

**Unofficial**  
**PLANTS ACT B.E. 2518**  
**AMENDED BY**  
**PLANTS ACT (NO. 2) B.E. 2535**  
**AND**  
**PLANTS ACT (NO. 3) B.E. 2550**

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HIS MAJESTY KING BHUMIBHOL ADULYADEJ, REX.

Given on the 9<sup>th</sup> of February B.E. 2518:

Being the 30<sup>th</sup> year of the Present Reign:

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

Whereas it is expedient to have the law on plants;

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

**Section 1** This Act shall be called “Plants Act B.E. 2518”

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

*Provisions of Section 3 shall be repealed by Section 3 of the Amended Plants Act (No. 2) B.E.2535 and the following provisions shall be implemented.*

**Section 3** In this Act:

“Plant variety” means a variety or a plant grouping of similar or identical genetic and botanical characteristics with particular features of distinctness differs from other grouping in the same species of plant that is able to test of distinctness.

“Seed” means seed or any part of plant structure used for planting or in the propagation of a plant variety, for example: stem or stalk, stump, shoot, rhizome, branch, twig, bud-wood or scion, rootstock, bulb or corm or tuber, flowers or fruits in botanical sense.

“Controlled seed” means seed that promulgated by the Minister as controlled seeds.

“Certified seed” means seed that has been passed by testing, examination or analysis of quality or characteristics and a certificate is issued by the Director-General thereof.

“Registered plant variety” means plant that has been passed through the examination procedures for registration and a certificate is issued by the Director-General thereof.

“Certified plant variety” means a registered plant variety that has been approved for certification as certified plant variety and a certificate is issued by the Director-General thereof.

“Reserved plant” means plant that promulgated by the Minister as reserved plant.

“Prohibited plant” means plant that promulgated by the Minister as prohibited plant.

“Conserved plant” means plant species listed to the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) promulgated by the Minister in the Government Gazette.

“Artificial propagation” means propagation of plant that deviates from its existing in or formed by nature in accordance with criteria, procedures and conditions stipulated by the Director-General.

“Label” means display including picture, graphic matter, printed or written statement upon the immediate container.

“Container” means any material specifically used for packing or wrapping seeds.

“Collect” means to gather seeds for selection or packing in a container.

“Sell” means to offer for sale, distribute, offer for free or exchange for commercial purpose and cover the act of having seed in one’s possession for sale as well.

“Import” means to bring in (goods) or order into the Kingdom.

“Export” means to consign or undertake to send (goods) out of the Kingdom.

“Transit” means an act to bring in or send through the Kingdom by having the unloading activity or changing vehicle or transshipment.

“Premise” means place, building or part of building and also means area surrounding the site.

“Committee” means the Plants Committee.

“Official” means person appointed by the responsible Minister to execute of this Act.

“Director-General” means the Director-General of the Department of Agriculture.

“Minister” means the minister assigned to take charge of the execution of this Act.

*Provision of Section 4 shall be repealed by Section 3 of the Amended Plants Act (No. 3) B.E.2550 and the following provisions shall be implemented.*

**Section 4** This Act shall not apply to the Government agencies and State Trading Enterprises which are established for non commercial purposes in the following matters:

- (1) controlled seed;
- (2) reserved plant;
- (3) prohibited plant.

**Section 5** The Minister of Agriculture and Cooperatives shall be in charge of this Act and have the powers and duties to appoint official, to issue Ministerial Order, to provide fees not exceeding the rates annexed herewith in this Act, to make exemption on fees and to determine other scope of business and set rules promulgated in compliance with this Act.

Such Ministerial Orders and Notifications shall enter into force upon theirs publication in the Government Gazette.

## **CHAPER 1 PLANTS COMMITTEE**

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*Provision of Section 6 shall be repealed by Section 5 of the Amended Plants Act (No. 2) B.E.2535 and the following provisions shall be implemented.*

**Section 6** There shall be a committee, hereinafter referred to as the “Plants Committee”. The Plants Committee consists of the Under-Secretary of the Ministry of Agriculture and Cooperatives acting as chairman, the Director-General of the Department of Agriculture, the Director-General of the Department of Agricultural Extension, representatives from the Royal Forest Department and the Customs Department, no more than nine experts appointed by the Minister as committee members and the Director of the Office of Agricultural Regulatory acting as a committee member and secretary of the Plants Committee.

**Section 7** The member experts shall serve in their office for a term of two years but may be subject to reappointed.

**Section 8** The member experts may be released from his or her office prior to the expiration date of the term upon:

- (1) death;
- (2) resignation;
- (3) being discharged by the Minister;
- (4) being bankrupt;
- (5) being incompetent or quasi-incompetent person;
- (6) having been sentenced by a final court judgment to a term of imprisonment, except for the punishment of an offense committed by recklessness or petty offense.

In case where member expert leaves the office prior to a term of office, the Minister may appoint other expert as committee member to replace his or her position. The expert so appointed shall serve his or her office for a term equal to that remaining unexpired term of his or her predecessors.

**Section 9** The meeting of the Plants Committee shall compose of not less than half of the total number of members in order to form a quorum. If the chairman is absent or is not able to perform his function at the meeting, the members who are present shall select one of the members to be the chairman of the meeting.

Decision of the meeting shall be made by majority of votes.

Each member shall have one vote. In case of an equality of votes, the presiding chairman shall have an additional casting vote as decisive vote.

*Provision of Section 10 and Section 11 shall be repealed by Section 6 of the Amended Plants Act (No. 2) B.E.2535 and the following provisions shall be implemented.*

**Section 10** The Plants Committee shall have the powers and duties to appoint Sub-committee to undertake any tasks on study, research or operational works in relation to plants assigned by the Plants Committee. The provisions referred to in Section 9 shall apply *mutatis mutandis* to the sub-committee.

**Section 11** The Plants Committee shall have the powers and duties as follows:

- (1) provide opinions and views to the Minister on regulating, promoting and issuing of Notifications in respect of plants;
- (2) provide recommendations or advises to the Minister in respect of plants.

*Title of Chapter 2 on Application for and Issuance of Controlled Seed and provisions of Section 12, Section 13, Section 14, Section 15, Section 16 and Section 17 shall be repealed by Section 7 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**CHAPTER 2**  
**APPLICATION FOR AND ISSUANCE OF LICENSE**  
**CONCERNING CONTROLLED SEED**

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**Section 12** The Minister shall have the power to determine any species and variety names of plants as controlled seeds in the Government Gazette.

**Section 13** For the interests of implementation concerning controlled seeds, the Minister shall have the powers and duties to promulgate in the Government Gazette:

- (1) to determine that the licensee referred to in Section 17(1), (2) or (3) shall provide information on species, variety names and quantity of controlled seeds to be collected and location;
- (2) to set standards, quality control, method of preservation or storage abiding by the licensee referred to in Section 17(1), (2), (3) or (4);
- (3) to determine types and rates of materials used, or contained, or mixed or adulterated with controlled seed and to determine substances or harmful articles to plant health which are prohibited to use, or contain, or mix or adulterate with controlled seeds abiding by the licensee referred to in Section 17(1), (2), (3) or (4);
- (4) to determine harmful chemical substances to be mixed with controlled seeds by specifying common names and the rates of

- such chemical substances abiding by the licensee referred to in Section 17(1), (2), (3) or (4);
- (5) to determine species and variety names of controlled seeds that require packaging, to determine types of materials used as container and method of packing of controlled seeds abiding by the licensee referred to in Section 17(1), (2), (3) or (4);
  - (6) to determine that the licensee referred to in Section 17(1) or (2) shall collect or sell only certified controlled seeds;
  - (7) to determine types, species and quantity of controlled seeds that allow to be imported.

The Notification in accordance with this Section shall be specified the effective date for not less than sixty days from the date of its publication.

**Section 14** No person shall collect, sell, import, export or transit of controlled seeds for trade, in exemption with the person who has received license from the official and must keep the controlled seeds in place as specified in the license.

The application for and issuance of license shall be in accordance with the criteria, procedures and conditions stipulated in the Ministerial Order.

The provisions of this Section shall not apply to controlled seed growers who sell their own controlled seed to the licensee for collection of controlled seed for trade, or licensee for exportation of controlled seed for trade or other seed growers who keep the seeds for planting without advertising.

**Section 15** Upon the Notification on determination of species and variety names of any plants as controlled seeds stipulated by the Minister referred to in Section 12, a person who collects, sells, imports, exports or transits of controlled seeds for trade on the date of its publication shall file an application for licenses referred to in Section 14 within ninety days from the date of Notification. Within such timeframe, the applicant shall continue his or her business operation. After such application has been filed, the business may be continued so long as the dismissal of such application for license is ordered by the official and the provisions referred to in Section 51 shall apply *mutatis mutandis*.

*Provision of Section 16 shall be repealed by Section 4 of the Amended Plants Act (No. 3) B.E.2550 and the following provisions shall be implemented.*

**Section 16** The official shall issue license for collection, sale, importation or exportation of controlled seed, when the applicant have the following qualifications:

- (1) attaining to legal age or adulthood;
- (2) having place of residence or office in Thailand;
- (3) being not a mentally disorder, an incompetent or quasi-incompetent person;
- (4) having appropriate place for collection, sale, importation or exportation of controlled seed;
- (5) providing a commercial name of the business enterprise which is not duplicated each other or similar to that already used by other licensee or licensee whose license has been suspended or revoked for less than two years;
- (6) having the requisite qualifications or other forbidden qualifications stipulated by the Minister and published in the Government Gazette.

In case where the corporate is the applicant for a license, the corporate must be secured in accordance with (2), (4), (5) and (6) and must have a person who conducts the business referred to (1), (2), (3) and (6) as well.

**Section 17** Type of licenses for controlled seed shall be as follows:

- (1) license for collection of controlled seed for trade;
- (2) license for sale of controlled seed for trade;
- (3) license for importation of controlled seed for trade;
- (4) license for exportation of controlled seed for trade;
- (5) license for transit of controlled seed for trade.

A licensee of the license referred to in (1), (3) or (4) shall be regarded as licensee of the license referred to (2) for his or her collection, importation or exportation of such controlled seed, wherever the case may be.

**Section 18** In accordance with the license referred to in Section 17, such license shall also extent to safeguard the employee or agent of the licensee.

In respect of an act performed by the employee or agent of the licensee safeguarded by provisions referred to in paragraph 1, shall be regarded as the act of the licensee, only if the licensee can prove of innocence that such act is in no position to gain knowledge or control over the case.

*Provision of Section 19 and Section 20 shall be repealed by Section 8 of the Amended Plants Act (No. 2) B.E.2535 and the following provisions shall be implemented.*

**Section 19** In accordance with license referred to in Section 17, the license shall be valid till the last day of calendar year of its issuance, except for those licenses for importation of controlled seed for trade, exportation of controlled seed for trade and transit of controlled seed for trade shall be valid for a period stipulated in the license, but not exceeding one year starting from the date of issuance. In case where the licensee wishes to renew his or her license, he or she must, before its expiration date, file an application for the renewal. Upon such application has been filed, the business may be continued so long as the dismissal of such renewal of license is ordered by the official.

The application for and permission of renewal license shall be in accordance with the criteria, procedures and conditions stipulated in the Ministerial Order.

**Section 20** In case where the official does not issue a license or grant a renewal license. The applicant of such case has the right to submit a petition in writing to the Minister within thirty days after receipt a disapproved notice given by the official of that issuance or renewal of license.

The decision ruled by the Minister shall be final.

In case where the official disapproved the renewal of a license for collection of controlled seed for trade or a license for sale of controlled seed for trade pending a petition on decision ruled by the Minister, the Minister has, at the request of the appellant, the power to permit a temporary operation of the business.

*Title of Chapter 3 on Duty of a Licensee Concerning Controlled Seed and provisions in Section 21, Section 22, Section 23 and Section 24 shall be repealed by Section 9 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**CHAPER 3  
DUTY OF A LICENSEE  
CONCERNING CONTROLLED SEED**

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**Section 21** No licensee of collection of controlled seed for trade shall:

- (1) operate the packaging of controlled seed outside the place specified in the license; or
- (2) sell packaged controlled seed not relevant to the statement specified upon the label.



**Section 22** The licensee who collects controlled seed for trade shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous space that can be easily seen outside the building showing that it is a place for collection of controlled seed;  
the shape and size of the signboard and caption displayed on the signboard shall be stipulated in the Ministerial Order;
- (2) provide a label displayed in Thai language attached to the container of the collected controlled seed. The label must display the following:
  - (a) species and variety name of the controlled seed and the wording “Controlled Seed”;
  - (b) trademark of controlled seed;
  - (c) collector name and seed production sites;

*Section 22(2)(d) shall be repealed by Section 5 of the Amended Plants Act (No. 3) B.E.2550 and replaced by the following.*

- (d) net weight of controlled seed in metric measurement system, or numbers of controlled seeds or any other measurement system stipulated in the Minister Order;
- (e) germination rate of controlled seed and the date of testing;
- (f) date of collection or importation;
- (g) germination period of controlled seed and the expiration date for planting or using in propagation;
- (h) in case where the controlled seed is mixed with other substance, the name and rate used of such substance must be informed therewith;
- (i) in case where the controlled seed contained harmful chemical substance referred to in Section 13, the name and rate used of such harmful chemical must be informed therewith, including the symbol displayed of a skull and cross-bones and the wording “Danger” in red;
- (j) other statements to be added to the label as the Minister considers expedient to promulgate in the Government Gazette.

**Section 23** The licensee who imports controlled seed for trade shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous space that can be easily seen outside the building showing that it is a place for importation of controlled seed;

- the shape and size of the signboard and caption displayed on the signboard shall be stipulated in the Ministerial Order;
- (2) provide certificate of the oversea collector of controlled seed to the official according to the form and timeframe stipulated by the Minister and published in the Government Gazette;
  - (3) provide moderate quantity of controlled seed sample from every importation to the official for testing within timeframe set by the official;
  - (4) provide label attached to the package of the imported controlled seed referred to in Section 22(2), in case where the licensee of importation of controlled seed for trade partitions of the importing controlled seed into smaller packages, such packages must accompany label referred to in Section 22(2) as well.

**Section 24** The licensee who sells controlled seed shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous space that can be easily seen outside the building showing that it is a place for sale of controlled seed;  
the shape and size of the signboard and caption displayed on the signboard shall be stipulated in the Ministerial Order;
- (2) keep label attached to package of controlled seed referred to in Section 22(2) shown its readiness and distinct conditions.

**Section 25** The licensee shall display his or her license or substitute license in a conspicuous space that can be easily seen inside the place specified in the license.

**Section 26** In case where the license is lost or damaged in the essential part of the license, the licensee shall notify the official and file an application for a substitute within fifteen days from the date of his or her acknowledgement from the said loss or damage.

The application for and issuance of a substitute license shall be in accordance with the criteria, procedures and conditions stipulated in the Ministerial Order.

**Section 27** The licensee shall not move his or her place for collection of controlled seed for trade, place for sale of controlled seed, place for importation of controlled seed for trade, place for exportation of controlled seed for trade, or place for storage of controlled seed, as specified in the license wherever the case may be, in exemption with the receipts of written permission from the official.

The application for and granting of permission shall be in accordance with the criteria, procedures and conditions stipulated in the Minister Order.

*Title of Chapter 4 on Certification and Control and provisions in Section 28 to Section 38 shall be repealed by Section 11 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

## **CHAPTER 4 CERTIFICATION AND CONTROL**

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**Section 28** Any person who wishes to obtain a certificate of any plant as certified seed, registered plant variety or certified plant variety in accordance with this Act shall apply for such certification with the official.

The application for and issuance of a certificate shall be in accordance with the form and criteria, procedures and conditions promulgated by the Minister in the Government Gazette.

**Section 28bis** In case where the applicant asks for a favor from the official to work in accordance with this Act on weekend and official holidays, or after official working hours or outside the government building no matter within or after working hours, the applicant must pay for service charge, traveling expenses, lodging charge and per diem allowance to the official in accordance with the criteria, procedures and conditions promulgated by the Minister in the Government Gazette.

**Section 29** The Minister shall have the power to issue Notification in the Government Gazette on the determination of species and variety names of plants as reserved plants.

**Section 29bis** Plants listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora promulgated by the Minister in the Government Gazette as conserved plants.

**Section 29ter** No person shall import, export or transit of conserved plant or its debris, in exemption with the permission from the Director-General or his or her designated officials.

The application for, issuance of permit and rules abiding for the importation, exportation or transit of conserved plant shall be in accordance

with the criteria, procedures and conditions stipulated by the Director-General in the Government Gazette.

The permit for importation, exportation or transit of conserved plant shall be valid for the period not exceeding six months from the date of issuance.

**Section 29tetra** Any person who wishes to operate his or her business in artificial propagation for trade shall file an application for the registration of a nursing place for conserved plant to the Department of Agriculture.

The application for and registration of nursery shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General in the Government Gazette.

The certificate for nursery registration of conserved plant shall be valid for five years from the date of issuance.

**Section 30** No person shall export reserved plant, in exemption with the written permission from the Minister and shall be only used for the experiment or research purposes.

**Section 31** The Minister shall have the power to issue Notification in the Government Gazette on prohibiting the movement of any reserved plant and any quantity from and to its locality within the Kingdom, in exemption with the written permission from the official.

The application for and permission of the movement shall be in accordance with the criteria, procedures and conditions promulgated by the Minister in the Government Gazette.

**Section 32** The Minister shall have the power to issue Notification in the Government Gazette on the determination of species and variety names of plants as prohibited plants.

**Section 33** No person shall be allowed to import prohibited plant.

**Section 34** Seed of the following characteristics shall be considered as deteriorated seed:

- (1) seed as shown on the label that exceeds its expiration date for planting or propagation;
- (2) seed as determining to have quality below the standards requirement promulgated by the Minister referred to in Section 13.

**Section 35** Seed or article which is falsified or imitated from genuine seed shall be considered as adulterated seed with the following characteristics:

- (1) seed or article which is wholly or partly falsified or imitated so as to mislead the user as genuine seed;
- (2) seed that shows species, variety name, trademark, collected location or date of collection or importation which is irrelevant to a truthful statement;
- (3) seed mixed or added with other kind of seed or substance exceeding the quantity stated in its label or above the maximum level of the rate promulgated by the Minister referred to in Section 13.

**Section 36** No person shall be allowed to collect, sell, import or export deteriorated seed.

**Section 37** No person shall be allowed to collect, sell, import or export adulterated seed.

**Section 38** No person shall advertise false information or an exaggerated statement on quality of controlled seed that may be misleading the user's perception of such quality of controlled seed.

## **CHAPTER 5 OFFICIAL**

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*Provisions of Section 39 shall be repealed by Section 12 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 39** In carrying out the duty of the official, the authorized official shall be empowered to issue order in writing to summon any person for testimony or to submit relevant documents or other materials for supporting its consideration. The authorized official shall also have power to pay a visit to place of collection of controlled seed for trade, place of sale of controlled seed, place of storage of controlled seed for trade or nursery of conserved plant during sunrise to sunset or search conveyance which contains seed or conserved plant, in the case where there is reasonable ground to suspect of any wrongdoings in accordance with this Act for the following tasks:

- (1) examine seed, conserved plant, container, label, account book or any document related to the seed or conserved plant in question;

- (2) collect a reasonable quantity of seed or substance that is suspicious to be deteriorated seed, adulterated seed or conserved plant as sample for testing, examination or analysis;
- (3) search, confiscate or hold seed or conserved plant in question, container, label, account book or any document in relation to such seed or conserved plant.

In carrying out the duty of official referred to in paragraph 1, the licensee or the person acting on his or her behalf must provide reasonable facilitation at the premise.

*Provisions of Section 39bis and Section 39ter shall be added by Section 13 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 39bis** The official is empowered to search any warehouse, vehicle, baggage, package and person within the jurisdiction of designated plant quarantine stations promulgated in accordance with Plant Quarantine Act as well as customs point of entry, checkpoint, border station, custom district and approved route promulgated by the Customs Act.

**Section 39ter** The authorized official shall confiscate or re-export any unlawful importing conserved plant in accordance with this Act. In the case of seizure of conserved plant, such conserved plant shall fall into the Department of Agriculture possession. In the case of returning to its sender, the country of origin must yield a consent for returning of such conserved plant and pay for the burden of transportation expenses, vice versa, if the country of origin is neither yielding a consent nor paying the expenses, the conserved plant in question shall be belong to the Department of Agriculture.

**Section 40** In conducting the search, the official must, to the great extent of effort, try to avoid causing any damage or disorder from the search as much as possible.

**Section 41** Article seized in the course of searching shall be wrapped or packed and stamped with a seal or mark as proof of evidence thereof.

*Provisions of Section 42 shall be repealed by Section 14 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 42** In conducting the search at the premise or vehicle referred to in Section 39 or Section 39bis, the official, before setting up the search, shall express with a good conscience and the search shall be conducted in the

presence of the licensee, occupant of the premise, employee of that premise or the occupant of the vehicle, or if such aforementioned person is not available, the search shall be continued in the presence of at least two other persons requested by the official as witnesses.

The seizure or hold of articles at the premise or vehicle must be shown to and certified by the licensee, occupant of the premise, employee of that premise or the occupant of that vehicle or witnesses, wherever the case may be. If such aforementioned person refuses to accept such seizure or hold, then the searching official shall record the findings instead.

**Section 43** The searching official shall record both the details of the search and the detailed inventory of articles being seized or held.

Such detailed record of the search and inventory of articles referred to in paragraph 1 shall be read to the licensee, occupant of the premise, employees of that premise or the occupant of the vehicle or witnesses, wherever the case may be, and such person shall be required to sign in acknowledgment. If such person does not surrender the signature, then the searching official shall record the fact findings.

**Section 44** In carrying out the duty, the official must show the identification card as requested by the responsible person of that premise referred to in Section 42.

The identification card of the official shall be in any form stipulated by the Ministerial Order.

*Provisions of Section 45 shall be repealed by Section 15 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 45** Seed, conserved plant, container, label, account book or any documents from the seizure or hold referred to in Section 39(3) shall fall into the possession of the Department of Agriculture to manage where appropriate, in case where there is no claim from the owners or occupant, or in case where the case is withdrawn by the public prosecutor, or the final court judgment is not to confiscate and the owner or occupant does not claim within ninety days from the date of confiscation or hold, or the date of public prosecutor withdrawal or the date of the final court judgment against confiscation, wherever the case may be.

**CHAPTER 6**  
**SUSPENSION AND REVOCATION OF LICENSES**

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**Section 46** When there is evidence shown to the official that any licensee has not complied with this Act, or the Ministerial Order or the Notification put forth in accordance with this Act. The official has the authority to suspend license for a period of not more than one hundred and twenty days per order.

The licensee whose license is suspended must stop doing business according to such license and during the suspension period, he or she is not allowed to apply for any kind of licenses in accordance with this Act.

**Section 47** The official with the approval of the Director-General shall have the authority to withdraw the suspended license before its expiration date, when there is shown by evidence that the licensee of such suspended license has performed a satisfactorily corrective actions in accordance with the provisions of this Act or Ministerial Order or Notification promulgated by this Act.

**Section 48** When there is evidence shown to the Director-General that any licensee is disqualified or subject to a forbidden qualifications referred to in Section 16, or in the case where it appears that the licensee has committed several offenses against this Act or just once but a serious offense, the Director-General shall have the power to revoke the license.

The licensee whose license is revoked must stop doing business permitting by that license and he or she is not allowed to apply for any kind of licenses for the period of two years from the date of revocation. The official may or may not grant a license upon careful consideration.

**Section 49** The orders of suspension and revocation of license shall be in writing to inform such licensee. In case where the licensee can not be found or refuses to accept such order, the order shall be posted in a conspicuous spot and easily seen at the place specified in the license, and it shall be considered that the licensee has been admitted to such order from the date of its posting.

**Section 50** The licensee whose license has been suspended or revoked, he or she has the right to bring a petition in writing to the Minister within thirty days from the date of order received. The Minister shall have the power to deny an appeal or amend the Director-General or the designated official, wherever the case may be, in favor of the appellant.



The decision ruled by the Minister shall be final.

The petition referred to in paragraph 1 shall not be lenient to the order on suspension or revocation of a license.

*Provisions of Section 51 shall be repealed by Section 16 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 51** A licensee whose license is revoked must sell all of his or her remaining controlled seed to other licensee or person that seems appropriate by the judgment of the official within sixty days from the date of receiving revocation order or in the case of a petition shall be the date of the decision ruled by the Minister, except for the case where the official shall extend a time limit of the said deadline but not exceeding sixty days.

## **CHAPTER 7 PLANTS STATISTICS**

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**Section 52** The Minister has the power to promulgate Notification in the Government Gazette on determining the collection of any plant variety statistics in any locality, where appropriate.

Upon the Notification referred to in paragraph 1, the Director-General shall have the authority to issue a written order to such plant variety professional to fill out the printed form provided by the Director-General the statistical data by items, detailed information and quantities and the Director-General shall also include instruction for a time limit, determining the place and procedures for submission in that printed form.

**Section 53** The person who receives such order referred to in Section 52 paragraph 2 must truthfully fill in the form indicating items, detailed information and quantities with signature to acknowledge the form and return the completed form in accordance with the terms and conditions specified in the form on time limit, designated place and procedures for submission.

**Section 54** In case where it is necessary for the benefits of statistical collection on plant variety, the designated official shall enter the office of the person who receives such order during the business hours in order to check items, detailed information and quantities concerning plant variety and it shall be the mandatory of such person or his or her representative in response of the interview and providing cooperation and assistance to the designated official in this respect.

In carrying out the duty of the official, the provisions referred to in Section 44 paragraph 1 shall apply *mutatis mutandis*.

## **CHAPTER 8 PENALTIES**

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**Section 55** Any licensee who violates or fails to comply with the Notification referred to in Section 13 paragraph 1, shall be charged with a term of imprisonment of not exceeding one year, or a fine of not exceeding two thousand Baht or both.

**Section 56** Any person who violates the provisions referred to in Section 14 paragraph 1 shall be charged with a term of imprisonment of not exceeding two years, or a fine of not exceeding four thousand Baht or both.

*Provisions of Section 57 shall be repealed by Section 17 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 57** Any licensee who is still operating the collection, sale, importation or exportation of controlled seed after the expiration date of the license without filing an application for renewal of a license referred to in Section 19 shall be assessed a penalty of not exceeding one hundred Baht each day since the date of its expiration.

**Section 58** Any licensee who still persists in carrying on his or her business of the expired license after the official disapproves the renewal of a license referred to Section 19 shall be charged with a term of imprisonment of not exceeding two years, or a fine of not exceeding four thousand Baht or both.

**Section 59** Any licensee who violates the provisions referred to in Section 21 or Section 27 paragraph 1 or does not perform in compliance with provisions referred to in Section 23 shall be charged with a fine not exceeding three thousand Baht.

**Section 60** Any licensee who does not comply with the provisions referred to in Section 22 or Section 24 paragraph 1 shall be charged with a term of imprisonment of not exceeding one year, or a fine of not exceeding two thousand Baht or both.

**Section 61** Any person who does not comply with the provisions referred to in Section 25 or Section 26 paragraph 1 shall be charged with a fine of not exceeding one thousand Baht.

*Provisions of Section 61bis shall be added by Section 18 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 61bis** Any person who violates the provisions referred to in Section 29ter or does not comply with the provisions referred to in Section 29tetra shall be charged with a term of imprisonment not exceeding three months, or a fine of not exceeding three thousand Baht or both.

**Section 62** Any person who violates the provisions referred to in Section 30 or Section 33 shall be charged with a term of imprisonment not exceeding three years, or a fine of not exceeding four thousand Baht or both.

**Section 63** Any person who violates Notification referred to in Section 31 paragraph 1 shall be charged with a term of imprisonment not exceeding two years, or a fine of not exceeding four thousand Baht or both.

**Section 64** Any person who violates the provisions referred to in Section 36 shall be charged with a term of imprisonment not exceeding one year, or a fine of not exceeding two thousand Baht or both.

**Section 65** Any person who violates the provisions referred to in Section 37 shall be charged with a term of imprisonment not exceeding one year, or a fine of not exceeding ten thousand Baht or both.

*Provisions of Section 66 shall be repealed by Section 19 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 66** Any person who advertises the quality of controlled seed which violates the provisions referred to in Section 38, or obstructs, or does not provide cooperation to the official, or does not provide or submits statements, documents or any other materials requested in writing by the official referred to in Section 39 shall be charged with a term of imprisonment not exceeding one month, or a fine of not exceeding one thousand Baht or both.

*Provisions of Section 66bis shall be added by Section 20 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 66bis** Any person who obstructs and does not provide cooperation to the official in carrying out the duty referred to in Section 39bis

shall be charged with a term of imprisonment not exceeding one month, or a fine of not exceeding one thousand Baht or both.

**Section 67** Any licensee whose license has been suspended referred to in Section 46 paragraph 2 and still persists to carry on his or her business of such suspended license shall be charged with a term of imprisonment not exceeding one year, or a fine of not exceeding two thousand Baht or both.

*Provisions of Section 68 shall be repealed by Section 21 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 68** Any licensee whose license has been revoked and sells his or her remaining controlled seed to other person not specified referred to in Section 51 or sell the remaining controlled seed after the expired timeframe referred to in Section 51 shall be charged with a fine of not exceeding one thousand Baht.

**Section 69** Any person who must abide by the rules referred to in Section 53 but fails to do so shall be charged with a fine of not exceeding two hundred Baht.

**Section 70** Any person who must abide by the rules referred to in Section 54 paragraph 1 but fails to do so shall be charged with a fine of not exceeding five hundred Baht.

*Provisions of Section 71 shall be repealed by Section 22 of the Amended Plants Act (No. 2) B.E. 2535 and the following provisions shall be implemented.*

**Section 71** When the court decision rules that an offense has been committed as a result of the violation to the Notification referred to in Section 13(3) or (4), or the violations committed to the provisions referred to in Section 30, Section 33, Section 36 or Section 37 even though the court decision rules of not guilty, the court shall order to confiscate all seed, equipment, appliance and container from such offense and all items forfeited by the court order shall fall into the Department of Agriculture possession to manage as deemed appropriate.

*(The list of fees shall be repealed by the provisions referred to in Section 23 of the Amended Plants Act (No. 2) B.E. 2535.)*

### **ANNEX: Rates of Fees**

- |      |   |            |
|------|---|------------|
| (1)  | A license for collection of controlled seed for trade, each   | 400 Baht   |
| (2)  | A license for sale of controlled seed, each   | 200 Baht   |
| (3)  | A license for importation of controlled seed for trade, each  | 400 Baht   |
| (4)  | A license for exportation of controlled seed, each  | 400 Baht   |
| (5)  | A license for transit of controlled seed, each  | 200 Baht   |
| (6)  | Fee for testing, examining or analysis of quality and property of seed for issuance of certificate, each sample | 400 Baht   |
| (7)  | Any certificate of certified seed, registered plant variety or certified plant variety, each                    | 100 Baht   |
| (8)  | A substitute of license, each   | 50 Baht    |
| (9)  | Each renewal of license shall be the same as fee for license  |            |
| (10) | A permit for importation, exportation or transit of conserved seed, each  | 200 Baht   |
| (11) | A certificate for nursery registration of conserved seed, each  | 1,000 Baht |

The Plants Act B.E. 2518

Countersigned by:

Sanya Thamasak

Prime Minister

The Amended Plants Act (No 2.) B.E. 2535

Countersigned by:

Anund Panyarachun

Prime Minister

The Amended Plants Act (No 3.) B.E. 2550

Countersigned by:

General Surayuth Chulanond

Prime Minister

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- The Plants Act B.E. 2518 (1965): The Royal Gazette Publication, Vol. 92, Part 40, Dated 19 February B.E. 2518 (1965),
  - The Amended Plants Act (No 2.) B.E. 2535 (1982): The Royal Gazette Publication, Vol. 109, Part 40, dated 7 April B.E. 2535 (1982),
  - The Amended Plants Act (No 3.) B.E. 2550 (2007): The Royal Gazette Publication, Vol. 124, Part 52 Ko, Dated 7 April B.E. 2550 (2007).
  - UNOFFICIAL TRANSLATION
  - In case of any difference in the meaning between the Thai text and English translation, the Thai text shall be applied.

## **Policy statements**

### **The Plants Act B.E. 2518**

It deems essential to enforce the Plants Act B.E. 2518 since Thailand is considered to be an agrarian country, the wealth of the country and people are depending a great deal on agriculture. It is quite obvious that the yield from any agricultural production is far below than it should be and the quality of the product is not up to the standards for competition in the world market. Therefore, Thai agricultural commodities are in the position of comparative disadvantage of both quality and price and cause direct impact to the economy of the country as a whole as a result of lacking of good seed promotion and control over the utilization of seed and plant variety. Nevertheless, there is no such control on seed and plant variety trade even though it is fully aware that seed and plant variety are imported for distribution and sale gradually as well as domestic seed and plant variety production are increasing annually. In addition, there are still existing of deteriorated seed and adulterated seed in the market places including untruthful or exaggerated advertisement which are misleading to the farmers' perception and misunderstanding on the quality of the said seeds and plant varieties as genuine seeds and plants. Thus, for the interests of providing sufficient protection to the farmers and keeping the business on seed and plant variety to operate in good faith, it should, therefore, be necessary to enact this Plants Act.

### **The Amended Plants Act (No. 2) B.E. 2535**

It deems essential to enforce the Amended Plants Act (No. 2) B.E. 2535 since the presented Plants Act B.E. 2518 does not fit in with the world society from the technological changes, in particularly the control on other methods of propagation on plant varieties beyond their existing in or formed by nature. The definition of plant variety is not well put to the technical principles and not relevant to the essence of the law that aims to put rules and orders on registration and certification of plant varieties for the purposes of innovation and improvement of new plant varieties for the sole benefits of the development of the country. In addition, Thailand has become member of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since April 21, 1983 in protecting wild plants from extinction via regulating international trade, therefore, to promote the cultural technique and propagation of wild plants deviated from their existing in natural formation and be in line with the CITES, it should, therefore, be necessary to enact this Amended Plants Act.

## **The Amended Plants Act (No. 3) B.E. 2550**

It deems essential to enforce the Amended Plants Act (No. 3) B.E. 2550 given the importance of the trade in plant varieties, it is appropriate to empower the established Government Agency in laying down certain rules and regulations concerning controlled seeds, reserved plants and conserved plants with the main objectives aiming at the quality examination of controlled seed and overseeing reserved plants and conserved plants in all respects to the best of its power, including the determination of qualifications for the licensee for collection, sale, importation or exportation of controlled seed for trade. One of the qualified characteristics should reach the legal age and have all other qualifications appropriately promulgated by the Minister. In addition, there shall be an amendment to the label that attached to the container of controlled seed for trade in accordance with the international recognition by specifying quantity count of controlled seed or other measurement systems for each type of plants. It should, therefore, be necessary to enact this Amended Plants Act.