

RADIOCOMMUNICATION ACT

B.E. 2498 (1955)

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RADIOCOMMUNICATION ACT

B.E. 2498 (1955)

BHUMIBOL ADULYADEJ, REX;

Given on the 22nd Day of January B.E. 2498 (1955);

Being the 10th Year of the Present Reign.

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

Whereas, it is expedient to amend the law on radiocommunication.

His Majesty the King kindly enacts the Act with the advice and consent of the House of Representatives as follows:

Section 1 This Act is called “Radiocommunication Act, B.E. 2498 (1955).”

Section 2¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3 The followings shall be repealed:

(1) Radiocommunication Act, B.E. 2478 (1935);

(2) Radiocommunication Act (No. 2), B.E. 2481 (1938);

(3) Radiocommunication Act (No. 3), B.E. 2483 (1940);

(4) Radiocommunication Act (No. 4), B.E. 2485 (1942);

(5) Radiocommunication Act (No. 5), B.E. 2491 (1948);

(6) Radiocommunication Act (No. 6), B.E. 2497 (1954);

(7) Any other laws, rules and regulations in the part already provided for in this Act or which are contrary to or inconsistent with the provisions of this Act.

¹ Government Gazette Volume 72/Part 11/Page 208/8th February B.E. 2498 (1995)

Section 4 In this Act:

"Hertzian Wave" means an electromagnetic wave with a frequency between 10 kilocycles per second and 3,000,000 megacycles per second;

"Radiocommunication" means the transmission or reception of signs, signals, letters, images, sound, or other things which can be understood by means of Hertzian wave;

"Radiocommunication device"² means a radiocommunication transmitter, radiocommunication receiver, or radiocommunication transmitter-receiver, excluding a radio broadcasting receiver, radio-television receiver, radiocommunication transmitter, radiocommunication receiver, or radiocommunication transmitter-receiver with the Hertzian wave in accordance with the characteristics or types prescribed in the ministerial regulation;

For the purpose of controlling the use of radiocommunication device, any equipment of radiocommunication device as specified in the ministerial regulations shall be considered as a radiocommunication device;

"Radiocommunication operator" means a person who operates radiocommunication device;

"Radiocommunication station" means the place for radiocommunication transmission or radiocommunication receipt or radiocommunication transmission-receipt;

"Make" means the inclusion of assembly, modification, or reconstruction.

"Bring in" means to bring into the Kingdom;

"Take out" means to take out of the Kingdom;

"Trade"³ includes the possession for sale or repair;

"Authorized licensing officer" means an officer appointed by a Minister under this Act;

"Minister" means the Minister in charge and in control of the execution of this Act.

² Section 4 The definition of "Radiocommunication device" is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

³ Section 4 The definition of "Trade" is added by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

Section 5⁴ This act, except for Section 11 and Section 12, shall not be enforced upon:

- (1) Ministry, Government Bureau and Government Department;
- (2) Juristic persons as prescribed in the ministerial regulations;

Section 6⁵ No person shall make, possess, use, bring in, take out, or trade any radiocommunication device, unless licensed by the authorized licensing officer.

If it deems appropriate, the Minister shall have the power to issue ministerial regulations specifying that certain types of radiocommunication devices or radiocommunication devices used in specific activities are exempt from the licensing requirement under paragraph one, either in whole or in any specific case.

Section 7 No person shall perform the duties of a Radiocommunication operator in a position prescribed in the ministerial regulations unless having received a license issued by the Authorized licensing officer.

Section 8 No person shall receive foreign Radiocommunication news for advertising purposes unless having received a license issued by the Authorized licensing officer.

Section 9⁶ The licenses under this Act are as follows:

- (1) a license to Make shall be valid for one hundred and eighty days from the date of issuance;
- (2) a license to possess shall be valid for one year from the date of issuance.
- (3) a license to use shall be valid for all the life time of the radiocommunication device;

⁴ Section 5 is amended by the Radiocommunication Act (No. 2), B.E. 2504 (1961).

⁵ Section 6 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

⁶ Section 9 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

(4) a license to Bring in shall be valid for one hundred and eighty days from the date of issuance;

(5) a license to Take out shall be valid for thirty days from the date of issuance;

(6) a license to Trade shall be valid for one year from the date of issuance, except the license specifically issued for repair only shall be valid for five years from the date of issuance;

(7) a license to establish a Radiocommunication station shall be valid for all the duration the licensee uses the station specified in the license as a Radiocommunication station;

(8) a license for Radiocommunication operator shall be valid for five years from the date of issuance;

(9) a license to receive foreign Radiocommunication news for advertising purpose shall be valid for one year from the date of issuance.

The licensee under (1), (3), (4), (5), (6), or (7) shall also be deemed licensed to possess radiocommunication device.

Section 10 The Minister shall have the power to issue a special license to an individual to establish an aviation radio station specifically for the purpose of ensuring the safety of civil aviation. In issuing this special license, the Minister may impose any conditions.

The licensee shall comply with the conditions prescribed by the Minister.

Section 11⁷ No person shall establish a Radiocommunication station except having received a license issued by the Authorized licensing officer.

A Radiocommunication station shall use exact frequency spectrum in accordance with the regulations on Radiocommunication annexed to the International Telecommunication Convention.

To ensure compliance with paragraph one and paragraph two, the Director-General of the Post and Telegraph Department shall have the power to set the conditions

⁷ Section 11 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

for the establishment of a Radiocommunication station, and the Director-General of the Post and Telegraph Department or the designated officer shall have the authority to regulate and assign the frequency spectrum usage of various Radiocommunication stations.

If it deems appropriate, the Minister shall have the power to issue a ministerial regulation stipulating that Radiocommunication stations used for certain types of services may be exempted from obtaining a license as specified in paragraph one.

Section 11 *bis*⁸ The Minister shall have the power to prescribe that users of frequency spectrum for any service or in any manner shall be required to pay charges for the use of such frequency spectrum to the government at rates deemed appropriate.

The notification under paragraph one shall be published in the Government Gazette.

Section 12 No Radiocommunication station shall operate radiocommunication services for any purpose other than those specified in the license or for the purposes of the governmental services of the Ministry, Government Bureau, Government Department, or activities of the juristic person under Section 5.

Section 13 No vehicle shall use a Radiocommunication device, unless for use in the service specified in the ministerial regulations or the special provisions temporarily authorized by the Minister.

Section 14 For the maintenance of public order or for the protection of the Kingdom, the Minister has the power to issue a provisional order to the competent authority to have the power to seize and use, prohibit the use of, or prevent the relocation of any Radiocommunication device or any part thereof, within the time and conditions specified in the order.

⁸ Section 11 *bis* is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

Section 15 Any person who unintentionally causes interference or disruption to Radiocommunication, the Authorized licensing officer or the designated person has the power to order that person to cease the act, rectify or modify the article used in the act, or relocate the article from the interference area.

Section 16 No person shall transmit or render to transmit any message by Radiocommunication that they know to be false, or any other message not authorized by the competent authority, which may cause harm to the nation or the public.

Section 17 No person shall unlawfully intercept, use, or disclose any Radiocommunication news that is not intended for public interest, or that may cause harm to the nation or the public.

Section 18 For the purpose of inspecting Radiocommunication devices, parts of Radiocommunication devices, Radiocommunication stations, objects causing interference or obstruction to Radiocommunication, or licenses, the Authorized licensing officer or a designated person shall have the authority to enter the premises, buildings, or vehicles of any person at a reasonable time.

If it appears that any person has committed an offense under this Act, or there are reasonable grounds to suspect that such an act has been committed, the Authorized licensing officer or a designated person under paragraph one shall have the power to arrest that person along with any instruments used in the commission of the offense for legal proceedings.⁹

Section 19 In the event that the licensee violates any provision of this Act, any ministerial regulations issued under this Act, or the conditions specified in the license, the Authorized licensing officer shall have the power to revoke or suspend the license of such person.

⁹ Section 18 paragraph two is added by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

The licensee may appeal to the Director-General of the Department of Posts and Telegraphs within thirty days from the date of revocation or suspension. The decision of the Director-General of the Department of Posts and Telegraphs shall be final.

Section 20 The government shall not be liable for any loss or damage that may occur due to the inconvenience caused by the operation of the government's Radiocommunication device, nor shall it be responsible for the reception, transmission, or delivery of any Radiocommunication news.

In such case in the previous paragraph, the competent authorities shall not be liable, except where such competent authority's actions caused the event intentionally, fraudulently, or negligently.

Section 21 As regards an offense under this Act, the Authorized licensing officer shall have the power to settle the matter by assessing fine.

Section 22 When a judgment is rendered that someone has committed an offense under this Act, the court may order the forfeiture of the objects used in the commission of the offense to be used in the governmental service of the Department of Posts and Telegraph.

Section 23¹⁰ Any person who violates Section 6, Section 11, or Section 16 shall be liable to a fine not exceeding one hundred thousand Baht, or imprisonment for a term not exceeding five years, or both.

Section 24¹¹ In the case of a violation of Section 12 or Section 13, the person in charge of the Radiocommunication station or the person in charge of the Radiocommunication device, as well as those involved in the commission of the offense,

¹⁰ Section 23 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

¹¹ Section 24 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

shall be liable to a fine not exceeding forty thousand Baht, or imprisonment for a term not exceeding two years, or both.

Section 25¹² Any person who violates Section 7, Section 8, or Section 17 shall be liable to a fine not exceeding forty thousand Baht, or imprisonment for a term not exceeding two years, or both.

Section 26¹³ Any person who intentionally causes interference or disruption to Radiocommunication shall be liable to a fine not exceeding one hundred thousand Baht, or imprisonment for a term not exceeding five years, or both.

Section 27¹⁴ Any person who violates the order of the Authorized licensing officer or a designated person under Section 15 shall be liable to a fine not exceeding forty thousand Baht, or imprisonment for a term not exceeding two years, or both.

Section 28 All licenses and certificates issued under the law on radiocommunication prior to the effective date of this Act shall remain valid until the expiration date of the licenses or certificates.

Section 29 The Minister of the Ministry of Information and Communication Technology shall be responsible for the implementation of this Act and shall have the power to appoint Authorized licensing officers and issue ministerial regulations:

- (1) regulating the application for and issuance of license;
- (2) determining the procedure of revocation and suspension of license;
- (3)¹⁵ determining the fee rate under this Act;

¹² Section 25 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

¹³ Section 26 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

¹⁴ Section 27 is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

¹⁵ Section 29 (3) is amended by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

(4) determining the specification of Radiocommunication devices and qualification of Radiocommunication operators;

(5) determining any other activity for the implementation of this Act.

The ministerial regulations shall come into force as of their publication in the Government Gazette.

Countersigned by:

Field Marshal P. Phibunsongkhram

Prime Minister

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Fee Rate¹⁶

(Repealed)

¹⁶ Fee rate is repealed by the Radiocommunication Act (No. 3), B.E. 2535 (1992).

Remark :- The reason for the enactment of this Act is that the government intends for radiocommunications to progress and develop in line with modern times, and since the laws governing radiocommunications have been consolidated within the law on radiocommunications which has been amended six times, it is deemed appropriate to consolidate these provisions into a single Act and to separate the matters of sound broadcasting and television broadcasting into a distinct Act.

Radiocommunications Act (No. 2), B.E. 2504 (1961)¹⁷

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

Remark :- The reason for the enactment of this Act is that the law on radiocommunication provides for the issuance of ministerial regulations to exempt Ministry, Government Bureau and Government Department from restrictions on the possession and use of Radiocommunication device, which has led to delays and inefficiencies, it is therefore deemed appropriate to amend the law on radiocommunication to exempt Ministry, Government Bureau and Government Department from such restrictions without the need for issuing ministerial regulations.

Radiocommunication Act (No. 3), B.E. 2535 (1992)¹⁸

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

Section 13 All licenses issued under the Radiocommunication Act, B.E. 2498 (1955), prior to the enforcement date of this Act shall remain valid until their expiration.

¹⁷ Government Gazette Vol. 78/Part 54/Special Issue, page 3/1st July B.E. 2504 (1961).

¹⁸ Government Gazette Vol. 109/Part 52/Page 1/18th April B.E. 2535 (1992).

Section 14 Any person engaging in the trading of Radiocommunication device on the date this Act comes into force, who wishes to continue such trading, shall submit an application for a license within one hundred and eighty days from the effective date of this Act. Upon submitting the license application, the person may continue the trading until being notified of the denial of the license.

An unlicensed person may appeal to the Director-General of the Department of Post and Telegraph within thirty days from the date of notification of the license denial. The decision of the Director-General of the Department of Post and Telegraph shall be final.

Remark :- The reason for the enactment of this Act is that the law on radiocommunication has been in force for a considerable time and, alongside the rapid advancements in global Radiocommunication technology, certain provisions concerning the regulation of Radiocommunication device or any components thereof, as well as provisions concerning the establishment of Radiocommunication stations, are no longer suited to the significantly and swiftly changing circumstances. Additionally, there are no provisions regarding the collection of fees for the use of radio frequencies which are limited resources, nor are there penalties for violations, resulting in challenges to the enforcement of the law in line with its intended purpose. Furthermore, the provisions regarding the duration of licenses, the rate of fees, and the penalties for violations under the existing law are not compatible with the current economic conditions. Therefore, it is deemed necessary to amend the provisions of the law on radiocommunication to make them more appropriate, thereby necessitating the enactment of this Act.

Royal Decree amending provisions to align with the transfer of authorities and duties of government agencies in accordance with the Act on Amending of Ministry, Government Bureau, and Government Department, B.E. 2545 (2002)¹⁹.

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

¹⁹ Government Gazette Vol. 119/Part 102 A/Page 66/8th October B.E. 2545 (2002)

Section 97 The Radiocommunication Act, B.E. 2498 (1955), shall be amended by replacing the term "Minister of Transport" with "Minister of Information and Communication Technology."

Remark :- The reason for the enactment of this Royal Decree is that the Act on the Amending of Ministry, Government Bureau, and Government Department, B.E. 2545 (2002) provides for the establishment of new government agencies with new responsibilities, and a Royal Decree on Transfer of the Administration and Authorities of the Existing Agencies to the New Agencies in accordance with the Act on the Amending of Ministry, Government Bureau, and Government Department has been enacted; and whereas the Act stipulates the transfer of authorities and duties from the existing government agencies, ministers or those performing duties in the former government agencies to the new government agencies, along with the necessary amendments to various provisions to align with the transferred authorities and duties. Therefore, to ensure compliance with the principles outlined in the Act and the Royal Decree, it is deemed necessary to amend the provisions of the law to align with the transfer of the government agencies. This will provide clarity for all concerned in the application of the law, without the need to search through the law on the transfer of authorities to determine which responsibilities have been transferred to which agency or individual. The amendments include the change of names of government agencies, ministers, and officials responsible for the agencies to reflect the transferred authorities and duties, and the addition of representatives from the relevant agencies to committees to align with the transferred responsibilities, and elimination of references to agencies that have been dissolved. This amendment ensures consistency with the Act and the Royal Decree, thereby necessitating the enactment of this Royal Decree.

Wasu Sarnkhamnerd / Revisor
28 September 2009

Phumikit / Revised
28 August 2019

Anukool / Reviewed
11 September 2019