

ARCHITECT ACT,
B.E. 2543 (2000)

BHUMIBOL ADULYADEJ, REX;
Given on the 7th Day of February B.E. 2543;
Being the 55th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to revise the law on the architecture profession;

This Act contains certain provisions in relation to the restriction of rights and liberty of a person, in respect of which section 29 in conjunction with section 39, and section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of the provisions of the law;

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

Section 1. This Act is called the “Architect Act, B.E. 2543 (2000)”.

Section 2. This Act shall come into force from the day following the date of its publication in the Government Gazette.¹

Section 3. The Architecture Profession Act, B.E. 2508 (1965) shall be repealed.

Section 4. In this Act:

“Architecture Profession” means an architecture profession which applies science and art to create architecture and environment in the fields of architecture, urban architecture, landscape architecture, interior architecture and decorative arts, and other fields of architecture as prescribed in the Ministerial Regulation;

*Translated by Mr. Tanongsak Mahakusol, and reviewed by Mrs. Vilawan Mangklatanakul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Initial Version– pending review and approval by the Office of the Council of State.

¹Published in the Government Gazette, Vol. 117, Part 10 a, dated 20th February, B.E. 2543 (2000).

“Controlled architecture profession” means an architecture profession as prescribed in the Ministerial Regulation;

“Licence” means a licence to practice an architecture profession in this Act;

“Controlled architecture profession practitioner” means a person who is licensed to as a controlled architecture profession practitioner by the Architect Council;

“Member” means a member of the Architect Council;

“Committee member” means a committee member of the Architect Council;

“Committee” means a committee of the Architect Council;

“Secretary-general” means the secretary-general of the Architect Council;

“Competent official” means a person appointed by the Minister to execute this Act;

“Minister” means the Minister in charge in accordance with this Act.

Section 5. The Minister of Interior shall be in charge in accordance with this Act and shall have the power to appoint the competent official, and to issue Ministerial Regulations prescribing fees not exceeding the rates provided in the schedules hereto attached, including to issue the Ministerial Regulations for the execution of this Act.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I The Architect Council

Section 6. There shall be an Architect Council whose objectives and, powers and duties are hereby prescribed within this Act.

The Architect Council shall be a juridical person.

Section 7. The Architect Council shall have the following objectives:

- (1) to promote education, research, and practice of the architecture profession;
- (2) to promote unity and to conciliate disputes among members;
- (3) to promote welfare and to maintain honour of the members;
- (4) to control conduct and operation of the controlled architecture profession practitioner to be in compliance with the standards and ethics of the architecture profession;

- (5) to assist, advise, disseminate, and provide academic services to the people and other organizations in connection with the architectural science and technology;
- (6) to provide consultation or recommendation to the government in connection with the architectural and technological problems and policies;
- (7) to be a representative of the architecture profession practitioner of Thailand;
- (8) to execute any other activities as prescribed in the Ministerial Regulations.

Section 8. The Architect Council shall have the powers and duties as follows:

- (1) to issue a licence to applicants of controlled architecture profession practitioner ;
- (2) to suspend or revoke licence;
- (3) to certify degree, diploma, certificate, or certificate of proficiency in practicing the controlled architecture profession;
- (4) to certify knowledge and expertise in practicing the controlled architecture profession;
- (5) to propose recommendations to the Minister in connection with the determination and termination of fields in controlled architecture profession;
- (6) to prescribe regulations of the Architect Council on:
 - (a) the prescription of prohibited characteristics under section 12 (6)
 - (b) the admission of members, membership registration fees, maintenance fees, and fees to be collected from members or third persons;
 - (c) the selection and election of the committee members under section 32;
 - (d) the issuance of licence, term of licence, suspension of licence, revocation of licence, and a certification of knowledge and expertise in practicing the controlled architecture profession;
 - (e) the qualifications, terms of office, and the vacating of office of the inspector under paragraph two of section 20;
 - (f) the criteria and qualifications of an applicant for a licence at each level under section 46;
 - (g) the qualifications and prohibited characteristics of the applicants for a licence under section 49;
 - (h) the ethics of architecture profession and violation of ethics which brings the profession to disrepute;
 - (i) the standards in practicing the controlled architecture profession;
 - (j) the holding of the Architect Council's general meeting;
 - (k) any other activities as prescribed in this Act.

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Such regulations of the Architect Council must be approved by the chancellor and shall come into force upon their publication in the Government Gazette.

(7) to operate in accordance with the objectives of the Architect Council.

Section 9. The Architect Council may have the following incomes:

- (1) membership registration fee, maintenance fee, and a fee under this Act;
- (2) subsidy from the national budget;
- (3) benefit from the management of property and the operation of activities of the Architect Council;
- (4) money and property bestowed to the Architect Council;
- (5) interests from money and property under (1), (2), (3) and (4).

Section 10. The Minister shall hold an office of the chancellor of the Architect Council and shall have the powers and duties as prescribed in this Act.

CHAPTER II Members

Section 11. Members of the Architect Council shall be categorized into three types as follows:

- (1) ordinary members;
- (2) extraordinary members;
- (3) honorary members.

Section 12. An ordinary member shall have the following qualifications and none of the following prohibited characteristics:

- (1) being no less than eighteen years of age;
- (2) having a Thai nationality;
- (3) having knowledge in the area of architecture profession by obtaining a degree, diploma, certificate, or certificate of proficiency in architecture certified by the Architect Council;
- (4) not being a person who violates ethics which thereby brings the profession to disrepute as prescribed in the Architect Council's regulations;
- (5) not having been sentenced to imprisonment by a final judgment in case of ethics violation which which thereby brings the profession to disrepute as prescribed in the Architect Council's regulations;

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(6) not being a person of unsound mind, or being infected with a disease as prescribed in the Architect Council's regulations.

An extraordinary member must be a person who operates in a field relating to the architecture profession and shall have the qualifications and none of the prohibited characteristics prescribed in the regulations of the Architect Council.

An honorary member is a qualified person appointed by the general meeting of the Architect Council.

Section 13. The rights and duties of an ordinary member shall be as follows:

- (1) to express an opinion in the general meeting of the Architect Council;
- (2) to cast a vote in the general meeting of the Architect Council;
- (3) to express an opinion and to submit questions in writing about an activity of the Architect Council to the committee for consideration; and, in a case where there are fifty members, or more, collectively, to propose an issue relating to the activity of the Architect Council to the committee for consideration. The committee must give its consideration and notify the proposer of the result without delay;
- (4) to select, be elected as , or be appointed as a committee member;
- (5) to pay for a member registration fee and maintenance fee as prescribed in the Architect Council's regulations;
- (6) to maintain honour of the profession and conduct oneself in accordance with this Act.

An extraordinary member and an honorary member shall have the same rights and duties as those of an ordinary member, except the rights and duties under (2) and (4).

Section 14. Membership of a member terminates upon:

- (1) death;
- (2) resignation;
- (3) the committee passing a resolution for the membership to be terminated due to the lack of qualifications under section 12 for an ordinary member and an extraordinary member, as the case may be;
- (4) the general meeting of the Architect Council passing a resolution for the revocation of the honorary member's appointment;
- (5) failure to pay membership registration fee or maintenance fee without reasonable ground as prescribed in the Architect Council's regulations;
- (6) the Architect Council passing resolution for the licence to be revoked under section 64.

Section 15. An ordinary general meeting of members shall be held once a year. Other general meetings shall be called extraordinary meeting.

Section 16. The committee shall hold a general meeting as necessary.

An ordinary member may request that an extraordinary meeting be held in accordance with the criteria and procedures as prescribed in the Architect Council's regulations. In such case, the committee shall call the extraordinary meeting within thirty days from the date of such request being received.

Section 17. At a general meeting of the Architect Council, if the number of ordinary members presented does not reach one hundred and such meeting is called by the request of the members, the meeting shall be cancelled. However, if the general meeting is not held by a request of members, such meeting shall be adjourned and the President of the Architect Council shall call the general meeting again within forty-five days.

Section 18. At a general meeting of the Architect Council, the President of the Architect Council shall be its chairperson. In case where the President of the Architect Council is not present or is unable to perform the duty, the Vice President of the Architect Council shall act on his behalf under section 34 as the meeting's chairperson. If both the President and the Vice President are not present at the meeting or are unable to perform their duties, attending members shall select one member to be the meeting's chairperson.

Section 19. At an ordinary general meeting, appropriate business that may be executed shall include:

- (1) approval of an annual operation plan of the committee;
- (2) consideration and approval of an annual balance sheet of the Architect Council;
- (3) appointment of an auditor and determining the auditor's remuneration.

Section 20. There shall be one or more inspectors appointed, from members or third persons, by the general meeting of the Architect Council.

The qualifications, term in office, and termination of office shall be in accordance with the prescribed regulations of the Architect Council.

The inspector shall have the power and duty to inspect the committee's operation and shall submit a report to the general meeting of the Architect Council.

Section 21. In the inspection of the committee's operation, an inspector shall have the power to enter places of business of the Architect Council during office hours and relevant persons shall facilitate, assist, or give explanations to the inspector as appropriate.

Section 22. The committee member, sub-committee member, official of the Architect Council, employee, and representative of the Architect Council shall have the duty to submit documentary evidences kept by or in custody of themselves to an inspector and shall give explanations in connection with operations of the Architect Council's business upon request by the inspector.

Section 23. In a case where the committee is found to have failed to operate its business in accordance with the annual operation plan, or to have operated its business in a manner which may cause damages or contradicts an objective of the Architect Council, an inspector shall notify the general meeting of the Architect Council or ordinary members as the inspector deems appropriate in order to consider taking further action.

CHAPTER III The Committee

Section 24. There shall be a committee of the Architect Council consisting of:

(1) ten committee members elected from ordinary members by ordinary members and such committee members shall not hold an office as a faculty member in an institution of higher education of academic degree;

(2) five committee members elected from ordinary members by ordinary members and such committee members shall hold an office as a faculty member in an institution of higher education of academic degree;

(3) five committee members appointed from ordinary members by the Minister's proposal. The election and appointment of the committee members under paragraph one shall take into consideration an appropriate ratio of the ordinary members from various fields of the controlled architecture.

Section 25. Once the appointment of the committee members has been made and the outcome of the committee members election under section 24 is known, the chancellor shall arrange for the meeting of the committee to be held within thirty days and the date of the meeting shall be deemed the first day of office term for the committee members.

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Section 26. For the positions of the President, First Vice-President, and Second Vice-President of the Architect Council, the committee shall select one committee member for each position.

Subject to the committee's approval, the President of the Architect Council shall select one committee member for each of the secretary-general and treasurer positions, and may select committee members for other positions as necessary.

Subject to the committee's approval, the President of the Architect Council shall have the power to remove the secretary-general, treasurer, and other positions under paragraph two from the office.

The terms of office for the President, First Vice-President, and Second Vice-President of the Architect Council shall be in accordance with the term of office of the committee members so elected.

When the President of the Architect Council vacates the office, the secretary-general, treasurer, and other positions under paragraph two shall also vacate.

Section 27. A committee member shall have the following qualifications and none of the following prohibited characteristics:

- (1) having been granted a licence at a professional architect level for no less than ten years or having been granted a licence at a chartered architect level;
- (2) never having been ordered a suspension or revocation of licence;
- (3) not being bankrupt.

Section 28. Committee members shall be in office for three years in each term. Elected committee members cannot hold an office for more than two consecutive terms.

The committee members who vacate office shall remain in office to continue their duties until the new committee members are appointed or elected.

Section 29. Apart from vacating office due to an expiration of term, Committee members shall vacate from office when:

- (1) there is a termination of membership under section 14;
- (2) there is a lack of qualifications under section 27;
- (3) there is a resignation;
- (4) the Architect Council passes a resolution for a dismissal, by no less than two-thirds of the votes from the numbers of members presented at the meeting;

(5) more than half of the elected positions of the committee members are collectively vacated and the remaining terms in office of the committee members are less than ninety days;

(6) the Minister, by approval of the Council of Ministers, orders for such removal under section 69.

Section 30. When an elected committee member position is vacated prior to an expiration of term in office, the committee shall select a member who is qualified under section 27, and section 24 (1) or (2), as the case may be, to replace the committee member within thirty days from the date such committee member position has been vacated. However, if the remaining term in office of the committee member is less than ninety days, the committee may or may not select a replacement committee member.

In case where more than half of the positions of the committee member under paragraph one are vacated collectively and the remaining terms of the committee members are more than ninety days, a general meeting shall be held to elect replacement committee members for the vacated committee member positions.

The person so selected or elected shall be in office as a replacement, for a term equal to the remaining term of the person so replaced.

Section 31. When a committee member position elected under section 24 (3) is vacated prior to an expiration of term, a committee member shall be appointed to replace the vacated position within thirty days from the date that such position is vacated. Nevertheless, if the remaining term of the committee member is less than ninety days, such replacement appointment may or may not be made.

The appointed replacement person shall only hold the remaining term of office of the person so replaced.

Section 32. An election of the committee members under section 24 (1) and (2), a selection of committee members to hold offices under section 26, and the selection or election of the committee members under section 30 shall be in accordance with the Architect Council's regulations.

Section 33. The committee shall have the powers and duties, as follows:

(1) to administer and operate in accordance with the objectives and the regulations of the Architect Council;

(2) to supervise and take legal action against any person who acts in violation with this Act;

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(3) to issue the committee's regulations on any matter according to what has been prescribed as the committee's duties under this Act or as assigned by the general meeting of the Architect Council;

(4) to determine an operation plan and budget of the Architect Council;

(5) to give final ruling on appeal which are filed by the licensee against the decision of the ethics committee under section 62.

Section 34. The President of the Architect Council, First Vice-President, Second Vice-President, secretary-general, and treasurer shall have the powers and duties, as follows:

(1) the President of the Architect Council shall have the powers and duties:

(A) to be a representative of the Architect Council in activities in connection with third persons;

(B) to be a chairperson at the committee meetings and the general meeting of the Architect Council;

(C) to operate the business of the Architect Council so as to be in compliance with the committee's resolutions.

(2) the First Vice-President of the Architect Council shall be an assistant to the President of the Architect Council in activities under the powers and duties of the President of the Architect Council, as assigned by the President of the Architect Council, and shall act on behalf of the President of the Architect Council when the President of the Architect Council is absent or unable to perform his or her duties;

(3) the Second Vice-President of the Architect Council shall be an assistant to the President of the Architect Council in activities under the powers and duties of the President of the Architect Council, as assigned by the President of the Architect Council, and shall act on behalf of the President of the Architect Council when the President and First Vice-President of the Architect Council are absent or unable to perform their duties;

(4) the secretary-general shall have the powers and duties:

(A) to control and command all levels of officials in the Architect Council;

(B) to act as a secretary at the committee meeting and the general meeting of the Architect Council;

(C) to operate as having been assigned by the President of the Architect Council;

(5) the treasurer shall have the powers and duties to control, supervise, and be responsible for the accounting, finance, and budget of the Architect Council.

The President of the Architect Council may assign the Vice-President, committee member, secretary-general, treasurer or official of the Architect Council to carry out an action on his or her behalf as prescribed in the Architect Council's regulations.

CHAPTER IV

The Operation of the Committee

Section 35. A quorum of the committee meeting must be presented by no less than half of the total number of the committee members.

The President of the Architect Council shall chair the meeting. In case where the President of the Architect Council is absent from the meeting or unable to perform the duty, the Vice-Presidents of the Architect Council, acting on the President's behalf under section 34, shall chair the meeting. If the President and the Vice-Presidents are absent from the meeting or unable to perform their duties, the committee members presented shall select one committee member to chair the meeting.

A resolution of the meeting shall be by majority vote. Each committee member shall have one vote. In case where vote counts are equal, the chairperson of the meeting shall give an additional vote as a casting vote.

In case of termination of membership under section 14 (3), the resolution of the meeting shall require no less than two-thirds of the votes from the number of committee members presented.

Section 36. The chancellor may attend a meeting and give explanation or express an opinion at the committee meeting or submit an opinion in writing to the Architect Council in any matter.

Section 37. In the committee's operation, the committee shall make an annual operation plan and budget, and shall propose them to the general meeting of the Architect Council. The operation shall commence upon the meeting's approval of the proposal.

Within one hundred and twenty days from the date at the end of the calendar year, the committee shall make an annual report showing the works of the committee in the previous year, the explanation of policies together with the balance sheet and the account of earnings and expenses certified by an auditor under the law on certified public accountant, and present them to the general meeting of the Architect Council.

Section 38. The committee may appoint a subcommittee to consider or carry out an operation on any matter on behalf of the committee.

A meeting of the subcommittee shall be in accordance with the committee's regulations.

Section 39. The Office of the Architect Council shall be established to perform all of the administrative duties for the committee and the Architect Council.

Section 40. The President of the Architect Council shall appoint a chief of the Office of the Architect Council in accordance with the committee's resolution from persons having the following qualifications and none of the following prohibited characteristics:

- (1) being of Thai nationality;
- (2) being no less than thirty years of age;
- (3) not being bankrupt, of unsound mind, incompetent, or quasi incompetent;
- (4) not having been sentenced by a final judgment to imprisonment except for an offence committed through negligence, or a petty offence;
- (5) any other qualifications prescribed by the committee.

Section 41. Holding of office, vacating of office, determination of wages, and other conditions of employment in the position of the chief of the Office of the Architect Council shall be in accordance with an employment contract form prescribed by the Architect Council.

Section 42. The chief of the Office of the Architect Council shall have the powers and duties as follows:

- (1) to control and be responsible for general administrative works of the Architect Council;
- (2) to oversee and keep the registers of members, registers of the licensees, and other registers of the Architect Council;
- (3) to control and supervise over properties of the Architect Council;
- (4) to operate any other activities as assigned by the committee or the secretary-general.

CHAPTER V

the Architect Council's Regulations

Section 43. Draft regulations of the Architect Council may only be proposed by the committee or the ordinary members.

A proposal of the draft regulations of the Architect Council by the ordinary members may only be done when certified by no less than one hundred ordinary members.

The committee shall hold a general meeting of the Architect Council to consider the proposed draft regulations of the Architect Council as deemed appropriate to the case. The consideration of such draft regulations of the Architect Council must not be proposed as an unfixed agenda. Such matter must clearly be prescribed as an agenda in a notice of the meeting, with the proposed draft regulations of the Architect Council.

Section 44. If the general meeting of the Architect Council passes a resolution of approval to the draft regulations of the Architect Council, with no less than half of the ordinary members presented at the meeting, the President of the Architect Council shall propose the draft regulations of the Architect Council to the chancellor without delay. The chancellor may withhold such draft regulations provided that a clear reason must be given thereof. In case of the draft regulation not being withheld within thirty days from the date of receipt of such draft regulations proposed by the President of the Architect Council, such draft regulations shall be deemed to have been approved by the chancellor.

If the chancellor has withheld a draft regulation, the committee shall schedule another meeting within thirty days from the date that the draft is withheld. At the later meeting, if the votes confirming the resolution are no less than two-thirds of the total numbers of the whole committee members, such draft regulations shall be deemed to have been approved by the chancellor.

CHAPTER VI

Controls on Practicing the Architecture Profession

Section 45. No person shall practice the controlled architecture profession or represent oneself in any manner to mislead another person into understanding that the former person is ready to practice in any field of the controlled architecture profession, unless such person is licensed in that field by the Architect Council.

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Section 46. Practitioners in each field of the controlled architecture profession are categorized into four levels as follows:

- (1) chartered architect;
- (2) professional architect;
- (3) associate architect;
- (4) corporate architect;

The criteria and qualifications of the controlled professional architecture in each category shall be in accordance with what has been prescribed in the Architect Council's regulations.

Section 47. No person shall be allowed to use any word or phrase that presents oneself to another person into understanding that the former person has a knowledge and expertise in practicing the controlled architecture profession. This shall include employing, hiring, or allowing another person to commit such action on one's behalf, unless the former person has received a certificate of proficiency or a written approval certifying that such person has the knowledge and expertise in practicing in that field of the architecture profession by the Architect Council or the institutions certified by the Architect Council or a licensee who has the qualifications as prescribed in Architect Council's regulations.

Section 48. An issuance of licence, term of licence, suspension of licence, revocation of licence, and certification of knowledge and expertise in practicing the controlled architecture profession shall be as prescribed in the Architect Council's regulations.

Section 49. An applicant shall have the qualifications and none of the prohibited characteristics as prescribed in the Architect Council's regulation.

The applicant who is a natural person must be an ordinary member or an extraordinary member of the Architect Council, and the licence shall be terminated upon the termination of the person's membership.

The applicant who is a legal person, regardless of the amount of capital held by foreigner, shall at least have the following qualifications:

- (1) having a principal office within the Kingdom;
- (2) having no less than half of the total number of partners in a partnership, directors of a company, or management team members of a legal person; or a managing partner of the partnership, managing director of the company, or a sole executive of the legal person, being licensed under this Act.

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Section 50. A licensee shall behave in accordance with the ethics of the architecture profession as prescribed in the Architect Council's regulation.

Section 51. A person who sustains damage or finds a violation of the ethics of the architecture profession by a licensee shall be entitled to file an allegation against such licensee, by submitting a case to the Architect Council.

A committee member or any other persons shall be entitled to make an accusation against the controlled architecture profession practitioner regarding a violation of the ethics of the controlled architecture profession, by submitting a case to the Architect Council.

A right to file the allegation under paragraph one or a right to make the accusation under paragraph two shall be terminated after one year from the date that the person sustaining damages or the accuser knows of the violation of the ethics of the architecture profession and the offender.

A withdrawal of the submitted allegation or accusation shall not prevent further actions under this Act.

Section 52. When the Architect Council receives an allegation or accusation under section 51, the secretary-general shall propose such case to the ethics committee without delay.

Section 53. There shall be an ethics committee consisting of one president of the ethics committee and the ethics committee members for a number prescribed by the committee but shall not be less than three persons.

The committee shall appoint the ethics committee members in accordance with the resolution of the general meeting of the Architect Council from members who have the following qualifications:

- (1) being a practitioner of controlled architecture profession for no less than ten years;
- (2) having never been punished for a violation of ethics.

Section 54. A term of office for an ethics committee member shall be three years; and a member may be reappointed but shall not hold office for more than two consecutive terms.

The ethics committee member who vacates office upon the expiration of term shall remain in office to continue his or her duties until the new ethics committee member is appointed.

Section 55. Apart from vacating the office upon the expiration of term, the ethics committee member shall be vacated upon:

- (1) resignation;
- (2) termination of membership under section 14;
- (3) lack of qualification under section 53 paragraph two;
- (4) dismissal by the Architect Council's resolution with no less than two-thirds of the votes from the members presented at the meeting.

Section 56. When an ethics committee member position is vacated prior to an expiration of term in office, the committee shall appoint a replacement to the vacated position unless the remaining term in office of such ethics committee member is less than ninety days, the committee may or may not appoint a replacement to the vacated position.

The appointed ethics committee member so replaced shall be in office as a replacement, for a term equal to the remaining term of the person so replaced.

Section 57. The ethics committee shall have the powers and duties to consider and make a decision on an allegation of a violation by a licensee of the architecture profession's ethics.

The consideration procedure and decision of the ethics committee shall be in accordance with the committee's regulations.

Section 58. The ethics committee may appoint a subcommittee to consider or to carry out an operation on a matter on behalf of the ethics committee.

The operation of the subcommittee under paragraph one shall be in accordance with the committee's regulations.

Section 59. In performing the duties of the ethics committee and subcommittee appointed by the ethics committee, the ethics committee and subcommittee shall have the power to issue an order in writing to a relevant person to give testimony or to submit any document or object for the benefit of the consideration. However, if such an order is issued to the person who is not a licensee, a permission from the chancellor or a person assigned by the chancellor must be obtained.

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In performing the duties under this Act, the ethics committee member or subcommittee shall be an official under the Criminal Code.

Section 60. The president of ethics committee shall notify the alleged or accused licensee, in advance, in writing, of the allegation or accusation, together with a copy of such allegation or accusation no less than fifteen days prior to the commencement of hearing.

The alleged or accused person shall be entitled to give an explanation or submit any evidence to the ethics committee or subcommittee appointed by the ethics committee within fifteen days from the date of being notified by the president of the ethics committee or within a time period prescribed by the ethics committee.

Section 61. The ethics committee shall have the power to make a decision as follows:

- (1) dismiss an allegation;
- (2) issue a warning;
- (3) put on probation;
- (4) suspend a licence for a period deemed appropriate but not exceeding five years;
- (5) revoke a licence.

Section 62. A licensee to whom the ethics committee has made a decision under section 61 (2) (3) (4) or (5) may appeal the decision to the committee within thirty days from the date that such decision has been notified.

An appeal shall be in accordance with the criteria and procedure prescribed in the Architect Council's regulation.

The decision of the committee shall be made in the form of the Architect Council's order together with the reasons for such decision, and shall be deemed final.

Section 63. Any licensee whose licence is on suspension shall be prohibited from practicing the controlled architecture profession or representing in any manner to lead another person into understanding that such licensee has a right or is ready to practice the controlled architecture profession from the date such licensee has known of the Architect Council's suspension order.

Section 64. If a licensee, whose licence is on suspension, acts in violation of section 63, the Architect Council shall pass a resolution to revoke the licence of the licensee from the date that the court passes the final judgment.

Section 65. A licensee whose licence has been revoked shall not be eligible to apply for another licence until five years have passed, from the date of revocation of the licence.

In case where a legal person's licence has been revoked, it shall result in a revocation of licence to a partner of a partnership, a director of a company, an executive of the legal person, and an official or employee of the partnership or company or legal person who are involved in the actions leading to a revocation of licence for such partnership, company, or legal person. Such person shall be prohibited from becoming the partner of the partnership, the director in the company, or the executive of the juristic person licensed under this Act until five years have passed, from the date of revocation of the licence.

CHAPTER VII Supervision

Section 66. The Minister shall have the powers and duties, as follows:

- (1) to supervise the operation of the Architect Council and the practice of the controlled architecture profession;
- (2) to order a competent official to investigate a fact regarding the operation of the Architect Council and the practice of the controlled architecture profession;
- (3) to order, in writing, the committee members to give a factual explanation regarding the business of the Architect Council and for documents relating to the operation or the minutes of the committee meetings to be submitted;
- (4) to order, in writing, the Architect Council to desist or resolve any actions which appear to be in contradiction with the objectives of the Architect Council, the law, or the regulations of the Architect Council.

Section 67. In order to comply with an order of the Minister under section 66, a competent official shall have the power to issue an order in writing to a relevant person to give testimony or to submit any document or object for the benefit of the consideration. In addition, the competent official shall have the power to enter an office of the Architect Council or a place of business of the controlled architecture profession during office hours to inspect document or evidence; or to order a relevant person to give an

explanation as requested by the competent official. The competent official shall be an official under the Criminal Code.

In the execution of paragraph one by the competent official, the relevant person shall provide reasonable facilitation.

Section 68. In an operation by the competent official, an identification card shall be presented to a relevant person.

The identification card of the competent official shall be in accordance with a form determined by the Minister and published in the Government Gazette.

Section 69. If it is found that the Architect Council fails to comply with the Minister's order under section 66 or there are circumstances demonstrating that the committee, President of the Architect Council, or any particular committee member has acted in contradiction with the objectives of the Architect Council or acts in any manner that brings the Architect Council to grave disrepute, the Minister, by an approval of the Council of Ministers, shall have the power to order such committee, President of the Architect Council, or such committee member to be vacated from office.

In case where the Minister is to issue an order under paragraph one, the Minister shall appoint five ordinary members to be an investigation committee. The investigation committee must complete the investigation with urgency and then submit an investigation case file together with an opinion to the Minister for consideration of making an order.

The order of the Minister shall be final.

Section 70. In case where the Minister has issued an order under section 69 that all of the committee members of the Architect Council shall be vacated from their office, the Minister shall appoint persons from ordinary members of the Architect Council for a number equivalent to the possible number of committee members under section 24 to be temporary committee members in place of the vacated committee members, on the same date that the Minister issues the order for the committee members to be vacated from the office.

The temporary committee members under paragraph one shall have the power to perform their duties only as necessary and shall operate within thirty days from the date that the Minister has issued an order appointing temporary committee members, so as to have an election and appointment of the new committee members under section 24.

When the new committee members take their offices, the temporary committee members appointed by the Minister shall vacate from the office.

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CHAPTER VIII

Penalty

Section 71. Any person who violates section 45 or section 63 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht, or both.

Section 72. Any person who violates section 47 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or both.

Section 73. Any person who fails to comply with the order of the ethics committee or subcommittee under section 59, or the order of the competent official under section 67 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand baht, or both.

Section 74. In case where an offender under this Act is a legal person, a partner of a partnership, a director of a company, a representative of the legal person or any person involved in a commission of such offence shall be liable as a co-offender, instigator, or supporter in the commission of the offence, as the case may be, and shall be liable to the punishment as prescribed in that offence. The juristic person shall also be liable to a fine not exceeding ten times the fine for that offence.

Transitory Provision

Section 75. The committee controlling the practice of the architecture profession under the Architecture Profession Act B.E. 2508 shall perform its committee duty under this Act in the interim, until the committee under section 24 is established, and shall have the power to issue regulations of the Architect Council under section 8 (6) as necessary for temporary application. Such regulation shall be in force until there is an amendment of such regulation. Sections 43 and 44 shall not be applied.

The Office of Kor Sor, under the Architecture Profession Act B.E. 2508, shall perform a duty as the Office of the Architect Council under section 39 and the Kor Sor registrar, under the Professional Architecture Act B.E. 2508, shall perform a duty as a chief of the Office of the Architect Council under section 42, temporarily, until the Architect Council has its personnel to perform the duty. However, this shall not exceed one hundred and

eighty days from the date of a commencement of term in office of the committee under section 25.

For the first term in office, the provision in section 27 (1) shall not apply to the architect in the field of urban architecture, landscape architecture, and interior architecture and decorative arts who has qualifications and achievements for no less than 10 years, in accordance with the conditions prescribed by Kor Sor under the Professional Architecture Act B.E. 2508.

An election and appointment of the committee members under section 24 shall be completed within one hundred and eighty days from the date this Act comes into force.

Section 76. A person who is already licensed as a practitioner of the controlled architecture profession, in the categories of associate architect, professional architect, and chartered architect under the Architecture Profession Act B.E. 2508 on the date in which this Act is published in the Government Gazette shall be an ordinary member of the Architect Council under this Act.

A person who is already licensed to practice controlled architecture profession, in the category of a special licence, under the Professional Architecture Act B.E. 2508 on the date in which this Act is published in the Government Gazette shall be an extraordinary member of the Architect Council under this Act.

After an expiration of time period specified in the licence or two years have passed from the date this Act has come into force, whichever is longer, the memberships of members under paragraph one and paragraph two shall expire, unless the licensee applies and is granted a membership of the Architect Council under this Act.

A degree, a diploma, or a certificate certified by the committee controlling the practice of the architecture profession under the Architecture Profession Act, B.E. 2508 shall be deemed a degree, a diploma, or certificate certified by the Architect Council under section 8 (3).

Section 77. A person licensed as a practitioner of the controlled architecture profession, in the categories of chartered architect, professional architect, associate architect, or special licensee under the Professional Architecture Act B.E. 2508, whose licence is still valid on the date in which this Act is published in the Government Gazette, shall be a licensee to practice the controlled architecture profession at the levels of chartered architect, professional architect, associate architect, or corporate architect under this Act, as the case may be.

For the benefit of section 27 (1), a time period licensed as a controlled architecture profession practitioner, in the category of professional architect under the Professional Architecture Act B.E. 2508, shall be deemed a time period licensed at the level of professional architect under this Act.

Section 78. An application for a licence which has already been submitted prior to the date of enforcement of this Act shall further be proceeded until completion and shall be deemed as the proceeding executed under this Act. However, this proceeding must be completed within two hundred and forty days from the date this Act has come into force. Should such time period be exceeded, the proceeding shall be considered to be executed under this Act.

Any person licensed under the previous paragraph shall be deemed an ordinary member or an extraordinary member of the Architect Council under the provision of section 76 *mutatis mutandis*.

Section 79. While the Ministerial Regulation, rules, regulations, or notification for an execution of this Act have not yet been issued, the Ministerial Regulation, rules, regulations, or notification issued under the Architecture Profession Act B.E. 2508 shall apply *mutatis mutandis*.

Section 80. Any violation of good conducts or terms and conditions in the practice of the controlled architecture profession under the Architecture Profession Act B.E. 2508, which has been committed prior to the enforcement date of this Act and no proceeding under the Architecture Profession B.E. 2508 has been taken, shall be deemed a violation of the ethics of the architecture profession under this Act and further proceeding shall be under this Act.

In case where a proceeding has been taken against the offender of good conducts or terms and conditions in the practice of the controlled architecture profession committed prior to the enforcement date of this Act, such proceeding shall be deemed a proceeding under this Act and further proceeding shall be under this Act.

Countersigned by:
Mr. Chuan Leekpai
Prime Minister

Schedule of Fees

- (1) Fees for a licence as practitioner of controlled architecture profession
- Natural person:
- | | | |
|----------------------------------|--------|------|
| (a) chartered architect level | 10,000 | Baht |
| (b) professional architect level | 7,500 | Baht |
| (c) associate architect level | 5,000 | Baht |
| (d) corporate architect level | 5,000 | Baht |
- Legal person:
- | | | |
|-----------------------------------|---------|------|
| Fee for a licence of legal person | 100,000 | Baht |
|-----------------------------------|---------|------|
- (2) Fee for a renewal of licence as practitioner of controlled architecture profession submitted prior to an expiration of licence:
- Natural Person:
- | | | |
|----------------------------------|-------|------|
| (a) chartered architect level | 3,000 | Baht |
| (b) professional architect level | 2,000 | Baht |
| (c) associate architect level | 1,000 | Baht |
| (d) corporate architect level | 1,000 | Baht |
- If the renewal is submitted after the expiration of licence,
an extra fee shall be charged
- | | | |
|--|-------|------|
| | 2,000 | Baht |
|--|-------|------|
- Legal Person:
- | | | |
|--|--------|------|
| (a) Fee for a renewal of licence for legal person submitted prior to the expiration of licence | 30,000 | Baht |
| (b) fee for a renewal of licence for legal person submitted after the expiration of licence | 50,000 | Baht |
- (3) Fee for a written certificate of knowledge and expertise in practicing the controlled architecture profession
- | | | |
|--|--------|------|
| | 10,000 | Baht |
|--|--------|------|
- (4) Fee for a duplicate copy of licence or evidence certifying the granting of licence
- | | | |
|----------------|-------|------|
| Natural person | 500 | Baht |
| Legal person | 5,000 | Baht |
- (5) Fee for each examination of knowledge in the practice of controlled architecture profession
- | | | |
|--|-------|------|
| | 2,000 | Baht |
|--|-------|------|