacement licence, certificate or letter of approval/letter of validation/
Airworthiness Approval Tag | Half rate of the respective licence, certificate or letter of approval/
letter of validation/
Airworthiness Approval Tag but not exceeding 2,000 Baht |
| (30) Renewal of a licence, certificate or letter of approval/letter of validation/
Airworthiness Approval Tag | Same as the fee for each licence, certificate or letter of approval/
letter of validation/
Airworthiness Approval Tag |

Transitory Provision for the Air navigation Act (No.13) B.E. 2562

Section 4. Any person who has been promoted according to the law on investment promotion and has engaged in aircraft production and major aircraft appliances production prior to the date on which this Act comes into force shall be able to continue the production provided that application for production licence has been submitted to the Director pursuant to Section 41/21 or Section 41/32 of the Air Navigation Act B.E. 2497 (1954), as amended by the Air Navigation Act (No. 11) B.E. 2551 (2008) as the case may be within one hundred and eighty (180) days from the date on which this Act comes into force. Upon submitting such application, the applicant can operate the production until the Director orders that the licence will not be granted.

For issuing the licence for aircraft production or licence for major aircraft appliances under Paragraph 1, the Director shall make consideration and issue an order within two (2) years from the date on which this Act comes into force.

During the period of production under paragraph 1, the Director has power to impose methods, conditions or limitations relating to production and utilization. Also, the Director has power to require that aircraft or major aircraft appliances to be produced or produced be identified with marks and codes and require that an airworthiness approval tag be issued and affixed to the major aircraft appliances pursuant to Section 41/27 paragraph 3, Section 41/55, Section 41/56 and Section 41/74 of the Air Navigation Act B.E. 2497 (1954), as amended by the Air Navigation Act (No. 11) B.E. 2551 (2008)

Transitory Provisions for the Air navigation Act (No.14) B.E. 2562

Section 65. The person who holds the position of other board member of the Civil Aviation Board, which the Cabinet appointed, on the day before the enforcement of this Act shall remain in the position until the end of the term.

All activities that are in the process of carrying out the duties and powers of the Civil Aviation Board before the date that this Act comes into force shall proceed as far as it is not contrary to or inconsistent with the Air Navigation Act BE 2487, as amended by this Act.

Section 66. The Operator who operates Air navigation services before the date this Act comes into force shall still continue to operate but having to apply for a certificate in accordance with the Air Navigation Act BE 2487, as amended by this Translated by the Civil Aviation Authority of Thailand

Act Within three hundred sixty days from the date this Act comes into force. And continue to operate the business until receiving an order not to issue such certificate from the Director

During the operation under paragraph one, the Air Navigation Service Provider must comply with the provisions relating to air navigation services according to the Air Navigation Act, 1947, as amended by this Act.

Section 67. The certificates and licences which is still valid on the day before the enforcement of this Act shall remain valid until the end of the certificate or licence;

(1) Air Operator Certificate issued by the Civil Aviation Authority of Thailand under Civil Aviation Board Regulation No. 85 on Air Operator Certificate

(2) Air Operation Licence issued under the Notification of the Revolutionary Party No. 58 dated 26 January B.E. 2515 which is considered to be a licence of commercial air transportation under Section 41/125 of the Air Navigation Act, B.E. 2497, as amended by this Act.

All application or requests for renewal of certificates or licences under this Section which was filed before the date this Act came into force and still not completed considered shall continue to proceed in accordance with the rules and procedures prescribed in the regulations or notifications under paragraph one. In this regard, the Director may prescribe additional rules or conditions in relation to the issuance or renewal of such certificate or licence in accordance with the amendments under this Act.

Section 68. The holder of Air Navigation Facilities Establishment Licence who obtained the licence on the day before the enforcement of this Act shall continue the service and shall charge the service charge according to the rate approved on the day before the date on which this Act comes into force until the Director changes the service rate under Section 15/26 of the Air Navigation Act B.E. 2497, as amended by this Act.

Section 69. The person who has obtained a permission to send or carry Dangerous Goods or Animals on board Aircraft before the date on which this Act comes into force and the period of permission has not yet ended shall continue permitted until expired or terminated.

Section 70. The Medical Certificate and the Aviation Training Organization Certificates that issued on the day before the date on which this Act comes into force and the period have not yet ended shall continue valid until expired or terminated.

Section 71. The Aircraft Accident and Incident Investigation Commission

under the Air Navigation Act B.E. 2497, which is amended by this Act, shall be appointed with ninety days from the date that this Act comes into force.

During the appointment of the Aircraft Accident and Incident Investigation Commission under paragraph one, the Aircraft Accident Investigation Committee under the Ministerial Regulation No. 143/2561 on an appointment of the Aircraft Accident Investigation Committee dated 15 June B.E. 2561 shall perform duties as necessary.

Section 72. The aircraft accident and incident Investigations, which have been conducted before the date that this Act comes to force and have not been completed, shall be proceeded in accordance with provisions under the Air Navigation Act B.E. 2497, which is amended by this Act.

For the purpose of investigations of any cases under paragraph one, if the Aircraft Accident and Incident Investigation Commission deems it appropriate to adopt rules and procedures prescribed in the Air Navigation Act B.E. 2 4 9 7, amended by this Act to such cases, it shall be as prescribed by the Aircraft Accident and Incident Investigation Commission.

Section 73. Formulating of Aircraft Search and Rescue Plan that has been carried out before the date on which this Act comes into force and not yet completed shall continue proceed in accordance with the provisions of the Air Navigation Act B.E. 2497, amended by this Act. In this regard, the Aircraft Search and Rescue Plan that has been done but not provided for in the Air Navigation Act B.E. 2497, as amended by this Act, further proceeding shall be determined by the NSARC.

Section 74. All business, money and assets, rights, liabilities, obligations and duties of the working capital under Section 60/44 of the Air Navigation Act B.E. 2489 before amendment by this Act shall be transferred to be the Department of Airport Working Capital according to the Air Navigation Act, B.E. 2497, as amended by this Act.

Section 75. All the Notifications and Orders of the Minister of Transport issued relating to air navigation business operation in order to proceed in accordance with the Notification of the Revolutionary Council No. 58 dated 26 January B.E. 2515 and is still in force on the day before the date this Act comes into force shall continue to apply until there are superseded by regulations or notifications of the Civil Aviation Board, Minister's order or the requirements of the Director in such matter issued under the Air Navigation Act, B.E. 2497, as amended by this Act.

Section 76. All Ministerial Regulations, Regulations, Requirements, Rules,

Notifications or Orders issued under the Air Navigation Act B.E. 2497 before amendment by this Act and is still in force on the day before the date on which this Act comes into force shall continue to be in force until there are superseded by ministerial regulations, regulations, requirements, notifications or orders in that matter issued under the Air Navigation Act B.E. 2497, as amended by this Act.

Section 77. The Minister of Transport shall be in charge of this Act.

Rational of each Amended

Air Navigation Act B.E. 2497¹

Remarks:- The rationales for promulgation of this Act are: whereas the development of civil aviation in the world has considerably progressed, and especially in a technical side, the number of aircraft flying in the country and to the Kingdom has unprecedentedly multiplied and current aircraft have higher speed and larger size than before, it is necessary to have a stricter control over air navigation operations and air traffic.

Therefore, it is expedient to improve the law on air navigation, include provisions to establish the Civil Aviation Board which has the power to issue regulations in accordance with this Act and Annexes to the Convention on International Civil Aviation done at Chicago on the 7th day of December B.E. 2487 (1944), to which Thailand is a party, and set forth provisions on establishment of air navigation facilities, on accidents, and on qualifications of personnel.

Air Navigation Act (No. 2) B.E. 2498²

Remarks:- The rationales for promulgation of this Act are: since it is found that aircraft commanders have had aircraft landed on a place other than a licenced aerodrome or a temporary takeoff and landing area licenced or designated in a notification by the Minister as specified by a competent official, and landed on a secret aerodrome and then flown from the country, which has considerably damaged the aircraft; and it is found that secret aerodromes have been increasingly built; therefore, it is expedient for the national safety to amend the law on air navigation to set forth stricter provisions and at the same time to impose a severer penalty.

Air Navigation Act (No. 3) B.E. 2502³

Remarks: - The rationales for promulgation of this Act are: whereas the law on air navigation currently in force has no provision to allow the possessor of aircraft to register the aircraft, it is expedient to allow that the possessor of aircraft who has reasonable grounds for aircraft registration be entitled to such registration when the Minister in charge of the enforcement of the Act considers that there are reasonable grounds to permit the registration.

¹ Government Gazette, Volume 71, Part 58, page 1249, 14 September B.E. 2497.

² Government Gazette, Volume 72, Part 63, page 1339, 23 August B.E. 2498.

³ Government Gazette, Volume 76, Part 122, Special Edition, page 56, 31 December B.E. 2502.

Air Navigation Act (No. 4) B.E. 2504⁴

Remarks:- The rationales for promulgation of this Act are: whereas aerodromes of various countries have recently collected a fee from passengers using an aerodrome as a port of embarkation on aircraft, and Thailand has had an appropriate number of aerodromes providing services to passengers, it is expedient to collect a fee from passengers departing from an aerodrome as widely practiced for the purpose of the State's revenue received and expenditure reduced.

Air Navigation Act (No. 5) B.E. 2507⁵

Remarks:- The rationales for promulgation of this Act are: to be in line with international practice and to be of the orderly manner on collection of fees for using an aerodrome, it is expedient to amend the law on air navigation to the extent of aerodrome fees to suit the situation.

Air Navigation Act (No. 6) B.E. 2514⁶

Remarks:- The rationales for promulgation of this Act are: whereas the development of civil aviation in the world has considerably progressed, and current aircraft have far more weight and larger size than before, it is expedient to amend the aircraft takeoff and landing fee to suit the situation and in accordance with the criteria prescribed in the regulations of the Civil Aviation Board; therefore, it is necessary to enact this Act.

Air Navigation Act (No. 7) B.E. 2521⁷

Remarks:- The rationales for promulgation of this Act are: whereas provision of services in a ramp and technical services is a business closely connected with the safety of aircraft and aircraft passengers, and with facilitation and safety in air navigation and civil aviation, it is expedient to establish rules thereon to make such services orderly and efficient in accordance with international standards by requiring that such services need permission, the rate of the licence fee be fixed, the aerodrome fee collected be allowed to be spent in facilitating passengers within the aerodrome for the smooth operations of the aerodrome; therefore, it is necessary to enact this Act.

⁴ Government Gazette, Volume 78, Part 76, page 1064, 26 September B.E. 2504.

⁵ Government Gazette, Volume 81, Part 66, page 481, 14 July B.E. 2507.

⁶ Government Gazette, Volume 88, Part 106, page 662, 5 October B.E. 2514.

⁷ Government Gazette, Volume 95, Part 149, Special Edition, page 103, 25 December B.E. 2521.

Air Navigation Act (No. 8) B.E. 2525⁸

Remarks: The rationales for promulgation of this Act are: since the maximum rates of fees fixed at the end of the Air Navigation Act B.E. 2497 make it inconvenient in changing the rates of fees to suit the economic situation, and fees under the Act are divided into two kinds, namely, fees as taxes and fees as service charges, it is expedient to repeal the maximum rates of fees as attached to the Act, and to distinguish fees as taxes and fees as service charges from each other, in which case the Minister shall have the power to issue the Ministerial Regulations to fix “rates” for fees as taxes and has the power to fix “maximum rates” for fees as service charges, and the Civil Aviation Board shall have the power to fix rates for fees as service charges not exceeding the rates prescribed in the Ministerial Regulations; therefore, it is necessary to enact this Act.

Air Navigation Act (No. 9) B.E. 2534⁹

Remarks: The rationales for promulgation of this Act are: whereas the Government considers it opportune to allow private persons, natural or juristic, to use private aircraft in order to sustain the development of air transport, and enlarge the number of personnel involved with air transport to be a military reserve in case of necessity; and being aware of the use of private aircraft by private persons may have an impact on the national security and safety, it is necessary to have a strict control over those persons who wish to use private aircraft to apply for a private aircraft licence from the Minister of Transport, who has an absolute discretion as to whether the licence should be granted or not; therefore, it is necessary to enact this Act.

⁸ Government Gazette, Volume 99, Part 108, Special Edition, page 26, 6 August B.E. 2525.

⁹ Government Gazette, Volume 108, Part 164, Special Edition, page 13, 18 September

B.E. 2534.

Air Navigation Act (No. 10) B.E. 2542¹⁰

Remarks: The rationales for promulgation of this Act are: whereas the Government currently has a policy toward privatization of State enterprises to be limited companies or public limited companies in order for the private sector to engage in the investment in and management of businesses operated by State enterprises, which will result in more efficient and flexible operations and reduction in State budget; and whereas it is necessary to gather foreign funds to suit the current economy of Thailand, it is expedient to amend qualifications of an applicant for aircraft registration under the law on air navigation, allowing public limited companies to be qualified to register aircraft, and reducing the number of shares held by persons holding Thai nationality in limited partnerships, limited companies and public limited companies to be in line with such direction; therefore, it is necessary to enact this Act.

Air Navigation Act (No. 11) B.E. 2551¹¹

Remarks: The rationales for promulgation of this Act are: whereas the Air Navigation Act B.E. 2497 has long been enforced and has provisions inconsistent with the Convention on International Civil Aviation, to which Thailand is a party, and with international standards of various countries, it is expedient to establish rules for controlling production of aircraft and aircraft parts, empower competent officials to issue airworthiness requirements and directives governing such matters, set forth rules for controlling and certifying public aerodrome operations, and establish rules and procedures for collection and remittance of departure passenger service charges to be in line with the Convention and international standards in order to expand opportunities for the aviation industry of Thailand; therefore, it is necessary to enact this Act.

¹⁰ Government Gazette, Volume 116, Part 118, page 39, 25 November B.E. 2542.

¹¹ Government Gazette, Volume 125, Part 45A, page 9, 7 March B.E. 2551.

Air Navigation Act (No. 12) B.E. 2553¹²

Remarks: The rationales for promulgation of this Act are: whereas in flying an Aircraft, a flight plan should be made and submitted to the air traffic service unit, military unit or other administrative bodies having the powers and duties to provide air traffic services, the rules of which are also stipulated in the Convention on International Civil Aviation to which Thailand is a party, but the Air Navigation Act B.E. 2497 has not yet prescribed provision on making a flight plan and compliance with the air traffic rules which resulted in uncertainty for the military officers in investigating the aircraft flying into the Kingdom likely to threaten the national security or the public; therefore, it is expedient to add such rules and necessary to enact this Act.

Emergency Decree Amending Air Navigation Act B.E. 2497 B.E. 2558¹³

Remarks: The rationales for promulgation of this Emergency Decree are: whereas the Civil Aviation Authority of Thailand has been established, which is to restructure and reform the civil aviation agencies according to recommendations made by the International Civil Aviation Organization; and the Department of Civil Aviation has been dissolved and changed to the Department of Airports; therefore, in order to administrate and perform government service efficiently under that structure, it is necessary to enact this Emergency Decree.

Air Navigation Act (No. 13) B.E. 2562¹⁴

Remarks: Productions of aircraft and major aircraft appliances, and aircraft maintenance of a certain type of a repair station are business that needs technology from foreign countries. As a result, in order to stimulate technology transfer in such business which will be useful for aviation industry in Thailand, it is expedient to amend the criteria on capital and business management power of an applicant for an aircraft production licence and a major aircraft production licence, as well as of an applicant for a repair station certificate for the aircraft of maximum takeoff mass not exceeding five thousand seven hundred kilograms for the person by stipulating that the Royal Decree can be promulgated to grant exemption from the qualifications and characteristics of the applicant for the licences or certificate relating to the registered capital, which must normally belong to a person holding Thai nationality. It is therefore necessary to enact this Act.

¹² Government Gazette, Volume 127, Part 36A, page 1, 2 June B.E. 2553.

¹³ Government Gazette, Volume 132, Part 95A, page 17, 1 October B.E. 2558.

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Government Gazette, Volume 136, Part 67A, page 200, 22 May B.E. 2562.

Air Navigation Act (No. 14) B.E. 2562¹⁵

Remarks: As the law on air navigation has been applied for a long period, it is appropriate to amend certain provisions in order to enhance Thailand's civil Aviation to reach universal standards, be up-to-date, and be more effective. The improvement and amendment of legal provisions will be a significant tool to control, regulate, promote and develop civil aviation safety, security, facilitation and economics. Also, such amendment will make the law be in line with standards of the International Civil Aviation Organization and be prepared for the audit under the Universal Safety Oversight Programme and Universal Security Oversight Programme. It is therefore necessary to enact this Act.

¹⁵ Government Gazette, Volume 136, Part 68A page 58, 25 May B.E. 25562.