

Regulations of the Committee on Direct Sales and Direct Marketing

On the Criteria and Conditions in Comparing

Under the Act on Direct Sales and Direct Marketing

B.E. 2545 B.E. 2560

The regulations of the Committee on Direct Sales and Direct Marketing on the principles and conditions in comparing offenses under the Direct Sales and Direct Marketing Act B.E. 2556 have been enforced for a long time. Additionally, various situations have changed and the regulations are not deemed appropriate for the present conditions. As it is deemed necessary to prescribe the criteria and conditions in using penalty comparison for those in authority to compare the procedure of comparison, prepare the history of the alleged offenders for suitability and be able to enforce the regulations with effectiveness, it is therefore necessary to prescribe this regulation.

By virtue of the authority under Section 55 of the Direct Sales and Direct Marketing Act B.E. 2545, as amended, the Committee on Direct Sales and Direct Marketing have laid down the regulations related to the penalty comparison under the aforementioned Act to be a course of action as follows:

No. 1 This regulation is called “Regulation of the Committee of Direct Sales and Direct Marketing on the criteria and conditions in penalty comparison under the Direct Sales and Direct Marketing Act B.E. 2545 B.E. 2560”.

No. 2 This regulation shall be enforced from the day after the day of the announcement in the Royal Thai Government Gazette onwards.

No. 3 The regulation of the Committee of Direct Sales and Direct Marketing on the criteria and conditions in penalty comparison under the Direct Sales and Direct Marketing Act B.E. 2556 shall be repealed.

No. 4 In this regulation

“Person in authority to compare the penalties” refers to the person who has been authorized by the Committee of Direct Sales and Direct Marketing to proceed in comparing the penalties under the Direct Sales and Direct Marketing Act B.E. 2545.

“Alleged Offender” refers to the person who has been accused of committing an offense under the Act of Direct Sales and Direct Marketing B.E. 2545.

Clause 5 In all cases where the comparator sees that it is within his authority to compare, the comparator shall compare the penalties as follows

- 1) Explain to the Alleged Offender that the offense that he has been accused of is the case of penalty comparison. In the case where the alleged offender has confessed that he has committed the offense, and is willing for his penalty to be compared, the comparator shall compare the penalty, and record the name, age, and address of the accuser and Alleged Offender; the offense; and the day, time and place of occurrence as well as other details in the record of accusations at the end of this regulation. The testimony of the accuser and the alleged offender must also be recorded according to form ๓๓.3 at the end of this regulation and then the penalty is compared.

In the case that the Alleged Offender is not willing for the penalty to be compared, the testimony is recorded in accordance with ๗๓.5 at the end of the regulation as follows:

(2) In all cases where the authorized person deems that he is unable to compare or it is not suitable to compare, or the case where the Alleged Offender does not come to be compared within the prescribed time or comes to be compared but is not willing to be compared, the officer shall send the case to the investigation officer for further investigation in the matter.

Clause 6 In the comparison, the authorized person shall prescribe the amount of the fine according to the circumstances and the seriousness of the offense. Regarding the comparison, if an important problem arises which is difficult to diagnose, it shall be discussed with the Committee on Direct Sales and Direct Marketing.

Clause 7 In the case where the Alleged Offender is a juristic person, the testimony and the comparison is recorded, separate between the juristic person, committee member, the manager, or the person in charge of the operation on behalf of the juristic person.

Clause 8 If the case of comparison consists of a property in dispute in one way or another, the person of authority shall compare and record the willingness of the owner of that property in dispute to surrender the property in dispute to the state in accordance with Form Kor Tor.6 at the end of the regulation and deal with the property in dispute as suitable depending on the case, within the limitations of his authority and duty.

Clause 9 After the alleged offender has paid the fine, the person in authority is to issue the receipt to the alleged offender, and let him sign his name and acknowledge the amount of the fine paid in the copy of the receipt.

Clause 10 After the comparison is done, and the payment of the fine has been received, the person in authority shall compare and record the comparison in accordance with ๗๓.7 at the end of this regulation, and set up the information system of the history of the Alleged Offender, record the history of the alleged offender in accordance with ๗๓.8 at the end of this regulation, set up the monthly budget of the case along with compiling the file of the case of comparison that is already finished, and propose it to the Committee of Direct Sales and Direct Marketing.

Clause 11 Keep the payment of the fine and bring the payment of the fine to the Financial Office according to the related regulation.

Clause 12 The Office of the Consumer Protection Board shall keep the file of the case of comparison that is finished in the prescribed prescription. When the statute of limitations has expired, the Office shall ask for permission to destroy the file under the regulation of the Office of the Prime Minister concerning correspondence.

Clause 13 Let the Chairman of the Committee on Direct Sales and Direct Marketing act according to this regulation.

Announced on 21st July B.E 2560

Veerapong Boonyopas

Chairman of the Committee on Direct Sales and Direct Marketing

Record of Accusations

Case No...../.....

At the Place of CPB

Date.....Month.....Year.....

1. Name Age Address of Accuser

Office of the Consumer
Protection Board,
Office of the Prime Minister
has authorized.....

.....
.....

2. Name Age Address of Alleged Offender

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.....

3. Offense

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.....

4. Day Time Venue

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5. Result of the Procedure

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(Signature) Comparator
(.)

(Signature) Comparator
(.)

(Signature) Comparator
(.)

Statement of the Testimony of the Accuser and the Alleged Offender

Case No...../.....

Place of Comparison CPB

Date.....Month.....Year.....

1. I, Office of the Consumer Protection Board, Office of the Prime Minister, have authorizedthe accuser, Chaengwattana, Laksi, Bangkok, accusestogether with.....
.....
.....
.....which is an offense and will be punished under Section.....of the Direct Sales and Direct Marketing Act B.E. 2545

2. I,alleged offender by.....Committee Member and authorized director, Head Office, located at No.....Village.....Alley/Soi.....RoadSub-area/District.....Province.....Comparator has informed me of the accusations and has informed me that the testimony that I have given may be used as evidence in the consideration of the case in court, and will compare my penalty as the accused in the amount ofbaht (.....) I acknowledge and testify that I have committed the offense and am willing to be compared and fined.

I agree to allow the person in authority to compare and I am willing to pay the fine of the amount ofbaht (.....) and I agree to settle the fine by date.....month.....Year.....If I do not settle the fine within the aforementioned time period, let the Comparator file legal proceedings against me.

The officer has read this statement to all parties, acknowledged as correct

(Signature).....(Accuser)
(.....)

(Signature).....(Alleged Offender)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Witness)
(.....)

(Signature).....(Officer)
(.....)Writer/Reader

Statement of the testimony of the Alleged Offender

(In the Case of Refusal to be Compared)

Written at the Office of the
Consumer Protection Board

Date..... Month..... Year.....

I,..... Age.....Years Nationality..... living
at..... Village..... Alley/Soi..... Road..... Sub-District.....
District/Sub-Area..... Province..... Tel -No.....

The officer has informed me that.....is the alleged offender
according to the
Act.....Section.....Offense.....
.....will be punished under
Section..... and must pay a fine of.....baht
which.....will be compared and adjusted....and the compared and adjusted
rate is the amount ofbaht I, am not willing to allow the
comparison because

- I have not committed the offense
- The amount of the fine is high
- Other reasons (Please state).....

The officer has read this memorandum to the alleged offender.

Acknowledged as correct, and signed as.....

()..... Alleged Offender

()..... Comparator

()..... Officer

()..... Witness

()..... Witness

Statement of Willingness of Owner of Property to

Surrender Property to the State

Place of Comparison CPB

Date.....Month.....Year.....

I,.....Age..... Years Nationality.....Race.....living
at.....Village.....Alley/Soi..... Road.....Sub-
District.....Sub-Area/District.....Province.....have been informed by the
Comparator that the following property

.....
.....
.....
.....
.....
.....
.....

..... is the property of
dispute that has to be dealt with in one way or another, and the comparator has informed that the
property will be dealt with suitably, depending on the case, within the limitations of the
comparator's authority and duty.

I acknowledge and agree to surrender the property of dispute to the state, and allow the officer to deal with the property according to the law.

The officer has read this memorandum to all parties.

Acknowledged as correct

(Signature).....(Property Owner)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Witness)
(.....)

(Signature).....(Officer)
(.....)Writer/Reader

The act of the Alleged Offender is an offense under Section..... of the Direct Sales and Direct Marketing Act B.E. 2545 and is an offense that can be compared. The offender was willing to be compared, so the comparison of penalty shows that the offender must pay a fine of the amount of baht (.....) The offender has already paid the mentioned amount, on Date Month.....Year.....

The officer has read this memorandum to all parties.

Acknowledged as correct

(Signature).....(Accuser)
(.....)

(Signature).....(Alleged Offender)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Comparator)
(.....)

(Signature).....(Witness)
(.....)

(Signature).....(Officer)
(.....)Writer/Reader

