

**Act on Judicial Administration  
of the Courts of Justice  
B.E. 2543**

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BHUMIBOL ADULYADEJ, REX

Given on the 11<sup>th</sup> Day of June, B.E. 2543;

Being the 55<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to enact the law on judicial administration of the Courts of Justice;

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

**Section 1.** This Act shall be called the “Act on Judicial Administration of the Courts of Justice, B.E. 2543”.

**Section 2.** This Act shall come into force after sixty days following the date of its publication in the Royal Gazette has elapsed.<sup>1</sup>

**Section 3.** All powers and duties under this Act shall not be exercised or carried out by persons with authority in such manner that affects the power to try and adjudicate cases of judges in the Courts of Justice.

**Section 4.** In this Act,

“Judiciary Officer of the Court of Justice” means officers of the judiciary under the law on judicial service;

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<sup>1</sup> Published in the Royal Gazette, volume 117, section 59 Kor, page 1, dated 21<sup>st</sup> June, B.E. 2543 (2000)

“Judge” means judicial officers under the law on judicial service;

“Judicial Service Officer” means administrative officers under the law on judicial service;

“President of the Court of Appeal” means Chief Justice of the Court of Appeal under the law on judicial service;

“Judicial Commissioner” means judicial commissioner under the law on judicial service;

“Judicial Commission” means the judicial commission under the law on judicial service;

“JAC” means the Judicial Administration Commission;

“CJS” means the Commission for Judicial Service;

“Juvenile Observation and Protection Center” means the Central Juvenile Observation and Protection Center, a provincial juvenile observation and protection center and a juvenile observation and protection center of a provincial court juvenile and family division.

**Section 5.** There shall be the Office of the Judiciary established as an independent official organization having a status of a juristic person.

The internal divisions of the Office of the Judiciary as well as the prescription of powers and duties of such divisions shall be done by an announcement of JAC.

The announcement according to paragraph two, after being approved by the President of the Supreme Court and published in the Royal Gazette, shall come into force.

**Section 6.** The Office of the Judiciary shall have powers and duties regarding the administrative works of the Courts of Justice, the judicial affairs and the judicial technical affairs in order to support and facilitate the Courts of Justice as well as to ensure that a trial and adjudication is expediently, speedily and efficiently carried out.

**Section 7.** The Office of the Judiciary shall provide officers for every court of justice sufficiently to handle administrative works and technical researches for judges as well as to coordinate with other governmental agencies and to carry out any other work as designated by the Courts of Justice.

Number and levels of officers under paragraph one shall be determined by CJS, and approved by the President of the Supreme Court.

In case where JAC deems that a court of justice has officers in the number sufficient to be established as an office for the Courts of Justice, JAC shall, with the approval of the President of the Supreme Court, be empowered to make an announcement in the Royal Gazette establishing the office of the Court of Justice, having a head of the office as the supervisor.

**Section 8.** There shall be the Secretary-General of the Office of the Judiciary, being a judicial service officer who directly reports to the President of the Supreme Court. The Secretary-General shall have duties of general supervision of the works of the Office of the Judiciary to ensure the compliance with laws and official regulations, as well as regulations, announcements and resolutions of JAC, be the supervisor of officers of the Office of the Judiciary, and have Deputy Secretary-Generals as assistants in giving orders and performing official functions.

The Secretary-General shall be the representative of the Office of the Judiciary with regard to a third party. In this regard, the Secretary-General may assign a person to act on his or her behalf in accordance with regulations prescribed by JAC and published in the Royal Gazette.

**Section 9.** Judicial service officers working at a court of justice shall comply with orders of judges in such court of justice, which are duly given in the course of duties of the judges in accordance with laws and official regulations.

With regard to the annual increase of salary and the appointment of judicial service officers working at a court of justice, the supervisor of such officers shall act in accordance with the performance evaluation made by the chief judge of such court of justice.

**Section 10.** There shall be a Judicial Administration Commission, shortly called “JAC,” consisting of:

(1) the President of the Supreme Court being the chairperson of the Judicial Administration Commission;

(2) Judicial Administration Commissioners elected by judges, except judge-trainees, from the judges at each level of the courts of justice as follows:

(a) the Supreme Court, four commissioners elected from justices in the Supreme Court holding the office not lower than a Supreme Court justice;

(b) courts of appeal, four commissioners elected from justices in the Court of Appeal and the regional courts of appeal holding the office not lower than Justices of the Court of Appeal or the regional courts of appeal;

(c) courts of first instance, four commissioners elected from the one hundred most senior judges holding the office in a court of first instance and not being a senior judge;

(3) Judicial Administration Commissioners no fewer than two but not more than four, having expertise in budgeting, organizational development or administration and management whom the chairperson and the Judicial Administration Commissioners under (2) elect from those who are not or have never been judges or judicial service officers.

Judges whose offices are otherwise named, and who are assigned to work at other courts, shall be entitled to be elected as judicial administration commissioners for the court the level of which his or her salary is in, at the time of the election.

The Secretary-General of the Office of the Judiciary shall be the Secretary of the Judicial Administration Commission. Deputy Secretary-General of the Office of the Judiciary designated by the Secretary-General shall be the Assistant Secretary.

A Judicial Commissioner shall not concurrently be a Judicial Administration Commissioner.

**Section 11.** The Judicial Administration Commissioners under Section 10 (3) shall possess qualifications, and not have any prohibitive characteristics as follows:

(1) being of Thai nationality by birth;

(2) being not less than forty years of age;

(3) not being a political officer, a member of the House of Representatives, the Senate, Local Councils or local administrators;

(4) not being a member or holding other positions of a political party;

(5) not having a physical disability to such extent that he or she is unable to carry out his or her duties, being incompetent, suffering mental disorder, or having grave contagious diseases;

(6) not being suspended or temporarily discharged from judicial service according to the law on judicial service or other laws;

(7) not being insolvent;

(8) not being imprisoned according to a final judgment, except for an offence committed through negligence or a petty offence;

(9) not being expelled, dismissed or discharged due to breach of discipline under the law on judicial service or other laws.

**Section 12.** The term of the Judicial Administration Commission shall be two years. A commissioner shall not hold the office for more than two consecutive terms.

The Judicial Administration Commissioners whose term is expired shall carry out the duties until the new Judicial Administration Commissioners assumes the duties.

**Section 13.** In addition to vacating office upon the expiration of the term under Section 12, a Judicial Administration Commissioner shall vacate office upon:

(1) death;

(2) resignation;

(3) vacating the office of judges in the case of Judicial Administration Commissioners under Section 10 (1) and (2);

(4) not possessing requisite qualification or having prohibitive characteristics under Section 11 in the case of Judicial Administration Commissioners under Section 10 (3).

In case where there is a question regarding the vacating of office of a Judicial Administration Commissioner under paragraph one, JAC shall decide such question.

**Section 14.** In the case where the office of a Judicial Administration Commissioner is vacant due to whatever reason and the remaining term is not less than ninety days, the Secretary-General of the Office of the Judiciary shall arrange for an election of a Judicial Administration Commissioner to fill up the vacant office within thirty days from the date of such vacancy. The Judicial Administration Commissioner so elected shall hold the office for the remaining term of the person whom the commissioner replaces.

**Section 15.** The quorum of a meeting of JAC shall consist of no fewer than half of the number of all Judicial Administration Commissioners.

In the meeting of JAC, if the chairperson is not present, or unable to attend the meeting, commissioners attending the meeting shall chose a commissioner to act as the chairperson of the meeting.

In the meeting of JAC, a commissioner having interest in a matter to be considered shall not attend, or cast a vote in, such matter. If, however, the commissioner has already attended the meeting, and the absence of the right to attend and cast a vote is temporary, the commissioner shall be deemed to be in the quorum of the meeting on such matter.

The decision of the meeting shall be made by the majority votes. A commissioner shall have one vote. In the case where there are equal votes, the chairperson in the meeting shall cast a decisive vote.

JAC shall be empowered to adopt the regulation of the meeting.

**Section 16.** In the case where the office of a Judicial Administration Commissioner is vacant due to whatever reason and it is necessary to act urgently, the remaining commissioners may carry out the duties. If, however, the number of the remaining Judicial Administration Commissioners is less than half of the total number of commissioners, an election to fill up the vacancy shall be held without delay. During such period of vacancy, JAC shall not carry on any act.

**Section 17.** JAC shall have powers to oversee the judicial administration of the Courts of Justice with regard to the management and administrative works of the Office of the Judiciary in order to ensure the compliance with the laws, rules, regulations and norms of the Courts of Justice. In so doing, the Judicial Administration Commission shall have the following powers and duties:

(1) issuing regulations or announcements, or adopting resolutions for the administration of the Courts of Justice with regard to the management and administrative works of the Office of the Judiciary to conform with the policies of the President of the Supreme Court as well as having power to forbid the administration of the Courts of Justice or the Office of the Judiciary, which does not comply with such rules, regulations, announcements or resolutions;

(2) approving the proposition of legislation bills with regard to the administration and provision of justice to the public of the Courts of Justice, to the Cabinet;

(3) approving the budgets for the administration of the Courts of Justice and the Office of the Judiciary in order to proceed according to Section 32;

(4) approving the administration of budget and procurement of the Courts of Justice and the Office of the Judiciary;

(5) setting the working days, traditional holidays, annual official holidays, and leave of the judiciary officers of the Courts of Justice and employees of the Office of the Judiciary;

(6) establishing a seal, emblem or mark to be used in the administration of the Courts of Justice as well as the rules and procedures for making and use of such seal, emblem or mark;

(7) appointing persons or groups of persons to act on its behalf and determining meeting allowance or remunerations for the appointees;

(8) overseeing the judicial administration of the Courts of Justice to ensure the compliance with the provisions of this Act or other laws;

(9) carrying out any other acts designated by laws to be the powers and duties of JAC.

**Section 18.** There shall be the Commission for Judicial Service, shortly called “CJS,” consisting of:

(1) Vice-President of the Supreme Court with the highest seniority being the chairperson, President of the Court of Appeal, Secretary-General of CSC and Secretary-General of the Office of the Judiciary being commissioners *ex officio*;

(2) judges appointed by the Judicial Commission, one appointee from each level of the courts of justice;

(3) five judicial service officers holding positions not lower than the level 8, elected by judicial service officers holding positions not lower than the level 6; and

(4) no more than three qualified persons in organizational development, human resource management, or administration and management, who are not or have never been the judges or the judicial service officers possess qualifications and do not have prohibitive characteristics determined by JAC, to be selected by commissioners under (1) (2) and (3).

CJS shall appoint judicial service officers as the Secretary and the Assistant Secretary.

**Section 19.** The Secretary-General of the Office of the Judiciary shall arrange for the election of the Commissioners for Judicial Service under Section 18 (3) and (4) in accordance with the rules and procedures determined by CJS.

**Section 20.** Section 12, 13, 14 and 16 shall be applied to the term of office, vacating from the office and by-election of the Commission for Judicial Service *mutatis mutandis*.

Section 15 shall be applied to the meeting of CJS *mutatis mutandis*.

**Section 21.** CJS shall have power to issue regulations or announcements regarding personnel administration and other matters of the Office of the Judiciary as follows:

(1) prescription of qualifications, selection, instatement, appointment, probation, personnel development, transfer, promotion, vacating of the office, salary increase, termination of service, suspension, provisional discharge from the office, discipline, disciplinary investigation and punishment, grievance and appeal against disciplinary punishment on the judicial service officer;

(2) carrying on and acting on behalf of the judicial service officer;

(3) prescription of uniforms and attires of the judicial service officer;

(4) hire and appointment of experts or specialists for benefit of the performance of the Courts of Justice, as well as determination of their remunerations;

(5) appointment of persons or groups of persons to carry out any matter as designated;

(6) provision of welfare or other benefits for the judicial service officer;

(7) maintenance of personnel records and control of retirement of the judicial service officer;

(8) determination of measures and conditions in hiring employees of the Office of the Judiciary, as well as prescription of uniforms, attires, and provision of welfare or other benefits to employees of the Office of the Judiciary;

(9) determination of other matters deemed necessary for benefit of personnel administration.

Regulations or announcements in paragraph one shall be signed by the chairperson of the Commission for Judicial Service, which shall be enforced upon approval by JAC and announcement in the Royal Gazette.

**Section 22.** Instatement and appointment of the judicial service officer shall be ordered by the competent authorities as follows:

(1) regarding instatement and appointment of the Secretary-General of the Office of the Judiciary, JAC shall nominate a person to the Judicial Commission for approval. Once such nomination is approved by the Judicial Commission, the President of the Supreme Court shall be empowered to instate and proceed to the King for the Royal Command of Appointment;

(2) regarding instatement and appointment of Deputy Secretary-General of the Office of the Judiciary or other equivalent position, the Secretary-General of the Office of the Judiciary shall nominate a person to CJS for approval. Once such nomination is approved by CJS, the President of the Supreme Court shall be empowered to instate and proceed to the King for the Royal Command of Appointment. However, in considering the approval, opinions of JAC shall be taken into consideration;



(3) instatement and appointment of the positions other than (1) and (2) shall be ordered by the Secretary-General of the Office of the Judiciary.

**Section 23.** The Secretary-General of the Office of the Judiciary shall be appointed from a person who has been transferred from a judge or who used to be a judge. In case where a person transferred from a judge is to be appointed, such appointment shall be first submitted to the Judicial Commission for approval. After the Royal Command of Appointment, such judge shall be vacated from the judicial office.

**Section 24.** The law on civil service with regard to ordinary civil service officers shall apply *mutatis mutandis* to the prescription of positions, salaries, professional allowance and additional allowance for service in an exceptional post of the judicial service officer. In any case, “CSC”<sup>2</sup> shall mean CJS, the “Ministry” shall mean the Office of the Judiciary and the “Permanent Secretary” shall mean the Secretary-General of the Office of the Judiciary.

**Section 25.** The law on salary and professional allowance shall apply *mutatis mutandis* to scales of salary, professional allowance and entitlement for professional allowance of the judicial service officer.

Payment of salary and professional allowance to the judicial service officer shall be made in accordance with the law governing such matter.

**Section 26.** For benefit of savings of the judiciary officer of the Court of Justice, JAC may issue regulations and measures in deducting salary as accumulated savings where the rate of interest incurred from this savings shall not be lower than the interest rate of fixed deposit offered by commercial banks.

Accumulated savings and interests according to paragraph one shall be returned or loaned to activities under welfare projects for the judiciary officer of the Court of Justice in accordance with regulations stipulated by JAC.

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<sup>2</sup> The word “CSC” is an abbreviation of “the Civil Service Commission” having the Prime Minister or a Deputy Prime Minister authorized by the Prime Minister as Chairman. CSC shall have authority and duties in making proposals and giving advice to the Cabinet concerning civil service such as policy on public personnel administration. CSC shall also issue regulations, monitor and inspect ministries, public bodies and departments to ensure that they act in accordance with the Civil Service Act, and have other authority and duties as stipulated in this Act and other laws. – *Clarification added by the editor*

**Section 27.** The judiciary officer of the Court of Justice may receive temporarily additional allowance for cost of living based on economic circumstances in accordance with rules and procedures prescribed by JAC.

In case where it is necessary to provide or adjust the additional income for cost of living as stated in paragraph one, the Secretary-General of the Office of the Judiciary shall report to the Cabinet for further action.

**Section 28.** Transfer of the judicial service officer to be instated and appointed as a civil service officer under other legislations or as an officer of a local administration organization; or transfer of a civil service officer under other legislations or an officer of a local administration organization to be instated and appointed as the judicial service officer may be possible if the person voluntarily agrees, provided that the competent authority has concluded an agreement with the original organization and complied with regulations required by CJS upon approval by the civil service committee or the committee of such local administration officers, as the case may be.

In stating and appointing a civil service officer or an officer of a local administration organization transferred as the judicial service officer according to paragraph one, CJS will determine position level, salary and professional allowance. However, the salary received shall not be higher than that of the judicial service officer having the same level of qualifications, capability and expertise.

For the purpose of calculating the duration of the government service, the duration of service or work of a person who is transferred as the judicial service officer in paragraph one while being served as a civil service officer or an officer of a local administration organization shall be deemed as the duration of the judicial service officer according to this Act.

Transfer of political officers and civil service officers who are under probation period to be the judicial service officer shall be prohibited under this Act.

**Section 29.** The judge transferred to be the judicial service officer shall receive salary and professional allowance according to the position of the judicial service officer to which the officer has been appointed, where it shall be adjusted to the same salary rate of such judicial service officer. If the same salary rate does not exist, it shall be adjusted to the next higher salary rate. In addition, if the salary rate previously received is higher than the maximum salary rate of the level he or she has been appointed to, the salary shall be adjusted to the maximum salary rate of the level the officer has been appointed to.

**Section 30.** The judicial service officer is entitled to gratuity and pension according to the law on government gratuity and pension in a similar manner as a civil service officer.

The judicial service officer shall be civil service officer according to the law on government gratuity and pension fund.

**Section 31.** The Office of the Judiciary shall be the audited agency according to the organic law of the Constitution on state audit.

After the Office of the State Audit Commission certifies all kinds of accounts and finance of the Courts of Justice and the Office of the Judiciary, the audit result shall be submitted to the House of Representatives, the Senate and the Cabinet without delay.

**Section 32.** The Office of the Judiciary shall propose its expenditure budget to the Cabinet for allocating financial support to the Courts of Justice and the Office of the Judiciary in an annual appropriations bill or a supplementary annual appropriations bill, as the case may be. In this regard, the Cabinet may submit its opinions regarding budget allocation to the Courts of Justice and the Office of the Judiciary in a report of annual appropriations bill or supplementary annual appropriations bill, as the case may be. In considering such bill, the Cabinet the House of Representatives, the Senate or relevant commissions may request the Secretary-General of the Office of the Judiciary or a person designated thereby to clarify in order to support their consideration.

**Section 33.** “Ministry of Justice,” “Minister of Justice” and “Permanent Secretary for Justice” under other legislations with regard to the administration of the Courts of Justice existing on the date this Act comes into force shall mean “the Office of the Judiciary,” “the President of the Supreme Court,” and “the Secretary-General of the Office of the Judiciary” under this Act, as the case may be.

In case where there is a question as to which legislation is related to the administration of the Courts of Justice, the President of the Supreme Court and the Minister of Justice shall have authority to determine.

Reference to a position or a government sector under the Ministry of Justice regardless of their names in other legislations existing on the date this Act comes into force shall refer to a position or a government sector under the Office of the Judiciary, which is responsible for the same kind of work according to this Act as CJS has announced in the Royal Gazette.

**Section 34.** Permanent Secretary for Justice, Deputy Permanent Secretary for Justice, Assistant Permanent Secretary for Justice, Secretary-General of the Office of the Judicial Affairs, Deputy Secretary-General of the Office of the Judicial Affairs, Directors of the divisions in the Office of the Permanent Secretary for Justice, Directors of the divisions in the Office of the Judicial Affairs and court registrars holding their offices at the time this Act comes into force shall carry on duties as Secretary-General of the Office of the Judiciary, Deputy Secretary-General of the Office of the Judiciary or other positions within the Office of the Judiciary as determined by the President of the Supreme Court until the position prescription is set and such persons are appointed thereto.

**Section 35.** Initially, the Secretary-General of the Office of the Judiciary shall arrange the election of the Judicial Administration Commissioners according to Section 10 and the Commissioners for Judicial Service according to Section 18 within sixty days from the date on which this Act comes into force according to the rules and procedures determined by the President of the Supreme Court.

After the arrangement in paragraph one, the Judicial Administration Commissioners shall nominate the Secretary-General of the Office of the Judiciary to the Judicial Commission for approval according to Section 22 (1) within sixty days from the due date of the sixty day period in paragraph one.

**Section 36.** Power and duties of the Office of the Permanent Secretary for Justice, except in regard to those of the Juvenile Observation and Protection Center, shall be transferred to the Office of the Judiciary. In addition, power and duties of the Minister of Justice, the Permanent Secretary for Justice and officers of the Office of the Permanent Secretary for Justice regarding compliance with laws, rules or regulations within power and duties of the Office of Permanent Secretary for Justice, except those of the Juvenile Observation and Protection Center, shall be transferred to those of the President of the Supreme Court, the Secretary-General of the Office of the Judiciary and the officers of the Office of the Judiciary, as the case may be.

Affairs, properties, rights and obligations of the Office of the Permanent Secretary for Justice shall be transferred to the Office of the Judiciary, except in regard to those of the Juvenile Observation and Protection Center.

Transfer of officials, employees and budgets of the Office of the Permanent Secretary for Justice to those of the Office of the Judiciary shall be arranged as the President of the Supreme Court and the Minister of Justice agree.

The transfer hereunder shall mean the transfer of judicial affairs as agreed by the President of the Supreme Court and the Minister of Justice.

**Section 37.** Power and duties of the Office of Judicial Affairs, the Ministry of Justice, shall be transferred to those of the Office of the Judiciary. Power and duties of the Minister of Justice, the Secretary-General of the Office of Judicial Affairs and officers of the Office of Judicial Affairs, the Ministry of Justice, with regard to compliance with the laws, rules or regulations within power and duties of the Office of Judicial Affairs, the Ministry of Justice shall be transferred to those of the President of the Supreme Court, the Secretary-General of the Office of the Judiciary and officers of the Office of the Judiciary.

Affairs, properties, rights, obligations, officials, employees and budgets of the Office of the Judicial Affairs, the Ministry of Justice, shall be transferred to those of the Office of the Judiciary.

**Section 38.** Royal decrees and Declaration of the Revolutionary Party regarding administration of the government sector under the Ministry of Justice enacted or promulgated by virtue of the law on public administration regulations effective on the date on which this Act comes into force shall remain applicable to the extent that they do not conflict with the provisions hereunder until they are replaced by announcements or regulations of JAC or CJS.

**Section 39.** During the period when there is no regulation, announcement or order to implement this Act, royal decrees, ministerial regulations, rules, regulations, announcements or orders applicable on the date on which this Act is announced in the Royal Gazette shall apply *mutatis mutandis*.

**Section 40.** The President of the Supreme Court shall be in charge of this Act.

Countersigned by

**Chuan Leekpai**

Prime Minister

**Remark:** The reason for the promulgation of this Act is as follows: whereas Section 275 of the Constitution of Thailand provides that the Courts of Justice shall have an independent administration agency whereby the Secretary-General of the Office of the Judiciary shall directly report to the President of the Supreme Court and the appointment of the Secretary-General of the Office of the Judiciary shall be approved by the Judicial Commission. The Office of the Judiciary shall be independent in the administration of its personnel, budget and other matters. According to the law, it is deemed appropriate to act as provided. It is, therefore, necessary to enact this Act.