

SMALL AND MEDIUM ENTERPRISES PROMOTION ACT,  
B.E. 2543 (2000)

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BHUMIBOL ADULYADEJ, REX.

Given on the 6th Day of February B.E. 2543;  
Being the 55th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:  
Whereas it is expedient to have a law on small and medium enterprises promotion;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 31 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

**Section 1.** This Act is called the “Small and Medium Enterprises Promotion Act, B.E. 2543 (2000)”.

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

**Section 3.** In this Act:  
“enterprise” means product manufacturing business, service rendering business, wholesale business, retail business or any other businesses prescribed by the Minister by publishing in the Government Gazette;

“Fund” means the Small and Medium Enterprises Promotion Fund;

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\* Translated by Ms. Arriya Phasee 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. 117, Part 9a, Page 1, dated 17th February B.E. 2543 (2000).

“private organisation” means the privately-owned organisation established under the Civil and Commercial Code or under specific laws of which not less than one-half of all members are the small or medium enterprise operating in industries, services or trading, and shall include other private organisations prescribed by the Minister by publishing in the Government Gazette;

“Office” means the Office of Small and Medium Enterprises Promotion;

“Board” means the National Board of SMEs Promotion;

“Executive Board” means the Executive Board of the Office of Small and Medium Enterprises Promotion;

“Director” means the Director of the Office of Small and Medium Enterprises Promotion;

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

**Section 4.** A small or medium enterprise is the enterprise with the level of employment, value of fixed assets or paid-up registered capital as prescribed in the Ministerial Regulations.

**Section 5.<sup>2</sup>** The Prime Minister shall have charge and control over the execution of this Act and shall have the power to issue Ministerial Regulations and Notifications for the execution of this Act.

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

## CHAPTER I

### NATIONAL BOARD OF SMEs PROMOTION

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**Section 6.** There shall be a National Board of SMEs Promotion, consisting of the Prime Minister as Chairperson; the Minister of Industry as Vice-Chairperson; the Minister of Finance, the Minister of Agriculture and Cooperatives, the Minister of Commerce, the Permanent Secretary of Ministry of Labour\*, the Permanent Secretary of Ministry of Science

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<sup>2</sup> Section 5, paragraph one has been amended by the Announcement of the National Council for Peace and Order No. 99/2557 Re: Amendment to the Law on Small and Medium Enterprises Promotion, dated 21st July, B.E. 2557 (2014).

and Technology\*, the Permanent Secretary of Ministry of Industry, the Secretary-General of Office of the National Economic and Social Development Board, the Secretary-General of Office of the Board of Investment, a representative of the Thai Chamber of Commerce, a representative of the Federation of Thai Industries and not more than twelve qualified persons appointed by the Council of Ministers as members, and the Director shall be a member and secretary.

Qualified members under paragraph one shall have the knowledge, expertise and experience in relation to small and medium enterprises and at least six qualified members shall be appointed from the representatives of private organisations.

At least three representatives of private organisations under paragraph two shall be small or medium enterprise operators in locality.

**Section 7.** A qualified member shall have qualifications and possess no prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) not being bankrupt;
- (3) not being incompetent or quasi-incompetent;
- (4) not having been subject to an imprisonment penalty by a final judgement to imprisonment, except for an offence committed through negligence or a petty offence.

**Section 8.** A qualified member shall hold office for a term of two years.

If a qualified member vacates his or her office prior to the expiration of the term or if there is an appointment of additional qualified member while the appointed qualified members are still in office, the person appointed to replace the vacated position or appointed as an additional member shall be in office for the remaining term of office of the members already appointed.

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 newly appointed qualified member assumes his or her duties.

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

**Section 9.** In addition to vacating office on the expiration of term under section 8, a qualified member vacates office upon:

- (1) death;

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(2) resignation;  
 (3) being dismissed by the Council of Ministers;  
 (4) being disqualified or possessing any prohibited characteristics under section 7.

**Section 10.** At a meeting of the Board, the presence of not less than one-half of all members is required to constitute a quorum.

The Chairperson shall preside over the meeting. If the Chairperson is not present at the meeting or is unable to perform the duties, the Vice-Chairperson shall preside over the meeting. If the Chairperson or the Vice-Chairperson is not present at the meeting or is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

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

**Section 11.** The Board shall have the power and duties as follows:

- (1) to formulate the policy and plan for small and medium enterprises promotion for proposing to the Council of Ministers for approval;
- (2) to determine the characteristics of other businesses under section 3 for proposing to the Minister for publishing in the Government Gazette;
- (3) to determine the characteristics of small and medium enterprises under section 4 for proposing to the Minister for issuance in the Ministerial Regulations;
- (4) to present reports on the situation of the small and medium enterprises in the country to the Council of Ministers and arrange to disseminate such reports to the public at least once a year;
- (5) to consider approving the Action Plan on Small and Medium Enterprises Promotion under section 37;
- (6) to provide recommendation to the relevant official agencies, State agencies, State enterprises or private organisations on the implementation of the Action Plan on Small and Medium Enterprises Promotion under section 37, section 38 and section 39;
- (7) to suggest to the relevant official agencies, State agencies or State enterprises measures on monetary and financial matters, taxes and duties or other matters in order to promote the implementation of the policy and plan for small and medium enterprises promotion;

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(8) to propose the issuance, amendment or revision of the laws relating to small and medium enterprises promotion to the relevant official agencies, State agencies or State enterprises;

(9) to formulate measures to promote collaboration and coordination in the promotion of small and medium enterprises, both within the country and abroad, among official agencies, State agencies, State enterprises, private organisations, domestically and internationally, and international organisations;

(10) to supervise the operations of the Executive Board;

(11) to perform any other acts as stipulated in the laws to be the power and duties of the Board.

**Section 12.** In performing the duties under this Act, the Board shall have the power to summon any person to come to give statements or state facts or submit any documents in support of consideration.

**Section 13.** The Board shall have the power to appoint a sub-committee to carry out any act as assigned by the Board.

The provisions of section 10 and section 12 shall apply to the performance of duties of the sub-committee under paragraph one, *mutatis mutandis*.

**Section 14.** In performing the duties under this Act, the Board may entrust the Office, official agencies, State agencies, State enterprises or private organisations to perform such duties or prepare proposals for submission to the Board for considering taking actions accordingly.

**Section 15.** The Chairperson, the Vice-Chairperson, a member, and a chairperson and member in the sub-committee shall receive a meeting allowance and other benefits and remuneration as determined by the Minister.

## CHAPTER II

### OFFICE OF SMALL AND MEDIUM ENTERPRISES PROMOTION

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**Section 16.** There shall be established an office called the “Office of Small and Medium Enterprises Promotion”, which shall be a juristic person and shall have the following objectives:

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(1) to determine the criteria in relation to the determination of the types and sizes of small and medium enterprises in line with economic and social conditions;

(2) to determine the types and sizes of small and medium enterprises suitable for receiving the promotion as well as to suggest the policy and plan for small and medium enterprises promotion;

(3) to coordinate and prepare the Action Plan on Small and Medium Enterprises Promotion with the relevant official agencies, State agencies, State enterprises or private organisations;

(4) to study and prepare reports on the situation of the small and medium enterprises in the country;

(5) to provide suggestions to the Board about the revision of this Act and the issuance, amendment or revision of the laws relating to small and medium enterprises promotion;

(6) to administer the Fund in accordance with the policies and resolutions of the Board and the Executive Board;

(7) to perform general affairs of the Board, the Executive Board and the sub-committee established by the Board or the Executive Board;

(8) to perform any other acts as stipulated in the laws to be the power and duties of the Office or as assigned by the Board or the Executive Board.

The Office has the status of a State agency, which is not an official agency or State enterprise under the law on budget procedures or other laws.

The affairs of the Office are not subject to the law on labour protection, the law on labour relations, the law on social security and the law on workmen's compensation.

**Section 17.** The Office shall have the power and duties to carry out activities within the scope of its objectives under section 16. Such power and duties shall include:

(1) to procure or hold ownership, have possessory rights or property rights, rent, rent out, take on lease, let on lease, transfer or accept transfer of rental rights or leasehold rights, sell or otherwise dispose of movable or immovable properties as well as to accept properties donated;

(2) to borrow or lend money with a surety or security or make investment only for purpose of the research, development and promotion of small and medium enterprises to improve their effectiveness as a whole;

(3) to subsidise or render assistance for purpose of the promotion of small and medium enterprises;

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(4) to participate in business with other persons or hold shares in a limited company or a public limited company for purpose of the promotion of small and medium enterprises;

(5) to coordinate with official agencies, State agencies, State enterprises or private organisations, domestically and internationally, for purpose of the promotion of small and medium enterprises;

(6) to receive remuneration and service fees for its service rendering within the scope of the objectives of the Office and to determine and agree on the conditions of such remuneration and service fees;

(7) to carry out all other affairs relating to or in connection with the fulfillment of the objectives of the Office.

If the amount of money for the borrowing or lending, the investment, the provision of subsidies or assistance from the Fund or the business participation or holding of shares under (2), (3) or (4) exceeds the limit determined by the Executive Board under section 20 (12), prior approval from the Board shall be obtained.

**Section 18.** There shall be an Executive Board of the Office of Small and Medium Enterprises Promotion, consisting of the Permanent Secretary of Ministry of Industry as Chairperson; the Director of Bureau of the Budget, a representative of the Ministry of Finance, a representative of the Ministry of Agriculture and Cooperatives, a representative of the Ministry of Commerce, a representative of the Office of the Board of Investment, the Director-General of Department of Industrial Promotion and seven qualified persons appointed by the Board as members, and the Director shall be a member and secretary.

Qualified members under paragraph one shall have the knowledge, expertise and experience in relation to small and medium enterprises and at least five qualified members shall not be a government official holding a permanent position or receiving salary.

**Section 19.** The provisions of section 7, section 8 and section 9 shall apply, *mutatis mutandis* to the holding of office of the qualified members in the Executive Board, except for the vacating from office under section 9 (3), in which case, it shall be the power of the Board.

**Section 20.** The Executive Board shall have the power and duties to establish the policy on work administration, exercise general control and supervision of the

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business of the Office and take responsibility for the business of the Office. Such power and duties shall include:

- (1) to consider approving the operations of the Office under section 16 (1), (2), (3), (4) and (5) for proposing to the Board for consideration;
- (2) to suggest and provide opinions to the Board and the Minister on the matters relating to small and medium enterprises promotion;
- (3) to approve the working plan and financial and budget plan to be implemented by the Office in each year;
- (4) to determine the policy of the Fund and control and supervise the administration of the Fund performed by the Office;
- (5) to consider allocating the Fund's money for use in the activities stipulated in section 34;
- (6) to issue regulations in relation to the accounting and finance of the Office;
- (7) to issue regulations on the departmentation, work administration and execution of works of the Office;
- (8) to determine the number, positions, term of employment, salary rates, wages and other money of the staff members and employees;
- (9) to issue regulations on the recruitment, appointment, position determination, determination of salary rates or wages, increase of salaries or wages, vacating from office, discipline, disciplinary punishment and appeal against disciplinary punishment and petition of the staff members and employees as well as general personnel administration;
- (10) to issue regulations on the selection of the Director, the performance of duties of the Director and the assignment of other persons to act in place of or for the Director;
- (11) to issue regulations on the welfare or other aids for the staff members and employees;
- (12) to establish rules, regulations, conditions and procedures on the borrowing and lending of money including the investment, the provision of subsidies or assistance from the Fund or the business participation or holding of shares;
- (13) to establish rules in relation to the power, duties and procedures on administration or management of the Fund by the fund manager under section 36;
- (14) to establish rules on receipt and disbursement of the Fund;
- (15) to prepare the report on receipts and expenditures of the Fund for proposing to the Board.

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The allocation of the Fund's money under (5) and the establishment or amendment of the rules under (12), (13) and (14) shall come into force upon approval of the Board.

**Section 21.** The Executive Board shall have the power to appoint a sub-committee to carry out any act as assigned by the Executive Board.

The provision of section 10 shall apply, *mutatis mutandis* to the meetings of the Executive Board and the sub-committee established by the Executive Board.

**Section 22.** The Chairperson and a member in the Executive Board and a chairperson and member of the sub-committee in the Executive Board shall receive a meeting allowance and other benefits and remuneration as determined by the Board.

**Section 23.** The Executive Board, with approval of the Board, shall appoint the Director and determine his or her salary and other benefits and remuneration in accordance with the employment contract stipulated by the Executive Board.

**Section 24.** The Director shall have qualifications and possess no prohibited characteristics as follows:

- (1) being a person with the knowledge, expertise and experience in relation to small and medium enterprises;
- (2) being able to work full-time for the Office;
- (3) not being a government official holding a permanent position or receiving salary, a person holding political position, a local staff member, a member of local assembly, a local administrator or a permanent staff or employee of the Office;
- (4) having qualifications and possessing no prohibited characteristics under section 7.

**Section 25.** The Director shall hold office for a term of four years.

The Director who vacates office upon the expiration of the term may be reappointed, but may not hold office for more than two consecutive terms.

**Section 26.** In addition to vacating office on the expiration of term under section 25, the Director vacates office upon:

- (1) death;
- (2) resignation;

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(3) being dismissed by the Executive Board with approval of the Board;  
 (4) being disqualified or possessing any prohibited characteristics under section 24.

**Section 27.** The Director shall have the power and duties as follows:

(1) to administer the business of the Office to ensure compliance with the objectives and power and duties of the Office including the policies, regulations, rules and resolutions of the Executive Board, and to control and supervise the staff members and employees of the Office;

(2) to be responsible for the management and operation of the Office as assigned by the Executive Board;

(3) to establish rules in relation to the performance of duties of the Office which shall not be in conflict or inconsistent with the regulations prescribed by the Executive Board.

**Section 28.** With respect to affairs dealing with third persons, the Director shall be representative of the Office. In this regard, the Director may, in accordance with the regulations prescribed by the Board, entrust any person to perform any specific activity on his or her behalf.

**Section 29.** The Office shall set up and maintain an accounting system proper to the business, classified by the categories of the main works, and shall keep books of accounts showing the particulars of receipts and expenditures, the assets and the liabilities which shall represent the actual and accurate conditions of the business by each category of works together with the statements and evidence which are the sources of such entries. An internal audit of accounts shall be conducted regularly.

**Section 30.** The Office shall prepare and submit the balance sheet, operating account and income and expenditure account to the auditor and the auditor shall complete the audit of the same within one hundred and twenty days from the end of each accounting year. 31st December shall be deemed to be the end of the accounting year.

The auditor approved by the Executive Board shall be an auditor of the Office for each year and shall prepare and submit the report on the result of the accounting audit to the Executive Board for proposing to the Board.

The Office of the Auditor-General of Thailand shall audit and certify the report on the result of the accounting audit under paragraph two.

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**Section 31.** The Office shall, within one hundred and eighty days from the end of each accounting year, prepare and submit to the Executive Board for further proposing to the Board the annual report showing the balance sheet, operating account and income and expenditure account certified as correct by the auditor together with the auditor's report as well as the result of works carried out by the Office in the foregoing year.

### CHAPTER III SMALL AND MEDIUM ENTERPRISES PROMOTION FUND

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**Section 32.** There shall be established in the Office a fund called the "Small and Medium Enterprises Promotion Fund", consisting of:

- (1) an initial capital allocated by the Government;
- (2) a subsidy allocated by the Government from the annual expenditure budget;
- (3) money or properties donated as contribution to the Fund;
- (4) fruit or income of the Fund;
- (5) other money received for the operation of the Fund.

The Government shall allocate the initial capital under (1) and the subsidy under (2) directly to the Office in a sufficient amount for necessary expenses for the implementation of the objectives of the Office.

**Section 33.** Incomes of the Fund and the Office shall be remitted to the Fund for use in the activities prescribed in this Act, without being remitted to the Ministry of Finance under the law on treasury balance and the law on budget procedures.

**Section 34.** The Fund's money shall be expended for the following activities:

- (1) lending to small and medium enterprises or small and medium enterprise groups for the establishment, improvement and development of the business of such enterprises or enterprise groups in order to increase their effectiveness and capabilities;
- (2) supporting official agencies, State agencies, State enterprises or private organisations for their implementation of the Action Plan on Small and Medium Enterprises Promotion;
- (3) supporting and subsidising any operation, business participation, joint venture arrangement or investment in relation to the establishment, business expansion, research, development and promotion of small and medium enterprises in order to increase

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their effectiveness as a whole, as prescribed by the Executive Board with approval of the Board;

(4) using as expenses for the operation of the Office and the administration of the Fund.

**Section 35.** The Executive Board's consideration of the allocation of the Fund's money under section 20 (5) shall be consistent with the Action Plan on Small and Medium Enterprises Promotion under section 37.

In the case of the allocation of the Fund's money for lending to small enterprises, medium enterprises or small and medium enterprise groups under section 34 (1), the Executive Board shall consider determining the repayment period of the money borrowed from the Fund, the rate of interest and the collateral as necessary and appropriate.

In the case of the provision of support to official agencies, State agencies, State enterprises or private organisations under section 34 (2), the Executive Board shall consider the necessities of such official agencies, State agencies, State enterprises or private organisations under the Action Plan on Small and Medium Enterprises Promotion, and with respect to official agencies, State agencies or State enterprises, the State budget or subsidy already allocated to them shall also be taken into account.

**Section 36.** The Executive Board may appoint any financial institute having the policy to promote small and medium enterprises, as it deems appropriate, to be a fund manager who shall manage the Fund's money allocated under section 34 and section 42 in accordance with the rules prescribed by the Executive Board with approval of the Board under section 20 (13).

The rules under paragraph one shall be consistent with the Action Plan on Small and Medium Enterprises Promotion under section 37 and section 38.

#### CHAPTER IV

#### ACTION PLAN ON SMALL AND MEDIUM ENTERPRISES PROMOTION

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**Section 37.** To be in compliance with the policy and plan for small and medium enterprises promotion under section 11 (1), the Office shall prepare an action plan called the "Action Plan on Small and Medium Enterprises Promotion" for proposing to the Executive Board for further proposing to the Board for approval.

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The Action Plan on Small and Medium Enterprises Promotion under paragraph one which has been approved by the Board shall be published in the Government Gazette by the Minister.

**Section 38.** In preparing the Action Plan on Small and Medium Enterprises Promotion under section 37, the Office shall coordinate with the relevant official agencies, State agencies or State enterprises, taking into account the research and development results as well as the economic and social necessities and conditions on the issues required to be addressed by such official agencies, State agencies or State enterprises pursuant to their power and duties. The plan may be in the short, medium or long term for both central and regional areas as appropriate and should contain the working plans, projects, activities or measures for the following matters:

- (1) development of small and medium enterprises in communities and regional and rural areas, taking into account the proper utilisation of local resources;
- (2) support and assistance in finance for the improvement and development of small and medium enterprises in order to increase their effectiveness and capabilities;
- (3) development or establishment of capital or financial markets for small and medium enterprises;
- (4) development of knowledge and ability of the operators and personnel in small and medium enterprises in terms of administration, management, marketing, production and development;
- (5) development of the management of small and medium enterprises in terms of management, production, personnel administration, finance, marketing and other relevant applied management;
- (6) development of the products of small and medium enterprises in terms of quality and standards including image building, design improvement and product packaging;
- (7) marketing promotion or support and market expansion at domestic and international levels;
- (8) promotion, research and development including the transfer of modern and suitable technologies for small and medium enterprises as well as the integration or application of modern technologies with local wisdom;
- (9) news and information support with respect to the operation of enterprises, and enhancement of the development of information technology;
- (10) promotion of the creation of a connection and support between small and medium enterprises and large enterprises;

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(11) promotion of the integration of small and medium enterprises for purpose of mutual assistance or joint business operations;

(12) promotion and development of the private organisations having a role to promote and support small and medium enterprises;

(13) provision of facilities to support the investment and business operation of small and medium enterprises;

(14) granting of the rights and benefits for small and medium enterprises promotion or for elimination of the disadvantages or limitations of small and medium enterprises;

(15) promotion and support for academic matters in relation to energy and environmental preservation and hygiene;

(16) amendment to the regulations, rules, steps, procedures and practices that obstruct and increase costs on small and medium enterprises;

(17) promotion and support for copyrights, patents, trademarks and other intellectual properties;

(18) other matters in relation to the operation for promoting the incorporation of new small and medium enterprises as well as the provision of assistance to small and medium enterprises to ensure that they are able to continue their business operation and/or expand their business and compete with other businesses in the country and abroad.

In preparing the Action Plan on Small and Medium Enterprises Promotion, the Office shall also coordinate with private organisations.

**Section 39.** An official agency, State agency or State enterprise having a duty to implement the Action Plan on Small and Medium Enterprises Promotion shall report the implementation results to the Board at least once a year in accordance with the form prescribed by the Board.

**Section 40.** To achieve the objectives of the implementation of the Action Plan on Small and Medium Enterprises Promotion under section 37 and for purpose of the evaluation of the performance and the formulation of such plan, an official agency, State agency or State enterprise having a duty under the Action Plan on Small and Medium Enterprises Promotion shall prepare and certify the statistics and data on small and medium enterprises for dissemination.

Details of the statistics and data under paragraph one shall be in accordance with the form prescribed by the Board.

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The statistics and data to be disseminated under paragraph one shall be those illustrating the overall of each field of small and medium enterprises, except where small and medium enterprises having an interest in any matter allow disseminating the statistics and data on such matter in detail.

The official agency, State agency or State enterprise shall submit the statistics and data prepared under paragraph one to the Office for compilation of the supporting information for the preparation of the policy and plan for small and medium enterprises promotion including the reports of the situation of small and medium enterprises and the Action Plan on Small and Medium Enterprises Promotion.

**Section 41.** For purpose of the preparation of the statistics and data on small and medium enterprises by the official agencies, State agencies or State enterprises under section 40, the Minister, with approval of the Board, shall have the power to issue Ministerial Regulations to determine the types of small and medium enterprises or small and medium enterprise groups or private organisations required to report statistics and data to the official agencies, State agencies or State enterprises under section 40.

## CHAPTER V STATE'S PROMOTION AND SUPPORT

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**Section 42.** Any small and medium enterprise, small and medium enterprise group or private organisation wishing to receive assistance, promotion or support from the Fund under section 34 shall file an application to the Office or the financial institutes appointed by the Executive Board with approval of the Board to be a fund manager or the official agencies, State agencies or State enterprises entrusted by the Executive Board with approval of the Board, as the case may be, together with details of the working plans and projects to be implemented.

The application for, and the granting of assistance, promotion or support as well as the qualification of the small and medium enterprises, small and medium enterprise groups or private organisations entitled to the assistance, promotion or support under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

**Section 43.** In considering granting of the assistance, promotion or support applied for under section 42, the Office, with approval of the Executive Board, shall consider

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making the allocation in accordance with the working plans, projects, activities or measures under section 38, taking into account possibilities and necessities in terms of economy, finance, investment and working capital of the enterprises, enterprise groups or private organisations filing the application.

**Section 44.** For purpose of developing the economy of the country and for the promotion and development of small and medium enterprises to ensure their ability to operate business and be competitive with other businesses, the Board shall have the power to determine the types and sizes of enterprises as it deems appropriate to be entitled to any rights and benefits and suggest the same to the official agencies, State agencies or State enterprises having power and duty related to such rights and benefits for considering taking actions under their power and duty.

The suggestion under paragraph one shall contain details of the rights and benefits to be granted as business motivation including rules, conditions and periods of time for the entitlement of such rights and benefits of such enterprises.

## CHAPTER VI

### REVOCATION OF THE STATE'S PROMOTION AND SUPPORT

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**Section 45.** In the case where it appears that an operator of any enterprise, enterprise group or private organisation has acted in bad faith to make his or her enterprise, enterprise group or private organisation qualified for the assistance, promotion or support under section 42 or the rights and benefits determined by the competent official agencies, State agencies or State enterprises according to the suggestion of the Board under section 44, the Board shall have the power to order to revoke the assistance, promotion or support including the rights and benefits obtained by the enterprise, enterprise group or private organisation under such sections within five years from the date on which the Board considers revoking such assistance, promotion or support and such rights and benefits.

**Section 46.** Any small and medium enterprise, small and medium enterprise group or private organisation failing to report the statistics and data under section 41 may be disqualified from receiving the assistance, promotion or support and the rights and benefits under section 42 and section 44.

In the case where the Board finds it appropriate to disqualify any of them from the assistance, promotion or support and the rights and benefits under paragraph one,

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the Office shall notify the list of disqualified small and medium enterprises, small and medium enterprise groups or private organisations to the official agencies, State agencies or State enterprises having a duty under the Action Plan on Small and Medium Enterprises Promotion or having power and duty related to the rights and benefits under section 44 for considering taking actions under their power and duty.

**Section 47.** The official agency, State agency or State enterprise receiving a suggestion from the Board under section 11 (5), (6), (7) and (8) and section 44 or required to take any action as prescribed by the Board under section 39, section 40 and section 46, paragraph two shall consider taking any action in accordance with the suggestion or requirement of the Board. In the case where it is viewed that the action pursuant to the suggestion or requirement of the Board cannot be carried out, such official agency, State agency or State enterprise shall report to the Chairperson or a person entrusted by the Chairperson for consideration together with the details and reasons within fifteen days from the date of receipt of such suggestion or requirement or the date of receipt of the order from the Board.

Any action deemed appropriate by the Chairperson or the person entrusted by the Chairperson to be taken to address the report's concerns under paragraph one shall be proposed to the Council of Ministers for further consideration.

## CHAPTER VII PENALTY PROVISIONS

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**Section 48.** Any person who fails to comply with the order of the Board under section 12 shall be liable to a fine not exceeding ten thousand baht.

## TRANSITORY PROVISIONS

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**Section 49.** At the initial term, the Director-General of Department of Industrial Promotion shall perform the duties of a member and secretary of the Board and the Executive Board, and the Department of Industrial Promotion shall provisionally perform the duties of the Office until the Office has been established and the Director has been appointed which shall be within one hundred and eighty days from the effective date of this Act.

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Countersigned by:  
Chuan Leekpai  
Prime Minister

*Office of the Council of State*

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