

Act
Promulgating the Law for the Organization
of the Courts of Justice
B.E. 2543

BHUMIBOL ADULYADEJ, REX

Given on the 18th Day of May, B.E. 2543;

Being the 55th Year of the Present Reign.

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

Whereas it is expedient to revise the law for the organization 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 Promulgating the Law for the Organization of the Courts of Justice B.E. 2543.”

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

Section 3. The Act Promulgating the Law for the Organization of the Courts of Justice B.E. 2477 and the Law for the Organization of the Courts of Justice applicable thereby shall be repealed.

Section 4. The provisions annexed to this Act shall be the law for the organization of the Courts of Justice.

¹ Published in the Royal Gazette, volume 117, section 44 Kor, dated 18th May, B.E. 2543 (2000)

Section 5. The Law for the Organization of the Courts of Justice annexed hereto shall apply to all cases filed on and from the date of its coming into force, whether the cause of action arose prior to or on the date on which the Law for the Organization of the Courts of Justice annexed hereto becomes applicable. All cases filed prior to the date on which the Law for the Organization of the Courts of Justice annexed hereto comes into force shall be subject to the laws applicable prior to the date on which the Law for the Organization of the Courts of Justice annexed hereto comes into force until the cases become final, except Section 28, Section 29, Section 30 and Section 31 of the Law for the Organization of the Courts of Justice annexed hereto which shall apply to cases in such nature from the 11th day of October, B.E. 2545.

Section 6. Holders of the offices of Vice-President of the Supreme Court and deputy chief judge of court of first instance whose seniority lines next to the third Vice-President of the Supreme Court and the third deputy chief judge of court of first instance and deputy chief judges of regions on the date on which the Law for the Organization of the Courts of Justice annexed hereto comes into force shall remain in the said offices until they are appointed to other offices, but not beyond the 11th day of October, B.E. 2545.

Holders of the offices of Deputy Chief Justice of the Court of Appeal and deputy chief justices of regional courts of appeal whose seniority lines next to the first Deputy Chief Justice of the Court of Appeal and the first deputy chief justices of regional courts of appeal on the date on which the Law for the Organization of the Courts of Justice annexed hereto comes into force shall remain in the said offices until they are appointed to other offices, but not beyond the 11th day of October, B.E. 2545

Holders of the offices prescribed in paragraphs one and two shall have duties as designated by the President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance and chief judges of regions, as the case may be.

Section 7. All Royal Decrees, Ministerial Regulations, judicial regulations, rules and orders of the Minister of Justice enacted or issued by virtue of the Law for the Organization of the Courts of Justice enforced by the Act Promulgating the Law for the Organization of the Courts of Justice B.E. 2477 prior to the date on which the Law for the Organization of the Courts of Justice annexed hereto comes into force shall remain in effect until announcements, regulations, or orders according to the Law for the Organization of the Courts of Justice annexed hereto become effective.

Section 8. The President of the Supreme Court shall be in charge of this Act.

Law for the Organization of the Courts of Justice

Chapter 1

General Provisions

Section 1. Unless otherwise provided by laws, there shall be three tiers of the Courts of Justice under this law; namely, courts of first instance, courts of appeal and the Supreme Court.

Section 2. Courts of first instance are the Civil Court, the Bangkok South Civil Court, the Thon Buri Civil Court, the Criminal Court, the Bangkok South Criminal Court, the Thon Buri Criminal Court, provincial courts, *Kwaeng court*² and other courts of justice prescribed by the Act for the establishment of such courts as courts of first instance.

Section 3. Courts of appeal are the Court of Appeal and regional courts of appeal

Section 4. The Supreme Court, courts of appeal and courts of first instance, by announcements of the Judicial Administration Commission, may establish their divisions or units otherwise named and shall have authority over any particular subject matter or cases in any territory under their jurisdiction of such courts exclusively.

The announcement of the Judicial Administration Commission under paragraph one shall come into force after its publication in the Royal Gazette.

Section 5. The President of the Supreme Court shall have duty to issue judicial regulations of the Courts of Justice to ensure their proper functions and for uniformity. In addition, the President of the Supreme Court shall have authority to supervise judges to duly comply with regulations and rules prescribed by the law or otherwise.

² According to Section 17 of this law, *Kwaeng courts* shall have power to try and adjudicate cases and to examine or issue any order for which a single judge is competent. In sum, those cases within the jurisdiction of the courts mainly comprise (1) civil cases in which the value of property in dispute or the amount of claims does not exceed 300,000 baht and (2) criminal cases of which a maximum punishment provided by law does not exceed three years imprisonment or 60,000 baht fine or both imprisonment and fine, provided that no punishment exceeding six months imprisonment or 10,000 baht fine or both imprisonment and fine, both or any of which exceeds the mentioned rate, may be imposed. – *Clarification added by the translator.*

Section 6. The Secretary-General of the Office of the Judiciary, by an approval of the Judicial Administration Commission, shall have power to submit his comments regarding establishment, dissolution or alteration of the jurisdiction of the Courts of Justice to the Cabinet for consideration. This shall be done by taking into account number, conditions, locations and court jurisdiction as deemed necessary in order to facilitate good administration of justice to people throughout the Kingdom.

Section 7. The Judicial Administration Commission shall determine a number of judges in the Courts of Justice as suitably needed for the judicial services.

Section 8. There shall be one President of the Supreme Court, one President of the Court of Appeal and one president of regional court of appeal each at the regional court of appeal. In addition, there shall be one chief judge of court of first instance, each at the Civil Court, the Bangkok South Civil Court, the Thon Buri Civil Court, the Criminal Court, the Bangkok South Criminal Court, the Thon Buri Criminal Court and other courts of justice prescribed by the Act for the establishment of such courts as courts of first instance. There shall also be one Vice-President of the Supreme Court, one Vice-President of the Court of Appeal, one vice-president of regional court of appeal each at the regional court of appeal and one deputy chief judge of court of first instance, each at the Civil Court, the Bangkok South Civil Court, the Thon Buri Civil Court, the Criminal Court, the Bangkok South Criminal Court, the Thon Buri Criminal Court and other courts of justice prescribed by the Act for the establishment of such courts as courts of first instance. In case of some necessity for the benefit of judicial services, the Judicial Administration Commission, subject to an approval of the President of the Supreme Court, may determine more than one Vice-President of the Supreme Court or deputy chief judge of court of first instance, but they shall not exceed three.

When the offices of the President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal or chief judges of courts of first instance become vacant, or if the holders of the said offices cannot perform their duties, Vice-President of the Supreme Court, the Vice-President of the Court of Appeal, vice-presidents of regional courts of appeal or deputy chief judges of courts of first instance, as the case may be, shall act on their behalf. If there are several Vice-Presidents of the Supreme Court or deputy chief judges of courts of first instance, the most senior Vice-President of the Supreme Court or deputy chief judges of courts of first instance shall act on behalf thereof. If the most senior justice cannot perform his or her duties, the next most senior justice shall act instead.

In case there is no one acting on behalf of the President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal or chief judges of courts of first instance as prescribed in paragraph two; or if there is one but he or she cannot perform his or her duties, the most senior justice in that court shall act instead. If the most senior justice cannot perform his or her duties, the next most senior justice shall accordingly act on behalf thereof.

In case there is no one acting on behalf thereof as prescribed in paragraph three, the President of the Supreme Court may order any judge to act instead.

Senior judges or junior judges shall not however act on behalf of the holders of the offices prescribed in paragraph one.

Section 9. In provincial courts or *Kwaeng courts*, there shall be one chief judge at each court.

When the offices of chief judges of provincial courts or chief judges of *Kwaeng courts* become vacant, or if the holders of the said offices cannot perform their duties, the most senior judge in that court shall act on behalf thereof. If the most senior judge in that court cannot perform his or her duties, the next most senior judge at the particular court shall accordingly act instead.

In case there is no one acting on behalf thereof as prescribed in paragraph two, the President of the Supreme Court may order any judge to act on behalf.

Senior judges or junior judges shall not however act on behalf of the holders of the offices prescribed in paragraph one.

Section 10. In case where the Supreme Court, courts of appeal or courts of first instance establish their divisions or units otherwise named, there shall be one chief justice or chief judge each at the said division or unit.

When the offices of chief justices or chief judges of the divisions or units otherwise named prescribed in paragraph one become vacant, or if the holders of the said offices cannot perform their duties, the most senior justices or judges in such divisions or units shall act on behalf thereof. If the most senior justices or judges in the divisions or units otherwise named cannot perform their duties, the next most senior justices or judges in such divisions or units shall accordingly act instead.

In case there is no one acting on behalf thereof as prescribed in paragraph two, the President of the Supreme Court may order any judge to act instead.

Senior judges or junior judges shall not however act on behalf of the holders of the offices prescribed in paragraph one.

Section 11. The President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance and chief judges shall be responsible for judicial affairs by ensuring the proper function of the courts and shall also have the following power and duties:

(1) to try and adjudicate cases that affect national security or are in public attention, serious criminal offenses, cases with high amount of claims and contempt of court according to the rules prescribed in the judicial regulations of the Courts of Justice;

(2) to issue order to requests or motions submitted to them according to the provisions of procedural law;

(3) to carefully apply rules and regulations prescribed by virtue of the law or otherwise in order to ensure that trial and adjudication of cases is expeditiously concluded ;

(4) to provide suggestions to judges of the courts in regard to obstacles relating to the performances of their duties;

(5) to coordinate with administrative officers in all matters pertaining to the determination of regulations and administrative works of the courts;

(6) to submit reports of cases and judicial affairs of the courts as prescribed in the regulations;

(7) to have other power and duties as prescribed by the laws.

Vice-President of the Supreme Court, the Vice-President of the Court of Appeal, vice-presidents of regional courts of appeal or deputy chief judges of courts of first instance shall have power prescribed in (2) as well. They shall also have duties as designated by the President of the Supreme Court, the President of the Court of Appeal, vice-presidents of regional courts of appeal or deputy chief judges of courts of first instance, as the case may be.

Section 12. Chief justices or chief judges of the divisions or units otherwise named under paragraph one of Section 10 shall be responsible to ensure proper functions of the said divisions or units otherwise named as stipulated in the announcement of the Judicial Administration Commission which establishes such divisions or units. They shall also comply with orders of the President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance or chief judges of the courts.

Section 13. There shall be one chief judge of region each at the region for a total of nine regions having locations and jurisdiction as stipulated by the Judicial Administration Commission as announced in the Royal Gazette.

When the offices of chief judges of regions become vacant, or if chief judges of regions cannot perform their duties, the President of the Supreme Court shall order a judge to act on behalf.

Senior judges or junior judges shall not however act on behalf of those holding the offices prescribed in paragraph one.

Section 14. Chief judge of region shall also be a judge of the courts under his or her jurisdiction, having power and duties as prescribed in paragraph one of Section 11, as well as the following power and duties:

(1) to order Registrars of Administrative Offices of the courts to report cases or other affairs of the courts in his or her jurisdiction;

(2) in case of necessity, to order any judge of the courts in his or her jurisdiction to temporarily assist in performing duties at another court for not more than three months subject to consent of the judge, and then report immediately to the President of the Supreme Court.

Chapter 2

Jurisdiction of Courts

Section 15. No Court of Justice shall accept for trial and adjudication a case which has already been duly accepted by another Court of Justice, unless the case has been transferred according to the provisions of the procedural law or the law for the organization of the Courts of Justice.

Section 16. Courts of first instance shall have jurisdiction as prescribed by the Act for the establishment of the courts.

The Civil Court and the Criminal Court shall have jurisdiction throughout Bangkok Metropolis, except territories within the jurisdiction of the Bangkok South Civil Court, the Thon Buri Civil Court, the Bangkok South Criminal Court, the Thon Buri Criminal Court, the Min Buri Provincial Court and other courts of justice as prescribed by the Act for the establishment of the courts.

In case where a suit is filed with the Civil Court or the Criminal Court and the case arose outside the territorial Jurisdiction of the Civil Court or the Criminal Court, such the Civil Court or Criminal Court, as the case may be, may exercise its discretion to accept the case for trial and adjudication or to order a transfer of the case to other courts of justice having jurisdiction.

In case where a suit is filed with provincial courts and the case arose in the territorial jurisdiction of *Kwaeng courts*, the provincial courts shall order a transfer of the case to the *Kwaeng courts* having jurisdiction.

Section 17. *Kwaeng courts* shall have power to try and adjudicate cases and to examine or issue any order for which a single judge is competent as prescribed in Section 24 and Section 25, paragraph one.

Section 18. Provincial courts shall have power to try and adjudicate all civil and criminal cases not subject to the jurisdiction of other courts of justice.

Section 19. The Civil Court, the Bangkok South Civil Court and the Thon Buri Civil Court shall have power to try and adjudicate all civil cases and any other case not subject to the jurisdiction of other courts of justice.

The Criminal Court, the Bangkok South Criminal Court and the Thon Buri Criminal Court shall have power to try and adjudicate all criminal cases not subject to the jurisdiction of other courts of justice, including any other case prescribed by the law to be subject to the jurisdiction of the courts having authority to try and adjudicate criminal cases, as the case may be.

Section 20. Other courts of justice shall have power to try and adjudicate cases as prescribed by the Act for the establishment of the court or other laws.

Section 21. The Court of Appeal shall have jurisdiction throughout the territories not subject to regional courts of appeal.

In case where an appeal of case is filed with the Court of Appeal while such the case is not within the territorial jurisdiction of the Court of Appeal, the Court of Appeal may exercise its discretion to accept the case for trial and adjudication or to order a transfer of the case to a regional court of appeal having jurisdiction.

Section 22. The Court of Appeal and regional courts of appeal shall have power to try and adjudicate cases which appeal against judgments or orders of courts of first instance according to the provisions prescribed in the laws on appeal and jurisdiction of courts and shall have the following power:

(1) to render judgments affirming, amending, reversing or dismissing judgments of courts of first instance imposing death penalty or life imprisonment if the cases are referred to the Court of Appeal and regional courts of appeal as prescribed by the law on criminal procedure;

(2) to render decisions on requests or motions submitted to the Court of Appeal and regional courts of appeal according to the law;

(3) to render judgments to cases which the Court of Appeal and regional courts of appeal are competent to adjudicate by virtue of other laws.

Section 23. The Supreme Court shall have power to try and adjudicate cases, in which judgments or orders of the Court of Appeal and regional courts of appeal are appealed and cases in which judgments or orders of courts of first instance are appealed directly to the Supreme Court according to the provisions prescribed in the law on appeal or *Dika* appeal and cases which other laws provide that the Supreme Court shall have power to try and adjudicate, as well as to render decisions or issue orders on the requests or motions submitted to the Supreme Court according to the law.

No party to any case which has already been tried and adjudicated or ordered by the Supreme Court is entitled to submit to the King any further *Dika* appeal against the judgment of such case.

Chapter 3

Quorum of Judges

Section 24. A judge shall have the following power:

(1) to issue summons, criminal warrants or writs to order persons from or to other provinces;

(2) to issue any order which does not dispose of the matter in dispute in the case.

Section 25. In courts of first instance, a single judge shall form a quorum having the following power in relation to cases within the jurisdiction of the courts:

(1) to make inquiries and render decisions as to requests or motions submitted to the courts in all cases;

(2) to examine and issue orders with respect to measures of safety;

(3) to hold preliminary examinations and issue orders in criminal cases;

(4) to try and adjudicate civil cases in which the value of property in dispute or the amount of claims does not exceed 300,000 baht. Such value of property in dispute or the amount of claims may be increased by an enactment of a Royal Decree;

(5) to try and adjudicate criminal cases of which a maximum punishment provided by law does not exceed three years imprisonment or 60,000 baht fine or both imprisonment and fine, provided that no punishment exceeding six months imprisonment or 10,000 baht fine or both imprisonment and fine, both or any of which exceeds the mentioned rate, may be imposed.

Junior judges³ shall not have power as prescribed in (3), (4) or (5).

Section 26. Subject to Section 25, at a trial and adjudication of courts of first instance, except *Kwaeng courts* and other courts of justice provided otherwise by the Act for the establishment of the courts, there shall be at least two judges to form a quorum in which no more than one judge shall be a junior judge to form a quorum empowered to try and adjudicate all civil or criminal cases.

Section 27. At a trial and adjudication of the Court of Appeal, regional courts of appeal or the Supreme Court, there shall be at least three justices to form a quorum empowered to try and adjudicate cases.

Justices of the Court of Appeal, regional courts of appeal and the Supreme Court attending a plenary session or a division meeting of those courts, after examining the file of such case in the plenary session or the division meeting, shall have power to render a judgment or issue an order of the case, particularly at the Court of Appeal and regional courts of appeal, the justices shall also have power to render dissenting opinion.

Section 28. During a trial of any case, should there be *force majeure* or any other unavoidable necessity preventing the justice in the quorum from further sitting in the trial, the following justices shall pursue to sit in the trial of such case:

(1) at the Supreme Court, the President or Vice-President of the Supreme Court or justices in such Court designated by the President of the Supreme Court;

(2) at the Court of Appeal or regional courts of appeal, the President of the Court of Appeal, presidents of regional courts of appeal, or Vice-Presidents of the Court of Appeal, vice-presidents of regional courts of appeal or justices in the Court of Appeal or regional courts of appeal designated by the President of the Court of Appeal or presidents of regional courts of appeal, as the case may be;

³ The word “junior judge” means the junior judge under the law on judicial service.

(3) at courts of first instance, chief judges of courts of first instance, chief judges of regions, chief judges, or deputy chief judges of courts of first instance or judges in such courts of first instance designated by chief judges of courts of first instance, chief judges of regions or chief judges, as the case may be.

Those acting on behalf of the offices in Section 8, 9 and 13 shall also have power according to (1), (2) and (3).

Section 29. During an adjudication of any case, should there be *force majeure* or any other unavoidable necessity preventing the justice who forms a quorum of the trial from further adjudicating such case, the following justices shall be empowered to sign in the judgment, particularly at the Court of Appeal, regional courts of appeal and courts of first instance to render their dissenting opinion, after examining the file of such case:

(1) at the Supreme Court:, the President or Vice-Presidents of the Supreme Court;

(2) at the Court of Appeal or regional courts of appeal, the President of the Court of Appeal, presidents of regional courts of appeal, Vice-Presidents of the Court of Appeal or vice-presidents of regional courts of appeal, as the case may be;

(3) at courts of first instance, chief judges of courts of first instance, chief judges of regions, Deputy chief judges of courts of first instance or chief judges, as the case may be.

Those acting in such offices in Section 8, 9 and 13 shall also have power according to (1), (2) and (3).

Section 30. Any other unavoidable necessity prescribed in Section 28 and Section 29 shall be a case where the justice who forms the quorum of a trial is removed from his or her office or is challenged and thereby withdraws himself or herself or who cannot perform his or her duties to the extent that he or she cannot sit in the trial or render judgment of the case.

Section 31. The unavoidable necessity according to Section 28 and Section 29, in addition to those prescribed in Section 30, it shall also include the following cases:

(1) if a single judge holds a preliminary examination of a criminal case and deems that it shall be dismissed, but the case is subject to a punishment which, as provided by law, exceeds the rate of punishment prescribed in Section 25 (5);

(2) if a single judge tries a criminal case under Section 25 (5) and deems it appropriate to sentence an imprisonment for more than six months or a fine for more than 10,000 baht or both, whereby either the imprisonment or the fine or both exceed the mentioned rate;

(3) in case where a judgment or an order in any civil case of the court shall be rendered by a quorum consisting of several judges and the judges in such quorum have different opinions so that no majority votes can be obtained;

(4) if a single judge has already tried a civil case under Section 25 (4), but it subsequently appears that the value of property in dispute or the amount of claims exceeds the power of a single judge for adjudication.

Chapter 4

Assignment, Transfer and Recall of Cases

Section 32. The President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance, chief judges or chief justices of divisions in each court, as the case may be, shall be responsible for the assignment of cases to quorums of judges in their respective courts or divisions, in accordance with the rules and procedures prescribed by the judicial regulations of the Courts of Justice.

In issuing the judicial regulations of the Courts of Justice in paragraph one, expertise and suitability of the quorum of judges having responsibility for a particular case, as well as the amount of cases, for which each quorum shall be responsible, shall be taken into consideration.

Section 33. The President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance or chief judges shall be empowered to recall or transfer a case under the responsibility of any quorum of judges only when fairness in adjudicating cases in that court is affected, and where Vice-Presidents of the Supreme Court, Vice-Presidents of the Court of Appeal, vice-presidents of regional courts of appeal, deputy chief judges of courts of First Instance or the most senior judge of provincial court or *Kwaeng court*, as the case may be, who are not members of the quorum in the case, so recommend.

In case where Vice-President of the Supreme Court, deputy chief judge of court of first instance or the most senior judge of provincial court or *Kwaeng court*, as the case may be, cannot perform the duties, or is a member of the quorum in the case being recalled or transferred; the Vice-President of the Supreme Court, the deputy chief judge of court of first instance or the judges who is next in seniority of that court shall be empowered to submit the opinion instead. In case where there is one Vice-President of the Supreme Court or one deputy chief judge of court of first instance, and in case where the Vice-President of the Court of Appeal or vice-president of regional court of appeal cannot perform the duties or is a member of the quorum in the

case being recalled or transferred, the most senior judge of that court shall be empowered to submit the opinion instead.

Senior judges or junior judges shall not have power to submit the opinion under paragraph one or two.

In case where the judge who is assigned to adjudicate cases or the quorum of judges holds a number of cases pending at the trial, causing the delay of adjudication of that court, and such judge or quorum has requested to return the case under their responsibility, the President of the Supreme Court, the President of the Court of Appeal, presidents of regional courts of appeal, chief judges of courts of first instance or chief judges, as the case may be, shall be empowered to accept such cases and transfer them to another judge or quorum in such court.

Remark: The reasons for the promulgation of this Act are as follows: whereas Section 236 of the Constitution of the Kingdom of Thailand prescribes that trial of cases by the Courts requires a full quorum of judges, and any judge not sitting in the trial of a case shall not render judgment or decision of such case, except for the case of *force majeure* or any other unavoidable necessity as prescribed by law. In addition, Section 249 of the Constitution of the Kingdom of Thailand prescribes that the assignment of cases to judges shall be in accordance with the rules stipulated by law, and it is prohibited to recall or transfer cases except in the case where fairness in the adjudication of the case shall otherwise be affected. Besides, legislation has been enacted to implement Section 275 of the Constitution of the Kingdom of Thailand, requiring the Courts of Justice to have an independent administrative body, headed by the Secretary-General of the Office of the Judiciary as the superior directly responsible to the President of the Supreme Court. Consequently, in order to implement the provisions of the Constitution of the Kingdom of Thailand and to ensure that the administration of the Courts of Justice under the Law for the Organization of the Courts of Justice is in accordance with the legislation enacted under Section 275. It is, therefore, necessary to enact this Act.