

Unofficial Translation\*

**ANIMAL FEED CONTROL ACT,**

**B.E. 2558 (2015)**

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BHUMIBOL ADULYADEJ, REX.

Given on the 3<sup>rd</sup> Day of March B.E. 2558;

Being the 70<sup>th</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 animal feed control;

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 “Animal Feed Control Act, B.E. 2558 (2015)”.

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

**Section 3.** The following shall be repealed:

(1) the Animal Feed Control Act, B.E. 2525;

(2) the Animal Feed Control Act (No. 2), B.E. 2542.

**Section 4.** In this Act:

“animal feed” means:

(1) items that have been intended for use or used for the feeding of animals by way of eating, drinking, licking or taking into an animal’s body by any method or;

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\* Translated by Ms. Pataraporn Kasetsara and reviewed by Associate Professor Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand's Law for ASEAN project.– Tentative Version – subject to final authorisation by the Office of the Council of State.

<sup>1</sup> Published in the Government Gazette, Vol. 132, Part 15a, Page 1, dated 5th March B.E. 2558

(2) items that have been intended for use or used as ingredients for producing the animal feed;

“specifically controlled animal feed” means animal feed having an impact on the economy and society, or posing a danger to animals, or generally affecting consumers who consume meat, the production of specifically controlled animal feed offered for sale or the import of such feed for the purpose of selling shall be registered as prescribed in the Notifications issued by the Minister with the advice of the Committee on Animal Feed Control;

“produce” means to make, mix, process, formulate, change in form, or to place in packaging;

“sell” means to sell, supply, distribute, or exchange; for commercial purposes the term includes possession for sale;

“import” means to bring or order into the Kingdom;

“export” means to bring or export to countries outside the Kingdom;

“container” means any item specifically used to contain or cover animal feed;

“label” includes pictures, markings or any text that is displayed on a container of animal feed;

“licensee” means a recipient of a licence under this Act; if the recipient is a juristic person, “licensee” includes a person who is appointed by the juristic person to operate its business;

“licensor” means the Director General, or a person appointed thereby;

“Committee” means the Committee on Animal Feed Control;

“Competent Official” means a person who is appointed by the Minister to execute the provisions of this Act;

“Director-General” means the Director-General of the Department of Livestock Development;

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

**Section 5.** The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and to issue Ministerial Regulations prescribing fees, which shall not exceed the rate

annexed to this Act; to exempt fees; and to prescribe any other businesses; and to issue Notifications for the execution of this Act.

Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

**Section 6.** For the purpose of quality control of animal feed, the Minister, with the advice of the Committee, shall have the power to prescribe the following and issue Notifications thereof:

(1) the name, type, category, characteristics, quality or standard of specifically controlled animal feed, including the rules, procedures and conditions for production for sale, import for the purpose of selling or sale of such specifically controlled animal feed;

(2) the name, type, category, characteristics, quality or standard of animal feed which is not specifically controlled animal feed under (1), including the rules, procedures and conditions for production for sale, import for the purpose of selling or sale of such animal feed;

(3) the name, type, category or characteristics of animal feed that is prohibited from being produced, imported or sold; and conditions for such prohibition may be prescribed;

(4) the name, type, category, characteristics or quality of substances that are prohibited from being mixed into animal feed;

(5) the quality or standard of tools or machinery used for the production of animal feed for sale, the quality or standard of containers used to store or sell animal feed, materials prohibited from being used as containers, and the use of containers for storage or sale of such animal feed;

(6) any place in the Kingdom designated as checkpoints for the inspection of imported or exported animal feed;

(7) qualifications, rules or procedures to recruit qualified members under section 9.

**Section 7.** A person who produces for sale, imports for the purpose of selling or sells animal feed under section 6 (2) shall comply with the rules, procedures and conditions for production for sale, import for the purpose of selling or sale of such animal feed.

**Section 8.** A producer of animal feed for sale shall use tools or machinery for the production of such feed having the quality and standard as prescribed in the

Notifications issued by the Minister under section 6 (5). The producer shall also store animal feed as prescribed in such Notifications.

A seller shall store animal feed as prescribed in the Notifications issued under section 6 (5).

## CHAPTER I THE COMMITTEE ON ANIMAL FEED CONTROL

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**Section 9.** There shall be a committee called “the Committee on Animal Feed Control” consisting of the Permanent Secretary of the Ministry of Agriculture as Chairperson, the Director-General of the Department of Livestock Development as Vice-Chairperson, and the Director-General of the Department of Internal Trade, the Director-General of the Department of Fisheries, the Director-General of the Department of Agriculture, the Director-General of the Department of Customs, the Secretary-General of the Consumer Protection Commission, the Secretary-General of the Food and Drug Commission and the Secretary-General of the National Bureau of Agricultural Commodity and Food Standards as *ex officio* members. The Minister shall appoint five qualified members consisting of one representative of the cooperatives, two persons legally representing agricultural groups and two representatives of business operators in the animal feed industry.

The Director of the Bureau of Livestock Standards and Certification shall be a member of the Committee and serves as the secretary.

**Section 10.** A qualified member shall hold offices for a term of two years.

If a qualified member vacates office before the expiration of the term, the Minister may appoint other person to be a qualified member to replace the vacating and the person newly appointed shall hold office for the remainder of the term of the member he or she replaces.

Upon the expiration of the term of office under paragraph one, if a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall remain in office to continue to perform his or her duties until a new qualified member assumes his or her duties.

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A qualified member who vacates office upon the expiration of the term may be reappointed, but may not serve for more than two consecutive terms.

**Section 11.** In addition to vacating office on the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister due to negligence in the performance of the duty, disgraceful behavior, or incapability;
- (4) being bankrupt;
- (5) being an incompetent person or a quasi-incompetent person;
- (6) being imprisoned due to a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence.

**Section 12.** The Committee shall have the powers and duties to give advice or submit opinions to the Minister or the Director-General, as the case may be, on the following matters:

- (1) issuing the Notifications under section 6;
- (2) making rulings on appeals under section 26, section 40, and section 50;
- (3) suspending licences under section 46 or revoking licences under section 48;
- (4) controlling animal feed as entrusted by the Minister or as requested by the Director-General.

**Section 13.** At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum.

If the Chairperson does not attend a meeting of the Committee, or is unable to perform his or her duties, the Vice-Chairperson shall preside over the meeting. If the Chairperson and the Vice-Chairperson do not attend or are unable to perform their duties, the meeting shall elect one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting votes, each member shall have one vote. In the case of equal votes, the presiding member shall have an additional vote as the casting vote.

**Section 14.** The Committee may appoint a sub-committee to consider or perform any task entrusted to it by the Committee.

Section 13 shall apply to meetings of the sub-committee *mutatis mutandis*.

## CHAPTER II

### APPLYING FOR AND GRANTING OF LICENCES

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**Section 15.** Any person who intends to produce for sale or import for the purpose of selling specifically controlled animal feed under section 6 (1) shall submit an application for a licence. When a licensor issues such a licence, the licensee can produce for sale or import for the purpose of selling such specifically controlled animal feed.

The application for a licence and the issuance of a licence under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

The licensee under paragraph one shall comply with the rules, procedures and conditions for production for sale or import for the purpose of selling specifically controlled animal feed as prescribed by in the Notifications issued by Minister under section 6 (1) as well.

**Section 16.** Any person; who produces for sale or imports for the purpose of selling specifically controlled animal feed as prescribed in the Notifications under section 6 (1) prior to the date when the Notifications come into force and intends to continue to operate, shall submit an application within thirty days from the date on which such Notifications come into force. Upon submitting the application within the prescribed period, the operation shall continue until an order to reject the application is issued. However, a person who has already been licensed to produce for sale or to import for sale such feed does not have to reapply for a licence.

**Section 17.** Any person who intends to sell specifically controlled animal feed under section 6 (1) shall submit an application for a licence. Upon receiving the licence from the licensor, that person is permitted to sell such feed.

The application for a licence and the issuance thereof under paragraph one shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

The licensee under paragraph one shall comply with the rules, procedures and conditions for sale of specifically controlled animal feed as prescribed in the Notifications issued by the Minister under section 6 (1) as well.

**Section 18.** Any person, who sells specifically controlled animal feed as prescribed by the Notifications under section 6 (1) prior to the date on which the Notifications come into force and intends to continue to operate, shall submit an application within thirty days from the date on which such Notifications come into force. Upon submitting the application within the prescribed period, the operation shall continue until an order to reject the application is issued. A person who has already been licensed to sell does not have to reapply for a licence.

**Section 19.** Upon receiving an application under section 15, section 16, section 17 or section 18, the licensor shall examine the application and issue a licence or notify the applicant in writing of an order rejecting his or her application, as well as justifications for the rejection, within forty five days from the date of receipt of an application containing correct and complete details.

If the licensor is not able to issue a licence or is not able to issue an order to reject the application within the prescribed period under paragraph one, the licensor shall extend the period not more than two times. Each of the extensions shall not be longer than thirty days. A written notification of each extension, along with justifications therefor, shall be sent to the applicant before the period of time prescribed under paragraph one expires or before the extended period is over, as the case may be.

**Section 20.** A licensor may issue a licence to produce, import or sell specifically controlled animal feed when it appears that an applicant:

- (1) is an owner of business who intends to apply for a licence;
- (2) is not less than twenty years of age;

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- (3) has a place of residence in Thailand;
- (4) is not bankrupt;
- (5) is not imprisoned due to a final judgment or lawful order to a term of imprisonment for an offence that the law deems an act committed dishonestly as an element of an offence or pursuant to this Act, except having been discharged for not less than two years after being sentence prior to the day of filling the application;
- (6) is not of unsound mind, an incompetent person or a quasi-incompetent person;
- (7) has facilities to produce, import, sell or store specifically controlled animal feed; equipment to produce, sell or store specifically controlled animal feed; and systems to control or maintain the quality of specifically control animal feed; the characteristics and quantity of all of these shall be in accordance with Ministerial Regulation.

If an applicant is a juristic person, a manager or representative of the juristic person who operates its business shall have the qualifications specified in (2) and (3) and shall not be subject to the prohibitions under (4), (5) or (6).

**Section 21.** The provisions of section 15, section 16, section 17 and section 18 shall not apply to:

- (1) ministries, sub-ministries, departments, or State enterprises that produce for sale, import for sale or sell specifically controlled animal feed for government use;
- (2) production for sale, import for the purpose of selling, or sale of specifically controlled animal feed for use as samples for research purposes, for use in applying for registration or as commercial samples prior to purchase;
- (3) cooperatives or agricultural groups under the law who produce for sale specifically controlled animal feed for feeding the animals of their members or of farmers within the same group.

A person who is exempted under paragraph one shall notify a licensor and shall comply with the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 22.** The types of licences issued shall be as follows:

- (1) a licence to produce specifically controlled animal feed;
- (2) a licence to import specifically controlled animal feed;
- (3) a licence to sell specifically controlled animal feed.



A licensee under (1) shall be a licensee under (3) for the specifically controlled animal feed that he or she produces, and a licensee under (2) shall be a licensee under (3) for the specifically controlled animal feed that he or she imports.

**Section 23.** A licence issued under section 22 shall also cover employees or agents of the licensee.

An act done by an employee or agent of the licensee under paragraph one shall be deemed that of the licensee, unless he or she can prove that it is beyond his or her knowledge or control.

**Section 24.** A licence issued under section 22 shall be valid for the following period:

(1) a licence to produce specifically controlled animal feed shall be valid for three years from the date of issuance;

(2) a licence to import specifically controlled animal feed shall be valid for one year from the date of issuance;

(3) a licence to sell specifically controlled animal feed shall be valid until the end of the calendar year in which such licence is issued.

**Section 25.** Any licensee who intends to apply for renewal of his or her licence shall submit an application for the renewal prior to the expiry of the licence. Upon the submission of the application, the licensee may continue to operate his or her business until the licensor disapproves the application. The approval or disapproval of an application shall be completed within thirty days from the date of receipt of an application containing correct and complete details.

An application for, as well as granting of, a licence renewal shall conform to the rules, procedures and conditions as prescribed by Ministerial Regulation.

A licensee whose licence has expired for not more than thirty days may submit an application for licence renewal and a grace period; in doing so, he or she shall give reasons for not having been able to submit the application within the prescribed time. The grace period application does not relieve the licensee from liability under section 77 or section 78, as the case may be.

Applying for the renewal of a licence that has expired for more than thirty days is not permitted.

**Section 26.** If the licensor refuses to grant a licence, or refuses to approve an application for licence renewal, the applicant for the licence or renewal has the right to appeal in writing to the Minister within thirty days from the date of being notified in writing of the refusal.

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The Minister's ruling shall be final.

If the licensor does not grant the renewal of a licence, before the Minister makes a ruling on the appeal under paragraph two, the Minister shall have the power to permit the licensee to continue to operate his or her business temporarily if the appellant so requests.

### CHAPTER III THE DUTIES OF LICENSEES

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**Section 27.** A person licensed to produce specifically controlled animal feed shall comply with the following:

- (1) to cause to be displayed in a conspicuous place, easily visible from the outside of the building, a sign indicating that the building is a facility used to produce specifically controlled animal feed or to store specifically controlled animal feed; the features and size of the sign, as well as the statements thereon, shall conform to the rules, procedures and conditions prescribed and notified by the Minister;
- (2) to ensure the separation of specifically controlled animal feed away from things that may worsen the quality of the specifically controlled animal feed;
- (3) to analyse specifically controlled animal feed that has been produced before taking it from the place of production; there shall be evidence thereof that contains details of the analysis, and such evidence shall be kept no less than three years;
- (4) to provide labels for specifically controlled animal feed; their layout and text of such labels shall be in accordance with the rules, procedures and conditions prescribed and notified by the Minister.

**Section 28.** For the benefit of export, a producer may produce specifically controlled animal feed for export that has the quality, standard, label or other details prescribed by the purchaser. The producer shall, however, comply with the rules, procedures and conditions as prescribed and notified by the Minister.

No person shall sell specifically controlled animal feed produced under paragraph one in the Kingdom.

**Section 29.** A person licensed to import specifically controlled animal feed shall comply with the following:

(1) to cause to be displayed in a conspicuous place, easily visible from the outside of the building, a sign indicating that the building is a facility used to import specifically controlled animal feed or to store specifically controlled animal feed; the features and size of the sign, as well as the statements thereon, shall conform to the rules, procedures and conditions as prescribed and notified by the Minister;

(2) to ensure the separation of specifically controlled animal feed away from things that may worsen the quality of the specifically controlled animal feed;

(3) to provide a certificate from the producer of the specifically controlled animal feed containing details of the analysis of that feed, every time it is imported;

(4) to provide a certificate from the appropriate government agency of the producing country or from another organisation recognised by the government agency of the producing country; such certificate shall conform to the rules, procedures and conditions as prescribed and notified by the Minister;

(5) to provide labels for specifically controlled animal feed, the layout and text of which shall be in accordance with the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 30.** Upon the issuance of the Notifications under section 6 (6), an importer or an exporter of animal feed shall bring the animal feed imported or exported by him or her, as the case may be, to the competent official for inspection at a checkpoint.

The competent official's inspection shall conform to the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 31.** A person licensed to sell specifically controlled animal feed shall comply with the following:

(1) to cause to be displayed in a conspicuous place, easily visible from the outside of the building, a sign indicating that the building is a facility used to sell specifically controlled animal feed or to store specifically controlled animal feed; the features and size of the sign, as well as the statements thereon, shall conform to the rules, procedures and conditions as prescribed and notified by the Minister;

(2) to ensure the separation of specifically controlled animal feed away from things that may worsen the quality of the specifically controlled animal feed;

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(3) to maintain in good condition; the labels on the containers of specifically controlled animal feed—as prescribed in section 27 (4) or section 29 (5), as the case may be, so that they are in complete order and visible;

(4) to maintain the containers of specifically controlled animal feed in good condition; if the containers are damaged, they shall not be sold.

**Section 32.** If a licence is lost, or essential parts of the text of a licence are destroyed or defective, the licensee shall submit an application for a substitute for the licence within fifteen days from the date of discovery that the licence was lost, destroyed or defective.

An application for a substitute under paragraph one shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

**Section 33.** A licensee shall display his or her licence or its substitute in a conspicuous place, easily visible at the facility where the specifically controlled animal feed is produced, imported, or sold, as the case may be.

**Section 34.** A licensee who intends to move from a place where specifically controlled animal feed is produced, imported, sold, or stored, as the case may be, shall give written notice of the intended relocation to a competent official not less than fifteen days in advance.

The rules, procedures and conditions pertaining to an application for, as well as the granting of, a licence under section 15 and section 17 shall be applied to the relocation of a place where specifically controlled animal feed is produced, imported, sold, or stored under paragraph one *mutatis mutandis*.

## CHAPTER IV

### REGISTRATION OF SPECIFICALLY CONTROLLED ANIMAL FEED

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**Section 35.** A licensee under section 15 who intends to produce or import any specifically controlled animal feed shall submit it to a competent official for registration. Upon receiving a certificate of registration thereof, the licensee is permitted to produce or import such specifically controlled animal feed.

An application for registration and an issuance of a certificate of registration of specifically controlled animal feed shall conform to the rules, procedures and conditions as prescribed and notified by the Minister.

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The provisions of paragraph one and paragraph two shall not apply to a person licensed to produce specifically controlled animal feed who produces specifically controlled animal feed for feeding his or her own animals; provided that he or she complies with the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 36.** Upon the issuance of a Notification under section 6 (1), a licensee under section 16 who produces or imports any specifically controlled animal feed prior to the date on which the Notification comes into force shall submit such specifically controlled animal feed to a competent official to apply for registration within sixty days from that date or from the date of receiving a licence under section 16, as the case may be, and shall continue to produce or import such specifically controlled animal feed until the licensor notifies him or her that the application has been rejected.

**Section 37.** A person licensed to produce or import specifically controlled animal feed shall produce or import it in accordance with the registered details.

**Section 38.** Amendment to details in a certificate of registration of specifically controlled animal feed is permitted only with permission from the competent official concerned.

An application to amend the details in the certificate of registration of specifically controlled animal feed and an approval of the application shall comply with the rules, procedures and conditions as prescribed by the Notifications.

**Section 39.** A certificate of registration of specifically controlled animal feed shall be indefinitely valid, unless it is cancelled or revoked.

**Section 40.** The Director General shall have the power to issue an order to amend, cancel or revoke a certificate of registration of specifically controlled animal feed if a Notification to make changes pursuant to section 6 (1) is issued, or if the feed is not produced or imported for more than two years, or if the feed may be harmful to animals. Such an order shall be published in the Government Gazette.

A licensee whose certificate of registration of specifically controlled animal feed has been cancelled or withdrawn due to a failure to produce or import such feed for more than two years, or because such feed may be harmful to animals, shall have the right to appeal in writing to the Minister within fifteen days from the date of being informed of the order.

The Minister's rulings shall be final.

An appeal under paragraph two shall not suspend the execution of the order to cancel or withdraw the certificate of registration of specifically controlled animal feed.

Fees to be charged for an amendment under paragraph one shall be waived.

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**Section 41.** In cases where a certificate of registration of specifically controlled animal feed is lost, or where essential parts of the text therein are destroyed or damaged, the licensee shall submit an application for a substitute for the certificate within fifteen days from the date of discovery that the licence was lost, destroyed or defective.

Applying for, as well as issuing, the substitute under paragraph one shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

## CHAPTER V THE DISCONTINUATION AND TRANSFER OF A BUSINESS

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**Section 42.** Any licensee who intends to discontinue a business that is permitted to operate under this Act shall notify the licensor in writing of the discontinuation of such business and shall also return his or her licence and certificate of registration of specifically controlled animal feed. In addition, the licence and certificate shall be deemed to expire from the day on which the notice of discontinuation is provided.

The notice of discontinuation under paragraph one shall specify the quantity of specifically controlled animal feed remaining and the place where such feed is stored according to the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 43.** Any licensee who does not renew his or her licence or whose licence is not renewed by the licensor, shall notify the licensor of the quantity of specifically controlled animal feed remaining and the place where such feed is stored within thirty days from the day on which the licence expires or the day on which the licensor refuses to renew the licence.

The notification under paragraph one shall conform to the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 44.** A licensee who provides a notice of the discontinuation of his or her business, or who does not renew his or her licence, or whose licence is not renewed by the licensor, as the case may be, shall sell the remainder of his or her specifically controlled animal feed to another licensee or to a person deemed appropriate by the licensor within ninety days from the day on which the notice of discontinuation is provided, the day on which the licence expires or the day on which the licensor refuses to renew the licence. However, the licensor may extend the prescribed period of time as he or she deems fit but not more than an additional ninety days.

If specifically controlled animal feed still remains after the period of time under paragraph one has lapsed, it is prohibited from being sold and shall be destroyed by the licensee within thirty days from the date on which the period of time under paragraph one has lapsed. The licensee shall notify the licensor of such destruction, and the destruction shall conform to the rules prescribed by the Director General with the approval of the Committee.

The notification under paragraph two shall conform to the rules, procedures and conditions as prescribed and notified by the Minister.

**Section 45.** Within ninety days from the day on which a licensee dies, his or her heir or a person receiving the heir's consent shall notify the licensor of his or her intention to continue operating the business and request permission to do so. Upon receiving such permission, the person notifying the licensor of the intention to continue is permitted to operate the business until the licence expires. In addition, such person shall be deemed to be a licensee under this Act from the day on which the original licensee died.

The notification of an intention to continue shall conform to the rules, procedures and conditions as prescribed and notified by the Minister.

The provisions of section 44 paragraph two and paragraph three shall apply when a licensee's heir who possesses specifically controlled animal feed does not notify the licensor of his or her intention to continue operating the business under paragraph one *mutatis mutandis*.

## CHAPTER VI

### LICENCE SUSPENSION AND LICENCE REVOCATION

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**Section 46.** If it appears that any licensee under section 15 or section 17 fails to comply with this Act or the Ministerial Regulations or the Notifications issued hereunder, the licensor, with the approval of the Committee, shall have the power to suspend the licensee's licence for a period of not more than one hundred and twenty days at a time. However, if a legal action against the licensee is brought before a court of law on the grounds of having committed an offence under this Act, the licensor may suspend the licence and await the court's final judgment.

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A licensee whose licence is suspended shall cease to operate the business permitted by such licence. During the suspension, the licensee is not permitted to apply for any licence under this Act.

**Section 47.** The licensor has the power to withdraw an order suspending a licence before the prescribed period of time if it appears that the licensee whose licence has been suspended has complied with this Act or the Ministerial Regulations or the Notifications issued under this Act.

**Section 48.** If it appears that any licensee has committed an offence under section 56 (1) or has violated an order suspending his or her licence, the licensor, with the approval of the Committee, has the power to revoke his or her licence.

A person whose licence has been revoked is not permitted to apply for any licence under this Act until after a period of two years from the date of revocation of the licence has lapsed.

**Section 49.** An order suspending a licence and an order revoking a licence shall be made in writing, with a copy provided to the licensee. If the licensee cannot be found, or if the licensee refuses to accept such an order, it shall be posted in a conspicuous and easily visible place at the location specified in the licence. Under these circumstances, the licensee shall be deemed to have received notice of such order from the date of its posting.

**Section 50.** A licensee whose licence has been suspended or revoked shall have the right to appeal in writing to the Minister within thirty days from the date of being notified thereof.

The Minister's ruling shall be final.

An appeal under paragraph one shall not suspend the execution of an order suspending a licence or an order revoking a licence, unless the Minister orders otherwise.

**Section 51.** A licensee whose licence has been revoked shall sell the remainder of his or her specifically controlled animal feed that is not animal feed prohibited from being sold under section 56 to another licensee or to a person deemed appropriate by the licensor, within ninety days from the date of receiving notice of the order revoking his or her licence or the Minister's ruling. However, the licensor may extend the prescribed period of time as he or she deems fit, but not more than an additional ninety days.



The provisions under section 44 paragraph two and paragraph three shall apply when the licensee whose licence has been revoked is unable to comply with paragraph one *mutatis mutandis*.

## CHAPTER VII

### CERTIFICATES

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**Section 52.** For the purpose of good management of production of animal feed, an animal feed producer may request that the licensor issue a certificate of quality assurance system for the animal feed or other certificates relating to the animal feed. The person submitting such a request shall be required to pay a fee.

Designating names, types and categories of certificates of quality assurance system for animal feed, or other certificates relating to animal feed; applications for certificates; and the issuance of certificates under paragraph one shall be in accordance with the rules, procedures and conditions prescribed and notified by the Minister.

**Section 53.** The certificates issued under section 52 shall be valid as follows:

- (1) a certificate of quality assurance system for the animal feed shall be valid for three years from the date of issuance;
- (2) certificates relating to animal feed other than those under (1) shall be valid for a single use only.

**Section 54.** The licensor shall have the power to revoke a certificate under section 52 when it appears that the recipient thereof has failed to comply with the rules, procedures and conditions as prescribed and notified by the Minister under section 52 paragraph two.

**Section 55.** An application for renewal of a certificate shall be made by submitting the application prior to the expiry thereof. Upon submission of the application, the existing certificate shall be valid until the licensor disapproves the application. Approval or disapproval of the application shall be completed within thirty days from the date of receiving an application that contains correct and complete details.

An application for renewal of a certificate and the renewal thereof shall be in accordance with the rules, procedures and conditions as prescribed and notified by the Minister.

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**CHAPTER VIII**  
**QUALITY CONTROL OF ANIMAL FEED**

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**Section 56.** No person shall produce for sale, import for the purpose of selling, or sell the following animal feed:

- (1) animal feed that is contaminated;
- (2) animal feed that has deteriorated in quality;
- (3) animal feed that does not meet required standards;
- (4) animal feed that shall be registered but has not been registered;
- (5) animal feed the licence for which has been revoked by the Director-General;
- (6) animal feed that is prescribed and notified by the Minister under section 6 (3).

**Section 57.** Contaminated animal feed shall mean:

- (1) animal feed under section 6 (1) that is made from other ingredients that are not specified in the registration, except ingredients that may occur naturally as prescribed and notified by the Minister; or
- (2) animal feed under section 6 (2) that is added, substituted, mixed with other ingredients or has a decreased quantity of valuable ingredients.

**Section 58.** Animal feed that has deteriorated in quality means animal feed under section 6 (1) or (2) having the following characteristics:

- (1) past the expiry date displayed on the label;
- (2) having other ingredients that may become poisonous through the transformation of such animal feed that may be harmful to animals pursuant to the characteristics, categories and quantity prescribed and notified by the Minister;
- (3) being packed in a prohibited container under section 6 (5).

**Section 59.** Animal feed that does not meet the required standards means animal feed under section 6 (1) or (2) that is of a quality that fails to conform to the quality or standard as prescribed and notified by the Minister.

**Section 60.** A producer, importer or seller of animal feed is not permitted to deny liability by claiming that he or she does not know that such animal feed under section 6 (1) or (2) is contaminated, or that the quality of such animal feed has deteriorated; except

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such person can prove that there is a reason to believe that such animal feed is not contaminated or that its quality has not deteriorated.

**Section 61.** For the purpose of controlling the quality animal feed under section 6 (1) or (2) to ensure that it is hygienic and harmless to animals or to consumers of animal products, the Director-General shall have the power to:

(1) issue a written order to a producer, importer or seller of animal feed under section 6 (1) or (2) to make improvements to the place where the animal feed is produced or stored;

(2) issue a written order to a producer, importer or seller of animal feed to cease to produce, import or sell animal feed under section 6 (1) that is produced or imported without being registered, or animal feed under section 6 (1) or (2) that is proved by an examination to be unsuitable for feeding animals;

(3) notify the public of the results of any examination of animal feed that reveals it to be prohibited animal feed under section 56 or reveals that its container consists of prohibited substances under section 6 (5).

The Notification under (3) shall contain the following details:

(a) If the producer or importer can be identified, the identity of the operator and the location of the business shall be specified, along with the category and characteristics of the animal feed or its container. If such animal feed or container has a trade name, production batch number or import batch number, this shall also be specified;

(b) If the producer or importer cannot be identified, but the seller can be identified, his or her name and place of sale, along with the category and characteristics of the animal feed or its container, shall be specified.

## CHAPTER IX ADVERTISEMENTS OF ANIMAL FEED

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**Section 62.** An advertisement of animal feed shall

(1) not display information regarding usefulness, quality, quantity, standard, ingredient or place of origin of the animal feed that is false or exaggerated;

(2) not display any text that causes misunderstanding of the essence of the text relating to the animal feed.

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The advertisement of animal feed shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

**Section 63.** Any person who doubts that his or her animal feed advertisement violates or is not consistent with this Act may request that the licensor consider and give an opinion on such matter prior to advertising. If such a request is made, the licensor shall give the opinion and notify the applicant within thirty days from the date on which the licensor receives the request. If there is no notification within the prescribed period, it shall be deemed that the licensor approves of the advertisement.

The consideration of the licensor under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulations.

If the facts change after the licensor gives an opinion under paragraph one, it shall not prejudice the licensor's power to reconsider and render another opinion when there is a justification to do so.

Any act that is done pursuant to the licensor's opinion under paragraph one shall not be deemed a criminal offence.

**Section 64.** For the benefits of herdsmen, the Director-General shall have the power to order in writing, as follows:

- (1) to order a producer, importer, seller or advertiser to amend or discontinue an animal feed advertisement that is deemed to contravene section 62;
- (2) to order that an advertisement be issued to correct any misunderstanding among herdsmen that may have been caused by a previous advertisement;
- (3) to order a producer, importer, seller or advertiser to cease the production, import, sale or advertisement of specifically controlled animal feed that, in the opinion of the Committee, does not possess the quality or properties as advertised.

## CHAPTER X COMPETENT OFFICIALS

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**Section 65.** Competent officials shall have the following powers to execute this Act:

- (1) to enter into a place of production, import, sale or storage of animal feed during the office hours of such place; to enter into a place of animal husbandry during

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the hours between sunrise and sunset; or to enter into a vehicle carrying animal feed, if there is a good reason to suspect that an offence under this Act has been or is being committed;

(2) to examine animal feed, containers, documents or any other items related to animal feed, including processes for its production or storage;

(3) to collect a reasonable quantity of animal feed or a material that is suspected to be animal feed as a sample for testing, examination or analyses;

(4) to search, seize, or attach animal feed, containers, documents, or any other items related to animal feed in accordance with the rules prescribed by the Director-General;

(5) to issue a written order requiring any person to give a statement or to submit documents and relevant evidence necessary to assist the consideration of a competent official or the Committee.

Licensees, herdsman and other relevant persons shall reasonably facilitate a competent official's performance of his or her duties under paragraph one.

**Section 66.** When performing his or her duties under section 65, a competent official shall present his or her identity card to a licensee or other relevant person.

The identity card under paragraph one shall conform to the form prescribed and notified by the Minister.

**Section 67.** In implementing this Act, competent officials shall be competent officials under the Criminal Code.

**Section 68.** An item seized or attached under section 65 (4) shall be vested in the Department of Livestock Development when it appears that:

(1) the item's owner has not been found or no person claims to be the owner or possessor of the item, within ninety days from the date of seizure or attachment;

(2) a case is not prosecuted and the owner or possessor of the item fails to apply for its return within ninety days from the date on which notice is given of the non-prosecution order; or

(3) a case is not prosecuted and the public prosecutor issues an absolute decree not to prosecute, or the court does not issue a judgment requiring forfeiture of the item, and its owner or possessor fails to apply for its return within ninety days from the date on which notice is given of the absolute decree or the date on which the final judgment is entered, as the case may be.

**Section 69.** If an item seized or attached under section 65 (4) easily putrefies; or the prescribed period for its usage nearly expires; or if kept, the item may be damaged; or the expense of keeping the item may exceed its value; a competent official, with the Director-General's approval, may auction the item before the case is finalised or before the item becomes vested in the Department of Livestock Development. The net amount of money received from the auction after deducting all expenses and charges shall be seized instead of such item by depositing the money in a state bank.

**Section 70.** When it appears to a competent official that any producer, importer or seller of animal feed has violated or failed to comply with this Act, the competent official shall have the power to order such person to halt the violation or to amend or rectify his or her action, or to act correctly. In this regard, if there is reasonable grounds, the competent official may order such person to export the animal feed for the purpose of returning it to its producer or supplier or for such other purposes as may be appropriate, in conformity with the rules, procedures and conditions as prescribed by the Director-General.

If it appears that a producer, importer or seller of animal feed is incapable of acting correctly for any reason, the competent official shall have the power to order such person to deliver the animal feed to the competent official at a prescribed place to be destroyed or disposed of in a manner the official deems appropriate.

If such animal feed can be distributed, the competent official shall auction it or sell it to a State agency within ninety days from the date of receiving it. Money received from the auction or sale, after deducting all expenses for storage and sale and all related charge, shall be kept for the purpose of returning it to the owner of the feed. However, if the period of ninety days lapses, the animal feed has not been sold, and the competent official determines that an extension of time may cause danger or results in excessive burdens, the competent official shall have the power to destroy or dispose of the feed in a manner the official deems appropriate.

If expenses are incurred in destroying or disposing of the animal feed in a manner the competent official deems appropriate, the owner of the feed shall cover such expenses or reimburse the government therefor.

## CHAPTER XI

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## PENALITIES

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**Section 71.** Any person who produces, imports or sells animal feed or uses materials prohibited from being mixed into animal feed, in violation of section 6 (3) or (4), shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding sixty thousand baht, or both.

**Section 72.** Any person who produces for sale, imports for the purpose of selling or sells animal feed under section 6 (2) but fails to comply with section 7 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 73.** Any producer of animal feed for sale or seller of animal feed who fails to comply with section 8 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 74.** Any producer or importer of specifically controlled animal feed who fails to comply with section 15 paragraph one shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding sixty thousand baht, or both.

Any producer or importer of specifically controlled animal feed who fails to comply with section 15 paragraph three shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 75.** Any seller of specifically controlled animal feed who fails to comply with section 17 paragraph one or paragraph three shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 76.** Any person granted an exemption under section 21 (2) or (3) who fails to comply with the rules, procedures and conditions as prescribed and notified by the Minister under section 21 paragraph two shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 77.** Any licensee who produces or imports specifically controlled animal feed after the expiry of a licence and who fails to comply with section 25 paragraph one shall be liable to a fine not exceeding one thousand baht per day from the day following the expiry date of the licence until the date of submission of an application for renewal of the licence; provided that this shall not exceed thirty days from the expiry date of the licence.

**Section 78.** Any licensee who sells specifically controlled animal feed after the expiry of a licence and who fails to comply with section 25 paragraph one shall be liable to a fine not exceeding two hundred baht per day from the day following the expiry date of the licence until the date of submission of an application for renewal of the licence; provided that this shall not exceed thirty days from the expiry date of the licence.

**Section 79.** Any licensee who fails to comply with section 27, section 29, or section 31 shall be liable to a fine not exceeding ten thousand baht.

**Section 80.** Any producer of specifically controlled animal feed for export who fails to comply with section 28 paragraph one shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

Any person who violates section 28 paragraph two shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 81.** Any importer or exporter of animal feed who fails to comply with section 30 paragraph one shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 82.** Any licensee who fails to comply with section 32, paragraph one; section 33; section 34, paragraph one; section 41, paragraph one; section 42 or section 43 shall be liable to a fine not exceeding two thousand baht.

**Section 83.** Any person who produces for sale or imports for the purpose of selling animal feed under section 6 (1) in violation of section 37 or section 56 (3) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Any person who sells animal feed under paragraph one in violation of section 56 (3) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 84.** Any licensee who violates or fails to comply with section 44 paragraph two shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 85.** Any licensee whose licence has been suspended but who continues to operate his or her business in violation of section 46 paragraph two shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 86.** Any person who produces for sale or imports for the purpose of selling contaminated animal feed under section 57 (1), or animal feed that shall be



registered but is not registered in violation of section 56 (1) or (4), as the case may be, shall be liable to imprisonment for a term of one year to five years or a fine of twenty thousand baht to one hundred thousand baht, or both.

Any person who sells animal feed under paragraph one in violation of section 56 (1) or (4), as the case may be, shall be liable to imprisonment for a term of six months to three years or a fine of ten thousand baht to sixty thousand baht, or both.

**Section 87.** Any person who produces for sale or imports for the purpose of selling contaminated animal feed under section 57 (2) in violation of section 56 (1) shall be liable to imprisonment for a term of six months to three years or a fine of ten thousand baht to sixty thousand baht, or both.

Any person who sells animal feed under paragraph one in violation of section 56 (1) shall be liable to imprisonment for a term not exceeding two years or a fine of not exceeding forty thousand baht, or both.

**Section 88.** Any person who produces for sale or imports for the purpose of selling animal feed under section 6 (1) that has deteriorated in quality in violation of section 56 (2) shall be liable to imprisonment for a term of six months to three years or a fine of ten thousand baht to sixty thousand baht, or both.

Any person who sells the animal feed under paragraph one in violation of section 56 (2) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 89.** Any person who produces for sale or imports for the purpose of selling animal feed under section 6 (2) that has deteriorated in quality in violation of section 56 (2) shall be liable to imprisonment for a term not exceeding two years or a fine of not exceeding forty thousand baht, or both.

Any person who sells the animal feed under paragraph one in violation of section 56 (2) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 90.** Any person who produces for sale or imports for the purpose of selling animal feed section 6 (2) that does not meet the required standards in violation of section 56 (3) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

Any person who sells the animal feed under paragraph one in violation of section 56 (3) shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding five thousand baht, or both.

**Section 91.** Any person who produces for sale, imports for the purpose of selling or sells animal feed the licence for which has been revoked by the Director-General, or other animal feed that is prescribed and notified by the Minister under section 6 (3) in violation of section 56 (5) or (6), as the case may be, shall be liable to imprisonment for a term of six months to three years or a fine of ten thousand baht to sixty thousand baht, or both.

**Section 92.** Any producer, importer or seller of animal feed who violates or fails to comply with an order of the Director-General under section 61 (1) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 93.** Any producer, importer or seller of animal feed who violates or fails to comply with an order of the Director-General under section 61 (2) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 94.** Any person who advertises animal feed in violation of, or who fails to comply with, section 62 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 95.** Any producer, importer, seller or advertiser of animal feed who violates or fails to comply with an order of the Director-General under section 64 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

**Section 96.** Any licensee, herdsman, or other relevant person who fails to facilitate a competent official's performance of his or her duties under section 65 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 97.** Any producer, importer or seller of animal feed who fails to comply with an order of a competent official under section 70, paragraph one or paragraph two, as the case may be, shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or both.

**Section 98.** If the offender liable to punishment under this Act is a juristic person, and if the juristic person's commission of the offence results from an order given or an act done by any person, or a failure to give an order or fails to perform any act that is the duty of a managing director, a manager or any person having responsibility for the operation of the juristic person, such person shall be subject to the punishment provided for such offence.

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**Section 99.** The Director-General, or a person assigned by the Director-General, shall have the power to settle all cases involving offences under this Act punishable by a fine only or by fine or imprisonment for a term not exceeding one year. Such settlements shall be in accordance with the rules prescribed and notified by the Director-General.

Upon payment of the settled amount of fine within fifteen days from the date of settlement, the case shall be deemed settled under the Criminal Procedure Code.

### TRANSITORY PROVISIONS

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**Section 100.** A person holding office as a qualified member of the Committee on Animal Feed Control under the Animal Feed Control Act, B.E. 2525 prior to the entry into force of this Act shall hold office as a qualified member of the Committee on Animal Feed Control under this Act until a qualified member is appointed under this Act; provided that such membership shall not exceed one hundred and eighty days from the date of the entry into force of this Act.

**Section 101.** A licence to produce, import or sell animal feed issued under the Animal Feed Control Act, B.E. 2525 prior to the entry into force of this Act shall remain valid until it expires or until a licensor issues an order to suspend or revoke it.

**Section 102.** A certificate of registration of animal feed issued under the Animal Feed Control Act, B.E. 2525 prior to the entry into force of this Act shall remain valid for use as a substitute for a certificate of registration of specifically controlled animal feed under this Act to the extent that it is not contrary to or inconsistent with the provisions of this Act.

**Section 103.** An application for permission or an application for registration submitted under the Animal Feed Control Act, B.E. 2525 that are still pending shall be deemed an application for permission or an application for registration under this Act *mutatis mutandis*; provided that the process shall be performed in accordance with the rules, procedures and conditions as provided by the Ministerial Regulation issued under this Act.

**Section 104.** All Ministerial Regulations or Notifications that are issued under the Animal Feed Control Act, B.E. 2525 and come into force prior to the entry into force of

this Act shall remain valid to the extent that they are not contrary to or inconsistent with this Act until the Ministerial Regulations or the Notifications under this Act come into force.

Ministerial Regulations or Notifications under paragraph one shall be issued within two years from the date on which this Act enters into force. If the Minister fails to do this, the Minister shall report to the Council of Ministers on the cause thereof.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

*Office of the Council of State*

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## RATE OF FEES

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- (1) a license to produce specifically controlled animal feed or a certificate for quality assurance systems for animal feed
- (a) manufacturing machine with capacity not exceeding 10 tons per hour  
per license  
20,000 baht
- (b) manufacturing machine capacity for the part in excess of 10 tons per hour to be added to (a) 10,000 baht per ton, a fraction of a ton shall be counted as one ton
- (2) other certificates relating to animal feed for export outside the Kingdom
- per licence      2,000 baht
- (3) a licence to import specifically controlled animal feed
- per licence      50,000 baht
- (4) a licence to sell specifically controlled animal feed
- (a) for wholesale and retail      per licence  
2,000 baht
- (b) for retail      per licence  
1,000 baht
- (5) a certificate of registration of specifically controlled animal feed
- per licence  
10,000 baht

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(6) an application for an amendment to a certificate of registration of specifically controlled animal feed

(a) amendment relating to formula 10,000 baht per time

(b) amendment of other details 1,000 baht per time

(7) a substitute for a licence or a substitute for a certificate of registration of specifically controlled animal feed 500 baht per licence

(8) each license renewal shall be equal to the fee charged for each licence