

**TOURISM BUSINESS AND TOURIST GUIDE ACT**  
**B.E. 2551 (2008)**

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BHUMIBOL ADULYADEJ, REX;

Given on the 30<sup>th</sup> Day of January B.E. 2551 (2008);

Being the 63<sup>rd</sup> 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 tourism business and tourist guide;

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which section 29 in conjunction with sections 33 and 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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

**Section 1.** This Act is called the “Tourism Business and Tourist Guide Act, B.E. 2551 (2008)”.

**Section 2.** This Act shall come into force after the expiration of sixty days as from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** The following shall be repealed:

- (1) Tourism Business and Tourist Guide Act, B.E. 2535 (1992);
- (2) Tourism Business and Tourist Guide Act (No. 2), B.E.2545 (2002).

**Section 4.** In this Act:

“Tourism business” means a business of facilitating the travel, for pleasure or otherwise, of tourists by providing either one or more services or facilitations such as

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\*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.

<sup>1</sup>Published in the Government Gazette, Vol. 125, Part 29 Kor, dated 6<sup>th</sup> February, B.E. 2551 (2008).

accommodation, food, tourist guide, or any other service as prescribed in the Ministerial Regulation;

“Tourist” means a person travelling from one place to another for the purpose of pleasure, education, entertainment, or any other purpose;

“Tourist guide” means a service provider who regularly guides tourists to various places by providing services in terms of advice and knowledge in various aspects to the tourists;

“Tour leader” means a person responsible for providing care and facilitating tourists while travelling abroad;

“Service fee” means wages and expenses paid by a tourist to a tourism business entrepreneur for organizing, providing services or facilitating the travel, accommodation, food, or any other service;

“Committee” means the Committee on Tourism Business and Tourist Guide;

“Fund” means the Tourism Business Protection Fund;

“Office” means the Office of Tourism Development;

“Director” means the Director of the Office of Tourism Development;

“Registrar” means the chief registrar for tourism business and tourist guide or a registrar for tourism business and tourist guide at the branch office, as the case may be;

“Competent official” means a person appointed by the Director to execute functions pursuant to this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

**Section 5.** The Minister of Tourism and Sports shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations prescribing fees not exceeding the rates hereto attached, granting exemptions from fees and prescribing other business for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publications in the Government Gazette.

**Section 6.** This Act shall not apply to the Tourism Authority of Thailand and business to be authorized under the law on the promotion of Hajj pilgrimage.

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## CHAPTER I

### Committee on Tourism Business and Tourist Guide

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**Section 7.** There shall be a Committee on Tourism Business and Tourist Guide, consisting of the Permanent Secretary of the Ministry of Tourism and Sports as Chairperson, the Director of the Office of Tourism Development as Vice-Chairperson, a representative from the Ministry of Interior, a representative from the Ministry of Labor, the Commissioner of the Immigration Bureau, the Commander of the Tourist Police Division, the Governor of the Tourism Authority of Thailand and the Chairperson of the Tourism Council of Thailand and seven persons appointed by the Minister as members. The chief registrar for tourism business and tourist guide shall be member and secretary.

The members appointed by the Minister under paragraph one shall be five representatives from the Tourism Council of Thailand and qualified persons who were or have been university lecturers for not less than three years, one in the field of tourism study and one in the field of tourist guide study.

The five members who are representatives from the Tourism Council of Thailand under paragraph two may or may not be a member of the Tourism Council of Thailand. Their appointment shall at least be made from two representatives from tourism business entrepreneurs and two representatives from the tourist guides.

**Section 8.** A member appointed by the Minister shall hold office for a term of two years, and may be reappointed, but not more than two consecutive terms.

In the case where a member vacates office at the expiration of his or her term but a new member has not been appointed, such member shall continue in office to perform his or her duties until the new member is appointed.

**Section 9.** Vacation of office before the expiration of term for members appointed by the Minister shall be in accordance with as prescribed in the law on administrative procedure.

Other than vacation of office under paragraph one, the Minister may order that such member vacate office due to negligence in the discharge of duty, disgraceful behaviour, or incapability.

**Section 10.** In the case where a member appointed by the Minister vacates office before the expiration of his or her term, the remaining members shall continue to perform their duties and the same type of member shall be appointed to replace the

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member vacating office within sixty days as from the date such member vacates office. Except where the remaining term of such member is less than one hundred and eighty days, such appointment may not be made. The newly appointed member shall hold office for the remaining term of the member he or she replaces.

**Section 11.** A meeting, a conduct of meeting or any other matter relating to a meeting shall be in accordance with the regulations prescribed by the Committee.

**Section 12.** The Committee shall have the powers and duties as follows:

- (1) to determine work programmes and measures relating to the support, development and supervision of the tourism business and tourist guide;
- (2) to present a view to the Minister for an issuance of Ministerial Regulations under this Act;
- (3) to issue regulations on the standard of conducting tourism business, the standard code of conduct of tourist guides and tour leaders and their responsibility to tourists and tourism business entrepreneur, as well as a remuneration or protection which tourist guides and tour leaders shall receive from the tourism business entrepreneur;
- (4) to prescribe any area of locality or community for tourist guides who have been exempted from qualifications under section 51 to perform their tourist guide duties, including to impose measures for the purpose of promoting tourism of that locality or community with an approval from the Minister;
- (5) to issue regulations on the opening of depositary accounts and withdrawal thereof for a cash bond under section 18, including the return of the bond under section 39;
- (6) to prescribe the criteria and procedure of fact-finding and decision-making of the registrar under section 40;
- (7) to issue regulations on the criteria, procedure, and rate of compensation for tourists who were damaged by the tourism business entrepreneur under section 41;
- (8) to consider and make a decision on an appeal of a registrar's order under this Act;
- (9) to prescribe the criteria and procedure for the maintenance and management of money and asset of the Fund under section 71;
- (10) to execute other functions pursuant to this Act or as assigned by the Council of Ministers or the Minister.

**Section 13.** In performing its powers and duties, the Committee may appoint a sub-committee to perform a task assigned by it.

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A meeting and voting of the sub-committee shall be in accordance with the regulations as prescribed by the Committee.

**Section 14.** The Chairperson, members of the Committee, and members of the sub-committee shall receive meeting allowances and other benefits pursuant to the regulations as prescribed by the Council of Ministers.

## CHAPTER II

### Tourism Business

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**Section 15.** Any person wishing to operate a tourism business shall submit an application for a tourism business operating licence to a registrar.

Application for a licence, issuance of a licence, and issuance of a substitute licence shall be in accordance with the criteria and procedure as prescribed in the Ministerial Regulation.

**Section 16.** A person applying for a tourism business operating licence who is a natural person shall:

- (1) have the following qualifications:
  - (a) being not less than twenty years of age on the date of submission of an application for a tourism business operating licence;
  - (b) being of Thai nationality;
  - (c) having domicile or residence in the Kingdom of Thailand;
- (2) not be under any of the following prohibitions:
  - (a) being bankrupt or being under a receiving order;
  - (b) being a person of unsound mind or imbecile, or being incompetent or quasi-incompetent;
  - (c) being a person whose tourism business operating licence or tourist guide licence is being suspended;
  - (d) having been withdrawn of a tourism business operating licence under section 46(1), (2), (3) or (4) or a tourist guide licence under section 63(1), (2), (3), or (4) and such withdrawal has not reached the five year period up until the date of submission of an application for the tourism business operating licence;
  - (e) having been withdrawn of a tourism business operating licence under section 46(5) or a tourist guide licence under section 63(5);

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(f) having been withdrawn of a tour leader registration and such withdrawal has not reached the five year period up until the date of submission of an application for the tourism business operating licence.

**Section 17.** A person applying for a tourism business operating licence who is a juristic person shall:

(1) have the following qualifications:

(a) being a juristic person under Thai laws with an objective to operate a tourism-related business. If it is a registered partnership, an unlimited liability partner shall be of Thai nationality. If it is a limited company or a public limited company, not less than fifty-one per cent of the company's capital shall be held by a natural person being of Thai nationality and more than one-half of the company's directors shall be of Thai nationality;

(b) the director or a person with the power to manage on behalf of the juristic person shall have qualifications and not be under the prohibitions under section 16;

(2) not be under any of the following prohibitions:

(a) being a juristic person which is under the prohibitions under section 16(2)(c), (d) or (e);

(b) having a partner who is under the prohibitions under section 16(2)(c), (d) or (e) or having a partner who vacated a registered partnership under the prohibitions under (2)(a) and such vacation has not reached the five year period up until the date of submission of an application for the tourism business operating licence;

(c) having a shareholder whose share exceeds five per cent, who is under the prohibitions under section 16(2)(c) (d) or (e), or having a shareholder who vacated from being the director or a person with the power to manage on behalf of the juristic person which is under the prohibitions under (2)(a) and such vacation has not reached the five year period up until the date of submission of an application for the tourism business operating licence;

Nothing in (2)(b) and (c) shall apply to a person who was a partner, a director, or a person with the power to manage on behalf of the juristic person, who is able to prove that he or she does not take part in or is not a party to the actions of the juristic person which causes it to be under the prohibitions under (2)(a).

**Section 18.** A person applying for a licence under sections 16 and 17 shall place one or more of such guarantee as cash, a bank guarantee, a Thai government bond or a state enterprise bond which the principal and interest are guaranteed by the Thai government to a registrar so as to guarantee compliance with this Act. The amount shall be as prescribed in the Ministerial Regulation.

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**Section 19.** Once a person submits an application for a tourism business operating licence, a registrar or a person assigned by the registrar shall examine the completeness of documents and evidence and compliance with the criteria and procedure as prescribed in the Ministerial Regulation issued pursuant to section 15 paragraph two. In the case where it is found that any document or evidence is incomplete or does not comply with such criteria or procedure, the applicant for the tourism business operating licence shall be notified immediately.

**Section 20.** Once a registrar considers that an applicant for a tourism business operating licence has qualifications and is not under the prohibitions under section 16 or 17, as the case may be, and has complied with the criteria and procedure relating to an application for a tourism business operating licence, the registrar shall notify the applicant in writing within thirty days as from the date of receipt of the application for a licence. The written notification shall inform about the fee for the tourism business operating licence and the guarantee required to be placed.

Once the applicant pays the fee for the tourism business operating licence pursuant to the rate as prescribed in the Ministerial Regulation and places a complete guarantee pursuant to section 18, the registrar shall grant the tourism business operating licence within seven days as from the date the registrar receives such fee and guarantee.

The prescription of fees for the tourism business operating licence under paragraph two may be made in different rates pursuant to the type or characteristics of the tourism business entrepreneurs.

**Section 21.** Once a registrar considers that an applicant for a tourism business operating licence lacks qualifications or is under the prohibitions under section 16 or 17, as the case may be, the registrar shall notify such applicant in writing of the reason for refusing to grant the licence within thirty days as from the date of receipt of the application for a licence.

**Section 22.** In the case where a registrar issues an order refusing to grant a tourism business operating licence under section 21, the applicant for such licence shall have the right to make a request for an appeal in writing to the Committee within thirty days as from the date of receipt of the registrar's order.

The Committee shall consider and make a decision on the appeal under paragraph one within thirty days as from the date of receipt of the written request for an appeal.

The decision of the Committee shall be final.

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**Section 23.** A tourism business entrepreneur shall display a tourism business operating licence in an open and noticeable area at the place of business as specified in the tourism business operating licence.

**Section 24.** A tourism business entrepreneur shall not perform any act which would cause damage to the tourism industry, tourist attractions, or tourists.

**Section 25.** A tourism business entrepreneur shall comply with the regulations as prescribed by the Committee under section 12(3).

**Section 26.** In advertising or persuading about a travel itinerary, a tourism business entrepreneur shall prepare a document consisting at least the following details:

- (1) the name of the tourism business entrepreneur, the place of business and the number of a tourism business operating licence;
- (2) the travel period;
- (3) the service fee and its payment method;
- (4) the characteristics and types of vehicle used for travel;
- (5) the destination and rest area, as well as important attractions;
- (6) the characteristics and types of accommodation, and the number of meals provided;
- (7) a number of tourist guides or tour leaders, in the case where tourist guides or tour leaders are provided;
- (8) the minimum number of tourists for the trip, in the case where there is a condition that a specified minimum number of tourists is required.

**Section 27.** A tourism business entrepreneur shall notify the tourists of changes in the travel itinerary from the one advertised or persuaded under section 26 before receiving payment for a service fee.

Where changes in the travel itinerary is made after the tourists made payment for a service fee and the tourists do not wish to travel, the tourism business entrepreneur shall refund the payment received to the tourists without delay and shall not deduct any expense.

**Section 28.** In the case where a tourist has made payment, whether in whole or in part, and there is a ground which causes the tourist to be unable to travel individually or there is a ground to cancel the tour as advertised, without any fault on the

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part of the tourism business entrepreneur, such entrepreneur shall refund the payment to the tourist not less than the rate pursuant to the criteria as prescribed by the Committee.

In the case under paragraph one, if the cancellation of the tour is due to the fact that a minimum number of tourists as required under section 26(8) is not met or due to any cause which is the fault on the part of the tourism business entrepreneur, the tourism business entrepreneur shall refund the payment to the tourist in whole.

**Section 29.** During the tour, a tourism business entrepreneur shall not change a travel itinerary, unless the tourists give consent or upon force majeure.

The tourism business entrepreneur shall refund the service fee to the tourists in proportion to the changes in the travel itinerary under paragraph one, unless the tourism business entrepreneur is able to prove that such changes result in equal or more expense.

**Section 30.** A tourism business entrepreneur shall not charge any other service fee apart from those stated in section 26(3) or as agreed upon in advance.

In the case where a tourism business entrepreneur or a tourist guide persuades a tourist to any place or to engage in any activity apart from those stated in the advertisement or programme, such tourism business entrepreneur or tourist guide shall inform the tourist in advance of his or her service fee and service fees to be paid for entering into such place or engaging in such activity and shall not charge more than the service fee informed to the tourist.

**Section 31.** A tourism business entrepreneur is prohibited from organizing a tour for the tourist from abroad without a service fee or with a service fee in the rate which appears to be insufficient to the expense pursuant to the criteria as prescribed by the Committee.

**Section 32.** A tourism business entrepreneur is prohibited from assigning a tourist guide, a tour leader or any other person to guide the tourists under his or her responsibility to travel by charging money from such tourist guide, tour leader or that other person or by allowing such persons to be responsible for the travel expenses, accommodation, food, and any other facilitation cost for the tourists, whether in whole or in part.

**Section 33.** In arranging for a tourist guide or a tour leader to accompany the tourists, a tourism business entrepreneur shall employ a tourist guide who is granted a tourist guide licence or a tour leader who is registered under this Act, as the case may be.

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The travel to perform a duty of a tourist guide or a tour leader under paragraph one shall be deemed as an act in the course of employment of the tourism business entrepreneur.

**Section 34.** A tourism business entrepreneur shall provide for accident insurance to tourists, tourist guides, and tour leaders during the course of travel pursuant to the criteria as prescribed by the Committee.

**Section 35.** A tourism business entrepreneur shall make payment of a tourism business operating fee once every two years pursuant to the criteria, procedure and rate as prescribed in the Ministerial Regulation.

Any tourism business entrepreneur who fails to make payment of such fee within the specified period of time shall be charged with an additional two per cent per month. If the non-payment exceeds three months, a registrar shall suspend his or her licence until such fee and surcharge are paid, which shall not exceed six months as from the date of suspension of the licence.

At the expiration of six months, if the tourism business entrepreneur whose licence has been suspended has not made payment of such fee and surcharge, the registrar shall withdraw his or her licence.

**Section 36.** A tourism business operating licence shall be terminated, once a tourism business entrepreneur;

- (1) dies or terminates as a juristic person;
- (2) dissolves his or her business under section 38; or
- (3) is subject to a withdrawal of his or her tourism business operating licence under section 46.

**Section 37.** In the case where a tourism business operating licence is terminated under section 36(2) or (3), a tourism business entrepreneur shall have a duty to perform his or her existing commitments to the tourists as necessary, which shall not exceed six months as from the date of termination of such licence.

**Section 38.** A tourism business entrepreneur wishing to dissolve his or her business shall notify a registrar, as well as returning his or her tourism business operating licence to the Registrar within fifteen days as from the date the business is dissolved.

The dissolution of business shall not be the cause of releasing the tourism business entrepreneur from his or her liability to the tourists under this Act.

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**Section 39.** A guarantee placed by a tourism business entrepreneur under section 18 shall not be subject to execution as long as the tourism business entrepreneur has not dissolved his or her business, but shall not be discharged from liability under this Act.

In the case of dissolution of business, the tourism business entrepreneur may request for a return of the guarantee placed, including its profits only after he or she returns a tourism business operating licence under section 38 and the obligation incurred under this Act has been paid. If an amount of the remaining obligation is less than the value of the guarantee placed, a registrar shall have the power to order a reduction of the guarantee placed to the equivalent extent to an obligation which the tourism business entrepreneur is able to be responsible.

In the case where the registrar notified the tourism business entrepreneur to collect the guarantee, but the tourism business entrepreneur fails to collect the guarantee within two years as from the date of the notification, such guarantee shall become a property of the Fund.

**Section 40.** Once there is a complainant or it appears to a registrar that any tourist has been damaged by the fact that a tourism business entrepreneur fails to comply with an agreement relating to the tourism business, or as advertised or persuaded, or pursuant to this Act, the registrar shall conduct a fact-finding investigation and make a decision swiftly and fairly pursuant to the criteria and procedure as prescribed by the Committee.

In conducting a fact-finding investigation and making a decision pursuant to paragraph one, the registrar shall take into account an explanation made by the tourism business entrepreneur being accused.

**Section 41.** Once it appears from the result of the fact-finding investigation under section 40 that any tourist has been damaged by which tourism business entrepreneur and for what amount of money, a registrar shall order an interim payment from the Fund to compensate for such damage, and shall notify the tourism business entrepreneur to make a repayment to the Fund within fifteen days as from the date of receipt of the notification.

The criteria, procedure, and rate of compensation under paragraph one shall be in accordance with the regulations as prescribed by the Committee.

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Any tourism business entrepreneur who fails to make a repayment to the Fund within the specified period of time under paragraph one, the registrar shall deduct such amount from the guarantee placed under section 18 to repay the Fund.

**Section 42.** In the case where a guarantee placed by a tourism business entrepreneur under section 18 is reduced by virtue of an expense under this Act, a registrar shall order in writing to the tourism business entrepreneur to place an additional guarantee until it reaches the specified amount within fifteen days as from the date of receipt of the order.

Any tourism business entrepreneur who fails to place such additional guarantee within the specified period of time under paragraph one shall incur an additional charge of two per cent per month until the additional guarantee is fully placed.

**Section 43.** A tourist or a tourism business entrepreneur who does not agree with the order of a registrar under section 41 shall have the right to make a request for an appeal of such order in writing to the Committee within thirty days as from the date of receipt of the notification of the order from the registrar.

The Committee shall consider and make a decision on the appeal under paragraph one within thirty days as from the date of receipt of the written request for an appeal.

The decision made by the Committee shall be final.

An appeal of the order of the registrar under paragraph one shall not be the cause for a suspension of repayment to the Fund and a deduction of a guarantee to repay the Fund under section 41, and a placement of an additional guarantee under section 42, unless the Committee specifically allows.

In the case where a tourist dies, an heir or an interested person shall have the right to make a request for an appeal in the same manner as the tourist.

**Section 44.** In considering and making a decision on an appeal, the Committee shall have the powers as follows:

(1) in the case where an amount of money paid from the Fund is less than the damage done to a tourist, the Committee shall order a registrar to pay an additional amount from the Fund to the tourist as determined by the Committee and to notify a tourism business entrepreneur to repay such amount to the Fund within fifteen days as from the date of receipt of the notification. The provisions of section 41 paragraph three and section 42 shall apply, *mutatis mutandis*, unless the Committee deems that the damage which warrants for an additional payment is not caused by the fault on the part of the

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tourism business entrepreneur. In this case, the Committee may not order the tourism business entrepreneur to make such repayment to the Fund.

(2) in the case where the tourism business entrepreneur has no liability in such damage or only has liability in part and it is the case where such tourism business entrepreneur has made a repayment to the Fund pursuant to the registrar's order under section 41 or it is the case where the registrar has deducted an amount from a guarantee placed under section 18 to repay the Fund and such tourism business entrepreneur has fully placed an additional guarantee, the Committee shall order the registrar to reimburse an amount from the Fund to such tourism business entrepreneur, either in whole or in proportion to the extent of non-liability, as the case may be.

The Office shall inform the decision of the Committee to the person concerned within fifteen days as from the date the decision is made.

**Section 45.** A registrar shall have the power to suspend a tourism business operating licence for not exceeding six months at a time, once it appears that the tourism business entrepreneur:

(1) violates or fails to comply with the regulations as prescribed by the Committee under section 12(3);

(2) violates or fails to comply with section 30, 31, 32 or 33;

(3) fails to make payment of a tourism business operating fee and surcharge until the three months period as from the date of scheduled payment of the fees under section 35 paragraph two expires;

(4) fails to fully place an additional guarantee exceeding six months as from the due date under section 42 or 44(1); or

(5) violates or fails to comply with an order of a registrar or a competent official issued under section 76.

A tourism business entrepreneur whose licence is being suspended shall not operate a tourism business during such a suspension, unless it is the specific case where the registrar gives permission to operate in order to prevent damage from occurring to the tourists or the tourism business.

**Section 46.** A registrar shall have the power to withdraw a tourism business operating licence, once it appears that the tourism business entrepreneur:

(1) lacks qualifications under section 16(1) or 17(1) or is under the prohibitions under section 16(2)(a), (b), (d), (e) or (f) or section 17(2);

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(2) fails to pay a tourism business operating fee and surcharge until the six months period as from the date of suspension of the tourism business operating licence under section 35 paragraph three expires;

(3) has been suspended of a tourism business operating licence under section 45 and within one year as from the date of suspension of the tourism business operating licence, there is an additional case where the tourism business operating licence may be suspended, whether or not on the same ground;

(4) behaves or executes any act in violation of this Act or which causes serious damage to the tourist or the tourism business and the registrar has issued a warning, a suspension or requested correction but fails to do so; or

(5) has been sentenced by a final judgment on offence relating to trade, offences of robbery, gang robbery, fraud, fraud against creditor or misappropriation under the Criminal Code or offence of public cheating under the law on obtaining loans amounting to public cheating and fraud.

**Section 47.** A registrar shall submit a written order of suspension or withdrawal of a tourism business operating licence under section 45 or 46, as the case may be, to a tourism business entrepreneur within five days as from the date of such order.

For the notification under paragraph one, the registrar may deliver via registered mail with a return receipt being requested, fax, electronic means, or any other mean as prescribed by the Committee.

**Section 48.** A tourism business entrepreneur whose tourism business operating licence has been suspended or withdrawn under section 45 or 46, as the case may be, shall have the right to make a request for an appeal on such order in writing to the Committee within thirty days as from the date of receipt of such order from the registrar.

The Committee shall consider and make a decision on the appeal under paragraph one within thirty days as from the date of receipt of the written request for an appeal.

The decision of the Committee shall be final.

### CHAPTER III

#### Tourist Guide

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**Section 49.** Any person wishing to be a tourist guide shall submit an application for a tourist guide licence to a registrar.

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Application for a licence, issuance of a licence, renewal of a licence, and issuance of a substitute licence shall be in accordance with the criteria and procedure as prescribed in the Ministerial Regulation.

Nothing in this section shall apply to an official or staff of a government body or agency who occasionally performs the same duty as the tourist guide or a student with a written certification from an educational institution.

**Section 50.** A person applying for a tourist guide licence shall:

(1) have the following qualifications;

(a) being not less than eighteen years of age on the date of submission of an application for a tourist guide licence;

(b) being of Thai nationality;

(c) having been graduated at a bachelor's degree or equivalent in the field of tourist guide study or tourism study consisting of tourist guide subjects, or having been graduated at a diploma degree in the field of tourist guide study or tourism study consisting of tourist guide subjects not less than as prescribed by the Committee, or having obtained a certificate of proficiency or written certification that the applicant has passed a training course on tourist guide pursuant to the curriculum as prescribed by the Committee;

(2) not be under any of the following prohibitions;

(a) being a chronic alcoholism or being addicted to narcotics or being infected with chronic disease as prescribed by the Committee;

(b) being a person whose tourist guide licence or tourism business operating licence is being suspended;

(c) having been withdrawn of a tourism business operating licence under section 46(1), (2), (3) or (4) or a tourist guide licence under section 63(1), (2), (3) or (4) and such withdrawal has not reached the five year period up until the date of submission of an application for a tourist guide licence;

(d) having been withdrawn of a tourism business operating licence under section 46(5) or a tourist guide licence under section 63(5);

(e) having been withdrawn of a tour leader registration for less than five years up until the date of submission of an application for a tourist guide licence.

**Section 51.** For the purpose of promoting tourism in a particular locality or community, once the Committee has announced any local or community area under section 12(4), the Minister may issue a notification to exempt qualifications under section 50(1)(a) or (c) for an applicant of a tourist guide licence to provide exclusive service in that area, as well as a waiver or a reduction of tourist guide licence fee.

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In the case where there is a tourist guide pursuant to paragraph one who performs a tourist guide duty in that area under section 12(4), no other tourist guide shall be permitted to perform a tourist guide duty in that area.

**Section 52.** Once a person submits an application for a tourist guide licence, a registrar or a person assigned by the registrar shall examine the completeness of documents and evidence, and compliance with the criteria and procedure as prescribed in the Ministerial Regulation issued pursuant to section 49 paragraph two. In the case where it is found that any document or evidence is incomplete or does not comply with such criteria or procedure, the applicant for a tourist guide licence shall be notified immediately.

**Section 53.** Once a registrar considers that any applicant for a tourist guide licence under section 49 has qualifications and is not under the prohibitions under section 50, or any applicant for a tourist guide licence to provide exclusive service in a particular locality or community has been exempted from the qualifications under section 51 and has complied with the criteria and procedure relating to an application for a tourist guide licence and has made payment for a tourist guide licence fee pursuant to the rate as prescribed in the Ministerial Regulation, the registrar shall grant the tourist guide licence to such applicant within thirty days as from the date of receipt of the application for a licence.

**Section 54.** Once a registrar considers that any applicant for a tourist guide licence under section 49 lacks qualifications or is under the prohibitions under section 50, or any applicant for a tourist guide licence to provide exclusive service in a particular locality or community has not been exempted from the qualifications under section 51 or has not made payment of the fee within the specified period of time, the registrar shall notify such applicant in writing of the reason for refusing to grant the licence to such applicant within thirty days as from the date of receipt of the application for a licence.

**Section 55.** In the case where a registrar issues an order refusing to grant a tourist guide licence under section 54, the applicant for such licence shall have the right to make a request for an appeal in writing to the Committee within thirty days as from the date of receipt of the registrar's order.

The Committee shall consider and make a decision on the appeal under paragraph one within thirty days as from the date of receipt of the written request for an appeal.

The decision of the Committee shall be final.

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**Section 56.** A tourist guide licence shall be valid for five years as from the date of issuance and may be renewed pursuant to the criteria and procedure as prescribed in the Ministerial Regulation.

The provisions of sections 52, 53, 54 and 55 shall also apply to a renewal of a tourist guide licence, *mutatis mutandis*.

**Section 57.** The standard code of conduct, dress code, manner, behavior, and health examination of a tourist guide shall be in accordance with the regulations as prescribed by the Committee.

The tourist guide shall comply with the regulations as prescribed by the Committee under paragraph one and shall display a tourist guide identification card while on duty at all time.

The form, application, issuance, and manner of display of a tourist guide identification card under paragraph two shall be in accordance with as prescribed by the Minister.

**Section 58.** In undertaking a tourist guide duty, the tourist guide is prohibited from making payment or providing any other benefit to a tourism business entrepreneur or any other person or agreeing to be responsible for expenses, either in whole or in part, so as to acquire the duty of facilitating the travel for tourists.

**Section 59.** A tourist guide shall perform his or her duties pursuant to a travel itinerary as agreed with a tourism business entrepreneur and shall not act in any manner which would cause damage to the tourists.

**Section 60.** A tourist guide shall not allow or agree that other person without a tourist guide licence to perform tourist guide duties on his or her behalf.

**Section 61.** A tourist guide licence shall be terminated when the tourist guide:

- (1) dies;
- (2) is denied a renewal of a tourist guide licence under section 56; or
- (3) is withdrawn of a tourist guide licence under section 63.

**Section 62.** A registrar shall have the power to suspend a tourist guide licence for a period of not exceeding six months at a time, once it appears that a tourist guide:

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(1) violates or fails to comply with the regulations as prescribed by the Committee under section 12(3) or 57;

(2) violates or fails to comply with section 51 or 58;

(3) violates or fails to comply with an order of a registrar or a competent official issued under section 76.

The tourist guide whose licence has been suspended shall not perform a tourist guide duty during a suspension period, unless it is the specific case where the registrar gives permission in order to prevent damage from occurring to the tourists or the tourism business.

**Section 63.** A registrar shall have the power to withdraw a tourist guide licence, once it appears that a tourist guide:

(1) lacks qualifications under section 50(1) or is under the prohibitions under section 50(2)(a), (c), (d) and (e);

(2) has been suspended of a tourist guide licence under section 62 and, within one year as from the date of suspension of the tourist guide licence, there is an additional case where the tourist guide licence may be suspended, whether or not on the same ground;

(3) behaves or executes any act in violation of this Act or which causes serious damage to the tourist or the tourism business and the registrar has issued a warning, a suspension or requested correction but fails to do so;

(4) is a person of unsound mind or imbecile; or

(5) has been sentenced by a final judgment for offences of robbery, gang robbery, fraud, fraud against creditor or misappropriation under the Criminal Code or offence of public cheating under the law on obtaining loans amounting to public cheating and fraud.

The provisions of sections 47 and 48 shall also apply to the notification of an order or an appeal of an order, *mutatis mutandis*.

## CHAPTER IV

### Tour Leader

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**Section 64.** Any person wishing to be a tour leader shall register to be a tour leader with the Office pursuant to the criteria and procedure as prescribed in the Ministerial Regulation.

The Ministerial Regulation under paragraph one shall also prescribe the qualifications of the tour leader.

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A person who is granted a tourist guide licence and has the qualifications under paragraph two shall perform a tour leader duty without having to register under paragraph one, but shall notify the registrar for the purpose of record-keeping of the Office.

**Section 65.** In arranging for the tourists to travel abroad, if a tourism business entrepreneur provides for a tour leader, such tour leader shall be the tour leader who has been registered with the Office under section 64.

Apart from the duties of guiding and facilitating the tourists, the tour leader shall also perform in accordance with a travel itinerary under section 26 or 29, as the case may be.

**Section 66.** A standard code of conduct, dress code, manner, and behavior of a tour leader shall be in accordance with the regulations as prescribed by the Committee.

The tour leader shall comply with the regulations as prescribed by the Committee under paragraph one.

**Section 67.** In the case where it appears that a tour leader behaved or acted in violation of the regulations issued under section 66 or conducted any act which caused serious damage to the tourist or the tourism business, a registrar shall have the power to issue a warning, a suspension or request correction of such act.

In the case where the tour leader violates or fails to comply with the order of the registrar under paragraph one, or violates or fails to comply with the order of the registrar or a competent official issued under section 76, the registrar shall have the power to prohibit such person from performing a tour leader duty within a specified period of time, which shall not exceed six months or may withdraw a tour leader registration.

**Section 68.** Once a registrar issues an order prohibiting a person from performing duties or withdrawing a registration under section 67, the registrar shall notify the Office for information. The Office shall circulate the name of such tour leader to tourism business entrepreneurs for information, pursuant to the criteria and procedure as prescribed by the Committee.

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## CHAPTER V

### Tourism Business Protection Fund

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**Section 69.** There shall be a fund called the “Tourism Business Protection Fund” whose objective is to be used for advance payment to the tourist who has been damaged by the failure on the part of the tourism business entrepreneur to comply with a tourism business agreement, or to act as advertised or guaranteed to the tourists, or to comply with this Act.

**Section 70.** The Fund shall consist of the following money and asset:

- (1) a preliminary fund contributed by the Tourism Authority of Thailand for twenty million baht;
- (2) fees for tourism business operating licences and other fees collected pursuant to this Act;
- (3) a guarantee vested in the Fund under section 39 paragraph three;
- (4) repayment of money by a tourism business entrepreneur to the Fund and money deducted by a registrar from the guarantee to repay the Fund under section 41 paragraph three and a surcharge under section 35 paragraph two and section 42 paragraph two;
- (5) money or property donated or devoted;
- (6) profits, income, or any other money of the Fund.

The money and asset under paragraph one shall belong to the Office for the purpose of utilization pursuant to the objective of the Fund without having to provide to the Ministry of Finance as public revenue.

**Section 71.** Maintenance and management of money and asset of the Fund shall be in accordance with the criteria and procedure as prescribed by the Committee.

**Section 72.** For profits accruing from the Fund under section 70(6), the Committee may prescribe such profit to be used as an expense for the management and administration relating to the Fund, but shall not exceed one-half of the profits received each year.

**Section 73.** Within one hundred and twenty days as from the end of the year, the Office shall prepare a balance-sheet, a financial statement, and an account of expenses of the Fund to be presented to the Committee.

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For the balance-sheet, the Office shall arrange for a licenced auditor to examine such balance-sheet and prepare an audit report to be presented to the Committee.

## CHAPTER VI

### Control

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**Section 74.** The Director shall appoint one government official in the Office of Tourism Development whose rank is not lower than a divisional director to be the chief registrar for tourism business and tourist guide to perform duties as a registrar to control the tourism business and tourist guide throughout the Kingdom and shall have the powers and duties as provided in this Act or as assigned by the Committee.

**Section 75.** For the purpose of facilitating and providing service to people in the area, the Director may appoint a registrar for tourism business and tourist guide at the branch office to be responsible for the execution of this Act in one or more provinces, either permanently or temporarily.

**Section 76.** In the performance of duties, a registrar shall have the powers as follows:

(1) to enter into a place of business of a tourism business entrepreneur during the office hours or to enter into a travel vehicle used by the tourists so as to examine compliance with this Act;

(2) to order a tourism business entrepreneur to give information relating to the conduct of business, either temporarily or regularly, pursuant to the form, detail, and procedure as prescribed in the Ministerial Regulation;

(3) to call on a tourism business entrepreneur, a representative or employee, a tourist guide, or a tour leader to give a statement or explanation regarding a tourism business operation or the performance of duty as a tourist guide or a tour leader, as the case may be, or to submit any related document or evidence for examination.

The registrar may assign the power under (1) and (3) in writing to be executed by a competent official.

The exercise of power by the registrar or the competent official shall not create excessive obstacle for the travel of the tourists.

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**Section 77.** In the performance of duties, a registrar or the competent official shall present an identification card to persons concerned.

The identification card of the registrar and the competent official shall be in accordance with the form as prescribed in the Ministerial Regulation.

**Section 78.** In the performance of duties under this Act, the registrar and the competent official shall be deemed as an officer under the Criminal Code.

**Section 79.** The performance of duties by a registrar and the competent official under this Act shall be executed by focusing on facilitating persons concerned and shall result in the promotion of tourism.

## CHAPTER VII Penalties

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**Section 80.** Any person who operates a tourism business without a tourism business operating licence under section 15, or operates a tourism business while his or her licence is being suspended in violation of section 45 paragraph two shall be liable to imprisonment for a term of not exceeding two years or to a fine of not more than five hundred thousand baht, or to both.

**Section 81.** Any tourism business entrepreneur who fails to comply with section 23 shall be liable to a fine of not more than two thousand baht.

**Section 82.** Any tourism business entrepreneur who violates section 24 shall be liable to a fine of not more than five hundred thousand baht.

**Section 83.** Any tourism business entrepreneur who fails to comply with section 25, 26, or 27 shall be liable to a fine from five thousand baht to fifty thousand baht.

**Section 84.** Any tourism business entrepreneur who violates section 31 or 32 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not more than five hundred thousand baht, or to both.

**Section 85.** Any tourism business entrepreneur who fails to comply with section 33 shall be liable to a fine of not more than five hundred thousand baht.

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**Section 86.** Any person who performs a tourist guide duty without a tourist guide licence under section 49 or performs a tourist guide duty while his or her licence is being suspended in violation of section 62 paragraph two shall be liable to imprisonment for a term of not exceeding one year or to a fine of not more than one hundred thousand baht, or to both.

**Section 87.** Any tourist guide who violates section 51 shall be liable to a fine of not more than five thousand baht.

**Section 88.** Any tourist guide who fails to comply with the regulations as prescribed by the Committee or fails to display a tourist guide identification card under section 57 shall be liable to a fine of not more than ten thousand baht.

**Section 89.** Any tourist guide who violates sections 58 and 60 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not more than fifty thousand baht, or to both.

**Section 90.** Any person who performs a tour leader duty without being registered as a tour leader under section 64 paragraph one shall be liable to imprisonment for a term of not exceeding one month or to a fine of not more than twenty thousand baht, or to both.

**Section 91.** Any tour leader who fails to comply with the regulations as prescribed by the Committee under section 66 shall be liable to a fine of not more than ten thousand baht.

**Section 92.** Any tour leader who violates an order of a registrar which prohibits him or her from performing a tour leader duty under section 67 paragraph two shall be liable to imprisonment for a term of not exceeding one month or to a fine of not more than twenty thousand baht, or to both.

**Section 93.** Any person who obstructs or fails to facilitate a registrar or the competent official assigned in writing by the registrar who performs duties under section 76 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not more than fifty thousand baht, or to both.

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**Section 94.** Offences under this Act which are only punishable by a fine or punishable by an imprisonment for a term of not exceeding one month with or without a fine may be settled by a registrar or a person assigned by the registrar pursuant to the criteria as prescribed by the Committee.

Once an offender has made payment to settle the offence, the case shall be deemed to be settled under the Criminal Procedure Code.

**Section 95.** In the case where an offender which is liable to penalty under this Act is a juristic person, a director or a person with the power to manage on behalf of the juristic person shall also be liable to a penalty provided for that offence, unless it is proved that such person does not take part in the commission of offence.

### Transitory Provisions

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**Section 96.** The Committee on Tourism Business and Tourist Guide under the Tourism Business and Tourist Guide Act B.E. 2535 (1992) who performs duty prior to the date this Act comes into force shall be the Committee on Tourism Business and Tourist Guide under this Act and shall continue to perform its duty under this Act until the Committee on Tourism Business and Tourist Guide under this Act is appointed. The appointment of such Committee shall be completed within ninety days as from the date this Act comes into force.

**Section 97.** A tourism business operating licence issued under the Tourism Business and Tourist Guide Act B.E. 2535 (1992) shall be a tourism business operating licence under this Act.

**Section 98.** In the case where Thailand has an agreement with a government of a foreign country relating to the operation of tourism business prior to the date this Act comes into force, the Minister may announce a waiver of qualifications under section 16(1)(b) and section 17(1)(a) and (b) for a national of such country.

**Section 99.** A tourist guide licence issued under the Tourism Business and Tourist Guide Act B.E. 2535 (1992) shall remain valid until it reaches an expiration date specified in such tourist guide licence.

For the purpose of renewing a licence, the licence under paragraph one shall be deemed as a licence issued under this Act.

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**Section 100.** For damages pursuant to the Tourism Business and Tourist Guide Act B.E. 2535 (1992) which occurred to the tourists, tourist guides, tourism industry entrepreneurs, or tourism business entrepreneurs prior to the date this Act comes into force, the following agencies shall continue the consideration of the complaints made, by applying the relevant provisions of the Tourism Business and Tourist Guide Act B.E. 2535 (1992) until such consideration is completed:

(1) the Tourism Authority of Thailand, for cases complained by persons under paragraph one prior to the date this Act comes into force;

(2) the Office of Tourism Development, for cases complained by persons under paragraph one after the date this Act comes into force.

**Section 101.** For guarantees placed by holders of a tourism business operating licence to the Governor of Tourism Authority of Thailand under the Tourism Business and Tourist Guide Act B.E. 2535 (1992) prior to the date this Act comes into force, the Tourism Authority of Thailand shall submit such guarantees to the Office of Tourism Development for deduction as a guarantee in an amount as prescribed in the Ministerial Regulation under section 18. In the case where the guarantees remain after deduction and it appears that the holders of the licence has no pending cases for consideration under section 100, the Office of Tourism Development shall return such guarantees to each holder of the tourism business operating licence, together with accrued profits.

For any holder of a tourism business operating licence who has a pending case for consideration under section 100, the Office of Tourism Development shall return guarantees once the consideration of the complaint is completed. The remaining guarantees with profits shall be returned after the deduction of liability occurred.

**Section 102.** Any Ministerial Regulation, rule or regulation issued under the Tourism Business and Tourist Guide Act B.E. 2535 (1992) which are still in force on the date of publication of this Act in the Government Gazette shall continue to be in force, only to the extent that it is not contrary to, or inconsistent with, this Act, until there are Ministerial Regulations, rules or regulations issued under the provisions of this Act, which shall not exceed two years as from the date this Act comes into force.

Countersigned by  
General Surayud Chulanont  
Prime Minister

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### Rate of Fees

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(1) Tourism business operating licence	each	3,000	Baht
(2) Tourist guide licence	each	1,500	Baht
(3) Substitute of tourism business operating licence	each	1,000	Baht
(4) Substitute of tourist guide licence	each	500	Baht
(5) Tourism business fee for two years	each time	1,500	Baht
(6) Renewal of tourist guide licence	each time	1,500	Baht

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