

## CONSUMER CASE PROCEDURE ACT

**B.E. 2551**

**BHUMIBOL ADULYADEJ, REX.**

Given on the 17<sup>th</sup> day of February B.E. 2551 (2008)  
Being the 63<sup>rd</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is appropriate to have a law on consumer case procedure.

This Act contains some provisions restricting the right and liberties of an individual set forth in Section 29 together with Section 32, Section 41 and Section 43 of the Constitution of the Kingdom of Thailand, which was endorsed in the enactment of this law.

Be it, therefore, enacted an act by the King's Most Excellent Majesty, by and with the advice and consent of The National Legislative Assembly, as follows:

**Section 1.** This Act shall be called the "Consumer Case Procedure Act B.E. 2551".

**Section 2.** This Act shall come into force upon the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

**Section 3.** In this Act:

"Consumer case" means

- (1) A civil case between the consumer or person entitled to file a lawsuit on behalf of the consumer under Section 19 or under other law and the business operator concerning rights and duties under law due to consumption of goods or services;
- (2) A civil case under the law on liability for damage from unsafe goods;
- (3) A civil case related to a case under (1) or (2);
- (4) A civil case which is provided by law to be subject to the procedure under this Act.

"Consumer" means a consumer under the law on consumer protection, and includes an injured person under the law on liability for damage from unsafe goods.

"Business operator" means a business operator under the law on consumer protection, and includes an operator under the law on liability for damage from unsafe goods.

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*This English translation was prepared by Chandler and Thong-ek Law Offices Limited. Although care was taken to render the translation as reliable as possible, it does not carry any legal authority. Only the original text in Thai has legal force.*

“Kor.Sor.” means the Judicial Service Commission under the law on judicial service administrative regulations.

“Case officer” means a person appointed by the Secretary-General of the Office of the Judiciary to perform duties under this Act.

**Section 4.** There shall be case officers to assist the court in the conduct of consumer cases as assigned by the court as follows:

- (1) To mediate consumer cases;
- (2) To examine and collect evidences;
- (3) To record testimonies;
- (4) To arrange to have the rights of the parties protected both before and during trial;
- (5) To perform other duties pursuant to this Act or to the stipulations of the President of the Supreme Court in performing such assistance duties.

In performing duties under this Act, the case officer shall be an official under the Criminal Code and shall have the power to issue a summons calling any person to provide information or to deliver documents in support of consideration of any matter according to his powers and duties.

The rules and procedures for performance of duties by the case officer shall be as provided in the stipulations of the President of the Supreme Court.

**Section 5.** A person to be appointed as a case officer must have any of the following qualifications:

- (1) Possessing a master or doctorate degree in law;
- (2) Possessing a bachelor degree in law and being an ordinary member of the Thai Bar Association, and having practiced law as required by Kor.Sor. for at least one year;
- (3) Possessing a bachelor degree in law and at least a bachelor in other field stipulated by Kor.Sor. and having practiced a profession stipulated by Kor.Sor. for at least four years.

The Secretary-General of the Office of the Judiciary shall have the power to consider appointing a person with qualifications under paragraph one as a case officer in accordance with the regulations stipulated by Kor.Sor.

**Section 6.** The President of the Supreme Court shall be in charge of the enforcement of this Act and shall have the power to issue stipulations so that the consumer case proceeding is conducted conveniently, rapidly and fairly. However, the said stipulations must not prejudice the rights to defense the case by the parties.

The stipulations of the President of the Supreme Court under this Act shall be enforceable upon approval by the general meeting of the Supreme Court and its publication in the Government Gazette.

## CHAPTER 1 General Provisions

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**Section 7.** Consumer case proceedings shall be in accordance with the provisions of this Act and the stipulations of the President of the Supreme Court under Section 6. In the absence of the said provisions and stipulations, the provisions of the Civil Procedure Code shall apply *mutatis mutandis*.

**Section 8.** Where there is a question as to whether any case is a consumer case, the President of the Appeal Court shall decide it, and such decision shall be final, provided, however, that it shall not affect any proceedings conducted before such decision is made.

Request for the President of the Appeal Court to make decision on the question under paragraph one either by a party to the case or by the discretion of the court in a consumer case must be made no later than the day fixed for a hearing. However, if it is a request in other case, the request must be made no later than the day of settlement of issues or, in the absence of settlement of issues, the day of taking evidence. After such time limit no request for decision on the said question shall be made. Upon receipt of a request from the Court of First Instance, the President of the Appeal Court shall promptly make a decision and notify the Court of First Instance of the outcome.

To expedite the proceedings, any steps between the Court of First Instance and the Appeal Court under this Section may be taken by facsimile or other information technology media.

**Section 9.** If there is any violation of regulations or error in carrying out proceedings by any party, the court shall order the party carrying out proceedings in violation of regulations or erroneously to make correction within the period and under the conditions as the court may deem it appropriate to impose, unless such violation or error arises from the dishonesty of such party.

**Section 10.** The provision of law which requires that any juristic act is enforceable by legal action provided that there is some written evidence signed by the person to be liable shall not apply to a consumer in suing the business operator to pay debt.

Where the provision of law requires that a contract made between the consumer and the business operator must be in any particular form, although such contract has not been made correctly according to such form, if the consumer has placed a deposit or partially performed his obligation, the consumer shall have the power to file a lawsuit to force the business operator to make a contract in accordance with the form provided by law or to perform obligation in return.

In proceeding with the case under paragraph one and paragraph two, Section 94 of the Civil Procedure Code shall not apply to the consumer in filing a consumer case and proof of the juristic act or contract made between the consumer and the business operator.

**Section 11.** Notice, advertisement, covenant or any act of the business operator that makes the consumer understand at the time of making a contract that the business operator agrees to deliver or provide goods, services or any other public utility, or to perform any act for the consumer in return for the consumer's making of a contract or any agreement under which the business operator will provide rights and benefits to the consumer in addition to those under the contract, such provision, act or agreement shall be deemed part of the contract between the consumer and the business operator, and the consumer can adduce a witness or evidence to prove such agreement, although the law requires that such contract must be made in writing or be supported by some written evidence and there is no such agreement in any writing made.

**Section 12.** In exercising his rights or performing his obligation, the business operator shall do so in good faith taking into account the appropriate business standard under the fair business system.

**Section 13.** Where damage occurs against the life, body or health due to a substance accumulated in the body of the consumer or if it takes time for the symptoms to appear, the consumer or the person authorized to file a lawsuit on behalf of the consumer shall exercise claims within three years from the date of knowledge of the damage and of the identity of the business operator to be liable, but not more than ten years from the date of knowledge of the damage.

**Section 14.** If there are negotiations concerning damages payable between the business operator and the consumer or the person authorized to file a lawsuit on behalf of the consumer, the prescription shall remain interrupted during that period until any party terminates the negotiations.

**Section 15.** The period of time provided in this Act or other laws provided by the provisions of this Act to be applicable, or the period of time stipulated by the court, may, upon the court considering it appropriate or upon request by a party to the case, be shortened or extended by the court as necessary and for the benefit of justice.

**Section 16.** Delivery of pleadings or any other documents, notification of any scheduled date, court order or other messages to a party or any other persons in a consumer case which must normally be made by a court official, may be ordered by the court to be made through registered mail with return receipt requested, telephone, facsimile, electronic mail or any other information technology media, taking into account the necessity and urgency, convenience, rapidity, suitability to the nature of the substance of the matter communicated, in accordance with the rules and procedures provided in the stipulations of the President of the Supreme Court.

**CHAPTER 2**  
**Consumer Case Procedure in the Court of First Instance**

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**Part 1**  
**Legal Action**

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**Section 17.** Where a business operator is to file lawsuit against a consumer as a consumer case and the business operator is entitled to submit his complaint to the court of the jurisdiction where the consumer has domicile or to other court, the business operator shall submit his complaint to only the court of the jurisdiction where the consumer has domicile.

**Section 18.** Subject to the law on liability for damage from unsafe goods, submission of a complaint and carrying out proceedings in a consumer case which is conducted by the consumer or the person authorized to file a lawsuit on behalf of the consumer shall be exempted from all fees, but excluding final liability for fees.

If it appears to the court that the consumer or the person authorized to file a lawsuit on behalf of the consumer has filed the lawsuit without reasonable ground, claimed excessive damages, behaved himself improperly, carried out proceedings in delay or unnecessarily, or in other circumstances as the court deem it appropriate, the court may order such person to pay the exempt fees either in whole or in part to the court within the period as the court may deem appropriate, failing which the court shall have the power to strike the case from the case list.

In the case under paragraph one and paragraph two, if the court considers that the other party shall be liable to pay fees in whole or in part of both parties, the court shall pass a judgment on the fees by ordering such other party to pay the court on behalf of the consumer or the person authorized to file a lawsuit on behalf of the consumer the fees exempted from payment in whole or in part by the consumer or the person authorized to file a lawsuit on behalf of the consumer as the court may deem appropriate.

**Section 19.** The Consumer Protection Board or an association recognized by the Consumer Protection Board under the law on consumer protection shall have the power to file and proceed with a consumer case on behalf of the consumer, and the provisions regarding filing of and proceeding with a case on one's behalf under the said law shall apply *mutatis mutandis*.

The complaint under paragraph one shall clearly indicate the name and address of the consumer. Where an association files a lawsuit and damages are claimed, the damages may only be claimed for the consumer who is a member of the association at the time of filing the complaint.

Withdrawal of a lawsuit or compromise in the case under paragraph one must be consented in writing by the relevant consumer and the consent must be produced to the court. In case of a request for withdrawal of case, the court may issue a permission order only when it is

considered that such withdrawal does not adversely affect the protection of consumers as a whole.

If after a lawsuit is filed with the court, the recognition of the association filing the lawsuit is withdrawn under the law on consumer protection, the relevant consumer shall continue to proceed with the case. If the court considers that such consumer may not be aware of the said withdrawal of recognition, the court may issue an order notifying such person of the same and at the same time stipulating the period for entering the case. All proceedings conducted prior to entry into the case shall also be binding on such consumer. If such person does not enter the case within the period specified, the court shall have the power to order a disposal of the part of the case related to such person.

**Section 20.** Filing of a consumer case by the plaintiff may be made verbally or in writing. If the plaintiff wishes to file the case verbally, the case officer shall arrange for recording of the details of the complaint and for the plaintiff to sign it.

The complaint must contain the facts upon which the case is based and the relief applied for that are sufficiently clear to be understood. If the court considers that the complaint is not accurate or lacks certain substances, the court may order the plaintiff to revise the relevant part of the complaint to be accurate or clearer.

**Section 21.** After a consumer case is filed, if another complaint is filed into such case whether by means of a supplementary complaint, counterclaim or intervention in the case, or where the court issues an order that any other civil case and the consumer case be tried together, the part of the case related to the complaint subsequently filed and the cases ordered by the court to be tried together shall also be regarded as a consumer case under this Act.

## Part 2 Trial

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**Section 22.** If any person is afraid that an evidence to which he may have to refer in the future may be lost or be difficult to produce when a consumer case is filed, or if any party to a consumer case is afraid that an evidence to which he intends to refer will be lost before being taken or will be difficult to be taken afterwards, such person or party may file a request with the court for an order that such evidence be taken immediately.

Upon receipt by the court of such request, the court shall issue a summons calling the requisitioner and the other party or third party concerned to the court. After hearing those persons, the court shall issue an order concerning the request as deemed appropriate. If the court orders a permission according to the request, the evidence shall be taken as provided in this Act. Reports and other documents related thereto shall be kept by the court.

Where the other party or third party concerned does not have domicile in the Kingdom and has not entered the case, after the court receives the request under paragraph one, the court shall issue an order on that request as a request that may be made unilaterally, and if the court has ordered a permission pursuant to the request, evidence shall be taken unilaterally.

**Section 23.** In case of an emergency, upon filing of the request under Section 22, the requisitioner may also file a motion so that the court can issue without delay an order or a summons as requested and may, if necessary, request the court to first issue an order for seizure or attachment of the document or object to be used as evidence to be taken with any conditions as the court may deem appropriate.

Sections 261, Section 262, Section 263, Section 267, Section 268 and Section 269 of the Civil Procedure Code shall apply *mutatis mutandis* to the case under paragraph one.

**Section 24.** The court shall, upon ordering acceptance of the complaint, promptly fix the day of a hearing and issue a summons calling the defendant to come to the court according to the appointment for mediation, making a statement and taking evidence on the same day. The court shall send to the defendant a copy of the complaint or of the complaint record and order the plaintiff to come to the court on such day of a hearing.

The defendant may file a written answer prior to the day of a hearing under paragraph one.

**Section 25.** On the day of a hearing, when the plaintiff and defendant are both present, the case officer or person designated by the court or mutually appointed by the parties shall conduct mediation so as for the parties to reach agreement or compromise first. In the mediation, if any party so requests or if the mediator deems it appropriate, the mediator may order that the mediation be conducted secretly and exclusively before all parties or any party.

The rules, procedures and period for mediation shall be in accordance with the stipulations of the President of the Supreme Court.

**Section 26.** If the parties cannot reach agreement or compromise, and the defendant has not filed an answer, the court shall arrange for an inquiry of the answer of the defendant whereby the defendant may file a written answer or may answer verbally. In case of filing of a written answer, if the court considers that such answer is not accurate or lacks certain substances, the court may issue an order requiring the defendant to amend the relevant part of the answer so as to be accurate or clearer. In case of a verbal answer, the court shall arrange for recording of the answer and for the defendant to sign it.

If the defendant fails to provide an answer under paragraph one, and does not receive permission from the court for an extension of time to file an answer, the defendant shall be deemed to be in default of answer.

**Section 27.** After the plaintiff is aware of the order to come to the court under Section 24 and fails to do so on the day fixed for a hearing without permission from the court for postponement of the case, regardless of whether the defendant has come to the court, the plaintiff shall be deemed to no longer wish to proceed with the case. The court shall issue an order of disposal of the case from the case list, unless the court may, under the circumstances of the case, deem it appropriate to try and adjudicate the case unilaterally by regarding the plaintiff as being in default of appearance.

After the defendant receives the summons to come to the court under Section 24 and fails to do so on the day fixed for a hearing without permission from the court for postponement of the case, if the defendant has not filed an answer, the defendant shall be deemed to be only in default of answer. However, if the defendant has filed an answer before or on the said day of hearing, the defendant shall be deemed to be in default of appearance.

**Section 28.** If any party fails to come to the court on a day other than the day fixed for a hearing under Section 24, such party shall be deemed to have waived the right to his proceedings in that session, and to be aware of the proceedings conducted by the court in that session.

**Section 29.** For any issue in dispute that needs the proof of facts concerning production, assembly, design or contents of goods, provision of service or any acts, which facts are considered by the court as being within the exclusive knowledge of the party who is the business operator, the burden of proof of such issue shall be borne by the party who is the business operator.

**Section 30.** If after a final judgment in a consumer case is rendered a legal action is brought against the same business operator as a consumer case again with the same disputed facts as those in the previous case and the court in the previous case has made a decision thereon, the court in the subsequent case may give an order regarding that the facts of such issue are conclusive as in the previous case without taking evidence. However, if the court considers that the facts in the previous case are not sufficient for adjudicating the case, or in order to give an opportunity to the disadvantageous party to defend the case, the court shall have the power to call the evidence for taking by itself or permit the party to additionally take evidence as may be deemed appropriate.

**Section 31.** Where the court issues an order for taking evidence, the court shall inquire the party who is to take evidence as to what evidences will be referred to, and then make a note thereof, or order the party to prepare an evidence list and submit it to the court within the period as may be deemed appropriate.

**Section 32.** Before taking evidence, the court shall inform the parties of the issues in dispute and may require any party to take evidence first or later.

**Section 33.** For the benefit of justice to achieve clarity of the facts of the case, the court shall have the power to call evidence for taking by itself as may be deemed appropriate. In this connection, the court shall have the power to order the case officer to examine and collect necessary evidences and give a report thereof to the court, and shall have the power to call the Office of the Consumer Protection Board, organizations or persons concerned to provide information or produce evidences in support of its consideration.

The evidences acquired under paragraph one must be made known to all parties and it shall not bar the right of the party to object to the said evidences.

**Section 34.** In taking evidence whether adduced by any party or called by the court itself, the court shall be the one who examines the witness. A party or his attorney may examine the witness only upon permission by the court.

The court shall have the power to examine the witness concerning any facts related to the case although they are not cited by any party.

**Section 35.** Hearing and taking of evidence shall be conducted by the court continuously without postponement until completion of hearing, except in case of an unavoidable necessity, in which case the court may order a postponement of not more than fifteen days each time.

**Section 36.** The court may request an expert or specialist to provide opinion in support of trial and adjudication, provided that all parties are informed of the same and are provided with a reasonable opportunity to call his own expert or specialist to provide objecting or supplemental opinion to the opinion of the said expert or specialist.

The expert or specialist requested by the court to provide opinion shall be entitled to remuneration, travel expenses and accommodation in accordance with the rules prescribed by the Judicial Administration Commission under the law on judicial service administration regulations.

**Section 37.** Upon completion of taking necessary evidences and argument, if any, by the parties, the trial shall be deemed finished and the court shall promptly render a judgment or order. However, so long as there is no judgment or order, if the court deems it necessary to take additional evidences for the benefit of justice, the court may continue taking evidences, including, without request by any party, re-examination of a witness already examined.

### **Part 3**

#### **Judgment and Case-Adjudicating Order**

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**Section 38.** A judgment or case-adjudicating order must include at least the facts concluded and decision on the issues of the case together with the reasons for such decision.

**Section 39.** In a case in which a consumer or a person authorized to file lawsuit on behalf of a consumer is the plaintiff, if it appears to the court that the amount of damages claimed by the plaintiff is not correct, or the sanction pursuant to the request of the plaintiff is not sufficient to remedy the damage according to the complaint, the court shall have the power to raise it for correct decision or designate appropriate sanction although it is more than that stated in the relief applied for by the plaintiff. However, the points raised by the court for decision must be related to the fact duly raised by the parties.

**Section 40.** In case of damage against the body or health and at the time of adjudication of the case it is impossible to ascertain the extent of the actual damage, the court may state in the judgment or order that it reserves the right to revise such judgment or order within a period designated by the court, but not more than ten years from the date of the judgment or order by the court. However, before the revision, the other party must be given an opportunity to raise objection.

**Section 41.** In a case in which the consumer or the person authorized to file lawsuit on behalf of the consumer sues the business operator to be liable for defects of goods, if the court believes that such defects existed at the time of delivery of such goods and are irreparable into normal working condition, or although it is repaired it, if used for consumption, may cause danger to the life, body or health of the consumer using such goods, the court shall have the power to adjudicate that the business operator replace the goods for the consumer instead of repair of the defective goods, taking into account the nature of the goods that may be replaceable, behavior of the business operator as well as honesty of the consumer. If it appears that the consumer has benefited from the use of the goods and has caused damage to the goods, the court shall issue an order that the consumer pay the business operator for the use or damages, as the case may be, as may be deemed appropriate.

In the lawsuit under paragraph one, if the person sued is not producer or importer of the goods, the court shall issue an order calling the producer or importer into the case under Section 57 (3) of the Civil Procedure Code, and shall have the power to adjudicate such person to be jointly liable for the obligation owed by the business operator under paragraph one to the consumer.

**Section 42.** If the act upon which the complaint is based arises from the business operator's willful act to unfairly take advantage of the consumer or intent to cause damage to the consumer or, with gross negligence, indifference to damage to be caused to the consumer, or act in breach of responsibility as a professional or businessman who is usually trusted by the public, when the court adjudicates that the business operator pay damages to the consumer, the court shall have the power to order the business operator to pay damages as punishment in addition to the amount of the actual damages fixed by the court as may be deemed appropriate, taking into account such circumstances as damage suffered by the plaintiff, benefit received by the business operator, financial condition of the business operator, relief by the business operator from the damage, and the consumer's contribution to the damage.

In fixing damages for punishment under paragraph one, the court shall have the power to fix the damages by not more than two times the actual damages fixed by the court. However, if the actual damages fixed by the court is not more than Baht 50,000, the court shall have the power to fix the damages for punishment by not more than five times the actual damages fixed by the court.

**Section 43.** In a consumer case, when the court adjudicates the case or strikes the case out of the case list, if the facts appear to the court that there are goods sold or remaining in the market that may be dangerous to the life, body or health of consumers in general, and no other preventive measures are available, the court shall have the power to issue the following orders:

- (1) That the business operator, at its own expense, make an announcement and recall those goods that may be dangerous, from consumers for correction or replacement within the period specified. However, if it is not possible to do so, the price of the goods shall be paid for as the court may deem appropriate taking into account the condition of the goods at the time of the recall and the honesty of the business

operator.

- (2) That the business operator may not sell the remaining goods and the goods not sold to consumers shall be recalled until correction or replacement of the goods so that they are safe. However, if it is not possible to do so, the court may issue an order prohibiting the business operator from producing or importing such goods, and if it is suspected that the business operator may keep remaining goods for sale, the court shall have the power to order the business operator to destroy those remaining goods.

If it appears later that the business operator failed to comply with the court order, the court shall have the power to order an arrest and detention of the business operator or persons authorized to act for the business operator in case of the business operator being a juristic person until the said order is complied with, or order the case officer or any person to act with the business operator being responsible for expenses incurred. If the business operator fails to pay the expenses, such person shall have the power to execute the case against the business operator as if he were a judgment creditor. The business operator or the persons authorized to act for the business operator in case of the business operator being a juristic person who is arrested on the ground of willful resisting order shall be detained until bail or bail and security is provided in the amount which the court deems appropriate to fix that he agrees to fully comply with the order. However, no business operator or persons authorized to act for the business operator in case of the business operator being a juristic person shall be detained for more than six months each time from the date of arrest or detention, as the case may be.

**Section 44.** In a case in which the business operator who is sued is a juristic person, if the facts appear that such juristic person was formed or has acted in bad faith or is involved with fraud and deception of the consumer, or has removed or transferred assets of the juristic person to the benefit of any person, and those assets are not sufficient to pay debt according to the complaint, the court shall, upon request by a party or upon the court deeming it appropriate, have the power to call the partner, shareholder, person controlling the operation of the juristic person or person receiving assets from the juristic person to become co-defendant, and shall have the power to adjudicate such person to be jointly liable for the debt owed by the juristic person to the consumer, unless such person can prove that he has no knowledge of such act. In case of the person receiving those assets from the juristic person, he must prove that he has received the assets in good faith and with consideration.

The person receiving assets from the juristic person under paragraph one shall be jointly liable for not more than the assets received by such person from the juristic person.

### CHAPTER 3 Appeal

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**Section 45.** The Consumer Case Section shall be established in the Appeal Court and Regional Appeal Courts with the power to try and adjudicate cases that appeal against a judgment or order of the Court of First Instance in a consumer case.

**Section 46.** Appeal against a judgment or order of the Court of First Instance in a consumer case shall be made to the Appeal Court, Consumer Case Section, or the Regional Appeal Court, Consumer Case Section, within the period of one month from the date of reading of such judgment or order.

**Section 47.** In a consumer case in which the price of property or amount in dispute at the appellate level is not more than Baht 50,000 or not more than the amount prescribed in a Royal Decree, the party may not appeal on the question of facts.

**Section 48.** Where the appellant considers that the case is prohibited from being appealed under Section 47, the appellant may file a request by making a petition for permission to lodge an appeal, with the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court together with the appeal. In such a case, after the Court of First Instance has reviewed the appeal and considers that it is a prohibited appeal, the appeal and the said petition shall be forwarded to the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court for consideration. However, if the Court of First Instance considers that the appeal is not prohibited, it shall order an acceptance of the appeal for further action.

If the Court of First Instance orders a rejection of the appeal due to the prohibition under Section 47, the appellant may file a request by making a petition for permission to lodge an appeal, with the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court within the period of fifteen days from the date of the order of the Court of First Instance. If the party has filed such a request, the order rejecting the appeal may not be appealed against.

The rules and procedures for filing a request and consideration of the request by the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court under paragraphs one and two shall be in accordance with the stipulations of the President of the Supreme Court.

**Section 49.** The trial and adjudication of a consumer case in the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court must be completed promptly in accordance with the stipulations of the President of the Supreme Court.

Subject to Section 52, the judgment or order of the Consumer Case Section of the Appeal Court and of the Consumer Case Section of the Regional Appeal Court shall be final.

**Section 50.** The provisions of Chapter 2 Consumer Case Procedure in the Court of First Instance shall apply *mutatis mutandis* to the appeal and trial and adjudication of cases by the Consumer Case Section of the Appeal Court and the Consumer Case Section of the Regional Appeal Court.

**CHAPTER 4**  
**Appeal to the Supreme Court**

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**Section 51.** For a case on which the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court has rendered a judgment or order, the party may file a petition with the Supreme Court requesting permission for appeal to the Supreme Court on the question of fact in the case with the amount in dispute at the Supreme Court level of more than Baht 200,000 or on the question of law within the period of one month from the date of reading of the judgment or order of the Consumer Case Section of the Appeal Court or the Consumer Case Section of the Regional Appeal Court.

In filing a petition under paragraph one, the party shall file an appeal to the Supreme Court together with the petition, with the Court of First Instance which has rendered judgment or order on that case. The Court of First Instance shall then promptly forward the petition together with the said appeal to the Supreme Court for its consideration.

**Section 52.** The Supreme Court may permit any appeal to it under Section 51 when it considers that the question under the appeal is one involving public interest or it is otherwise a significant question on which the Supreme Court should make a decision.

**Section 53.** The rules and procedures for filing a petition under Section 51, consideration of the petition, examination and acceptance of the appeal to the Supreme Court, answer to the appeal to the Supreme Court and consideration and decision by the Supreme Court under Section 52 shall be in accordance with the stipulations of the President of the Supreme Court.

**Section 54.** In a case which permission is even for appeal to the Supreme Court only on a question of law, if the Supreme Court considers that the judgment or order of the Appeal Court or of the Regional Appeal Court is not proper either in whole or in part, the Supreme Court may make a decision only on the question of law and dismiss the judgment or order of the Appeal Court, Regional Appeal Court or of the Court of First Instance, and order the Appeal Court, Regional Appeal Court or Court of First Instance, as the case may be, to form a new judgment or order within the scope of the decision of the Supreme Court.

**Section 55.** The provisions of Chapter 2 Consumer Case Procedure in the Court of First Instance shall apply *mutatis mutandis* to the consideration and adjudication of cases by the Supreme Court.

**CHAPTER 5**  
**Provisional Measures before Judgment**

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**Section 56.** If prior to filing of a consumer case there are grounds entitling the plaintiff to file an application with the court for the court to order provisional protective measures before judgment under Section 254 (2) of the Civil Procedure Code, or there is a need to request the court to issue a temporary injunction prohibiting the defendant from doing any act to protect the interest of the consumers as a whole, the person who is to become the

plaintiff may file an ex parte application by motion for the said provisional measures prior to filing a complaint.

The application under paragraph one must describe the facts demonstrating the grounds to sue the business operator as defendant, and it is reasonably believable that the court should order a permission according to such application, and a statement confirming the facts by a person who knows of the grounds for such request must be recorded to support the said allegation.

**Section 57.** In considering the application under Section 56, the court shall order a permission according to the application if it is considered that

- (1) The application filed and the occasion of filing the application involve appropriate and sufficient grounds for the court to order a permission according to such application; and
- (2) The nature of the damage of the applicant cannot be redressed in money or compensated by any other thing, or the person who is to be sued as defendant is not in the position to redress or compensate the damage to the applicant, or it is difficult to later execute a judgment against the person who is to be sued as defendant, or damage will be caused to consumers as a whole, which is difficult to be remedied later.

Provided that which party will suffer more damage shall be taken into account.

If the court orders a dismissal of such application, such order shall be final.

**Section 58.** The court shall without delay notify the order of permission under Section 57 to the person who is to be sued as defendant.

The court order under paragraph one shall immediately apply to the person who is to be sued as defendant.

**Section 59.** Where the court orders a permission under Section 57, the court shall consider the damage that may occur to the person who is to be sued as defendant, and may order the applicant under Section 56 to deposit money or furnish security in the amount and within the period specified, and may impose any conditions as the court may deem appropriate for the damage that may occur.

**Section 60.** The person who is to be sued as defendant may file an application for the court to cancel or change the order of permission under Section 57. If the court issues an order cancelling or changing the original order, such order shall be final.

In a case under paragraph one, the person who is to be sued as defendant may file an application together with the application for cancellation or change of the order, or file an application with the court within 30 days from the date of the order by the court of cancellation or change of the original order, requesting the court to issue an order that the applicant under Section 56 pay compensation to him. After the court conducts examination

and considers that the original order so cancelled or changed was made by the mistake or negligence of the applicant, and that the court was misled into believing that there were grounds to sue the person who is to be sued as defendant or that there were sufficient grounds to order a permission under Section 57, the court shall issue an order that the applicant pay compensation to the person who is to be sued as defendant in the amount as the court may deem appropriate. If the applicant fails to comply with the court order, the court shall have the power to enforce the applicant as if he were a judgment debtor.

**Section 61.** If the applicant under Section 56 does not file a lawsuit concerning the application for which the court orders a permission under Section 57, within 15 days from the date of the court order or within the period specified by the court, such order shall be deemed cancelled upon the expiration of the said period.

In a case under paragraph one, the person who is to be sued as defendant may file an application with the court within 30 days from the date such order is deemed cancelled, requesting the court to issue an order that the applicant under Section 56 pay compensation to him and requesting the court to issue an order that the applicant pay compensation to the person who is to be sued as defendant in the amount as the court may deem appropriate. If the applicant fails to comply with the court order, the court shall have the power to enforce the applicant as if he were a judgment debtor.

**Section 62.** If the applicant under Section 56 files a lawsuit concerning the application for which the court orders a permission under Section 57, within 15 days from the date of the court order or within the period specified by the court, such permission order or the permission order which the court issues an order to change under Section 60, paragraph one, shall continue to be effective, unless the court issues an order according to the application of the defendant for cancellation or change, and Sections 260, 261 and 263 of the Civil Procedure Code shall apply *mutatis mutandis*.

**Section 63.** During trial, if it is necessary to temporarily impose any measures or means to relieve damage or prevent any event that may cause damage to a party or the consumers as a whole before adjudication of the case, when the court deems it appropriate or when a party files an application or it is found from the report of the case officer, the court shall have the power to impose such measures or means as necessary and appropriate in the circumstances for the benefit of justice, in accordance with the rules and procedures prescribed by the stipulations of the President of the Supreme Court.

For the purpose of paragraph one, the court shall have the power to issue an order to concerned persons to provide information or issue a summons calling such persons for examination about damage, events that may cause damage, as well as the business and assets of the defendant as deemed appropriate.

## CHAPTER 6

### Enforcement of Judgment or Order

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**Section 64.** In the execution of a case, if the issuance of a decree to the judgment debtor before the issuance of a writ of execution will cause the judgment creditor to suffer damage

and in case of delay the case may not be executed, the judgment creditor may file an ex parte application with the court for the issuance of a writ of execution immediately without first issuing a decree.

**Section 65.** After there is a final judgment in a consumer case, if it appears to the court that there are difficulties causing it impossible to execute the judgment or that any measure needs to be imposed to execute the judgment, the court shall have the power to issue any order to solve the difficulties as necessary and appropriate in the circumstances for the benefit of justice.

#### **Transitory Provisions**

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**Section 66.** For all consumer cases pending in the court before the effective date of this Act, the relevant court shall have the power to try and adjudicate them, and they shall be governed by the law applicable before the effective date of this Act until such a case becomes final.

Countersigned by

*General Surayud Chulanont*  
Prime Minister

*(Ref: Government Gazette, Volume 125, Part 38 Kor, of 25<sup>th</sup> February B.E. 2551 (2008))*

**Notes:** The reasons for the promulgation of this Act are as follows: At present the economy has expanded rapidly, and more scientific knowledge and technology have been applied to production of goods and provision of services, while most consumers lack knowledge on quality of goods or services as well as marketing tactics employed by business operators. The consumers also have no bargaining power in entering into contracts to obtain goods or services, usually causing them to be at a disadvantage. When dispute arises, the process of claiming damages takes a long time and involves difficulties for the consumer to prove facts that are not in his knowledge and involves high expenses in taking legal action. The consumer is therefore in a disadvantageous position, sometimes leading to use of forceful means and resulting in confrontation between the business operator and consumers who suffer unfairness. This in turn affects the national economy as a whole. It is therefore appropriate to secure legal action system that facilitates the exercise of claims by consumers, so that consumers who suffer damage are relieved promptly, economically and efficiently, thus protecting the rights of the consumers. At the same time it will encourage business operators to place more importance on development of the quality of their goods and services. It is therefore necessary to enact this Act.