



Regulation of the Alcoholic Beverage Control Committee
Re: Criteria for Compounding the Offences under the Alcohol Control Act,
B.E. 2551 (A.D. 2008)

To ensure achievement of the compounding procedures in accordance with applicable law and by virtue of Section 45 of the Alcohol Control Act, B.E. 2551 (A.D. 2008), which contains provisions in relation to the restriction of rights and freedom of persons, for which Section 29 in conjunction with Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand prescribes that such restriction can be made by virtue of the provisions of law, the Alcohol Control Committee hereby issues the Regulation as follows:

Clause 1. This Regulation shall be called “Regulation of the Alcoholic Beverage Control Committee on Criteria for Undertaking the Fining Procedures under the Alcohol Control Act, B.E. 2551 (A.D. 2008).”

Clause 2. This Regulation shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3. In case of any problems with the execution of this Regulation or the Regulation does not cover any procedures, the control committee shall consider the matter and the judgment of the control committee shall be final.

Clause 4. Director General of the Department of Disease Control shall be in charge of this Regulation and have the power to issue any regulations or orders for the execution of this Regulation.

Chapter 1
 General Provisions

Clause 5. In this Regulation:

“Compounding procedure” means the compounding procedure under the Alcohol Control Act, B.E. 2551 (A.D. 2008) of the person having the power to compound the offences.

“Offence” means the any punishable offence under the Alcohol Control Act, B.E. 2551 (A.D. 2008).

“Control committee” means the Alcoholic Beverage Control Committee.

“Subcommittee” means the subcommittee appointed by the Alcoholic Beverage Control Committee.

“Person having the power to compound the offences” means:

- (1) The Control Committee; or
 - (2) The Subcommittee, Inquiry Officers, or Competent Officials assigned by the Alcoholic Beverage Control Committee to have the power to compound the offences.
- “Office” means the office of the Alcohol Beverage Control Committee.

Chapter 2

Power, Criteria and Procedures for Compounding of the Offences

Clause 6. The power to fine the offenders shall be as follows:

(1) The Control Committee shall have the power to compound the offences throughout the kingdom.

(2) The Subcommittee empowered by the Alcoholic Beverage Control Committee shall have the power to compound the offences only within its area of jurisdiction as prescribed in the Order of the Alcoholic Beverage Control Committee on Assignment of Officials to Undertake the Compounding Procedures under the Alcohol Control Act, B.E. 2551 (A.D. 2008).

(3) The Competent Officials empowered by the Alcoholic Beverage Control Committee shall have the power to compound the offences only within their area of responsibility for the execution of the Notification of the Prime Minister’s Office on the Appointment of Competent Officials to Execute the Alcoholic Beverage Control Act, B.E. 2551 (A.D. 2008).

(4) The inquiry officers empowered by the Alcoholic Beverage Control Committee shall have the power to compound the offences.

Clause 7. The person having the compounding power shall complete the compounding process within the regular location of his/her office where he/she works.

In the case where it is necessary to complete the fining process as soon as possible, the person having the power to fine the offender of that particular offence may perform the fining process outside the regular location of his/her office and the place of another government agency or another place may be used as the place for fining process. In this regard, suitability of the place shall be taken into consideration.

Clause 8. In the compounding process, the person having the power to fine the offenders shall adhere to the criteria and designate the fine in accordance with the list of compounding rates (Form Por Thor.1) annexed to this Regulation.

Clause 9. In the compounding process, if the accused or the offender is not manufacturer or importer of alcoholic beverage and there is a special reason deemed appropriate to consider the reduction of the fine imposed, the person having the power to compound the offence may impose the fine differently from that specified in Clause 8; however, it shall not be less than 1/3 of the regular fine.

The special reason under paragraph one shall take account of seriousness of the charge and circumstance of the offence, damage caused or effects on service recipients and the whole society, as well as the age, background, behaviour, intelligence, education and training, health, occupation, investment size of the business, and other environment of the accused or the offender.

Clause 10. In the case where the accused or the offender agrees to pay the fine, the request for compounding of offences (Form Por Thor.2) shall be filed to the person having the power to compound the offence.

Clause 11. In the case where the person having the power to compound the offence has received the said request under Clause 10, the person having the power to compound the offences shall proceed as follows:

(1) If the person having the power to compound the offence considers that the offence is compoundable and appropriate for compounding and it is deemed that the accused or the offender should not be prosecuted or sentenced to imprisonment, the person having the power to compound the offence shall complete the compounding process without delay and inform the accused or the offender to complete payment of fine within 15 days from the date on which there is an compounding order. If the accused or offender fails to complete the payment of fine within the designated time, the person having the power to compound the offence shall forward the matter to the inquiry officer for prosecution.

(2) If the person having the power to compound the offence considers that the offence is not compoundable or should not be compounded, he/she shall forward the matter to the inquiry officer for prosecution.

If it is deemed inappropriate for the offence to be compounded as prescribed in (2), the person having the power to compound the offence shall consider the manner or circumstance of the accused or offender and the offence, such as organized offence, repetitive offence, damage caused by the offence, and the circumstance indicating that the accused or offender intends to commit an act, which is against the law.

Clause 12. In the event where the inquiry officer not empowered under Clause 6 is the one witnessing the act of offence and during the inquiry process, the accused or offender agrees to pay the fine, the inquiry officer shall submit a copy of the inquiry report, a request for compounding of offence (Form Por Thor.2) under Clause 10 and related documents to the person having the power to compound the offence within 7 days from the date the accused or offender agrees to pay the fine.

Clause 13. After the accused or offender has paid the fine, the person having the power to compound the offence shall issue a receipt and have the accused or offender sign at the bottom of the receipt and the photocopy of such receipt to show that the accused or offender has been informed of and verified the receipt. Then, the original copy of the receipt shall be delivered to the accused or offender and the case shall be deemed over in accordance with Criminal Procedure Code.

Chapter 3 Reporting and Controlling

Clause 14. The person having the power to compound the offence shall prepare the compounding report (Form Por Thor.3) as follows:

(1) In Bangkok, a monthly report of the compounding procedures shall be prepared and submitted to the office within the 7th day of the following month.

(2) In other provinces, a monthly report of the compounding procedures shall be prepared and submitted to the office within the 10th day of the following month.

Clause 15. The office shall collect the report on the compounding of offences in order to develop statistics on the accused or offenders, number of cases in each charge, amount of fine, amount of money remitted to the treasury, and other relevant details as

well as problems and obstacles or recommendations (if any) to submit to the Control Committee.

Notified on this 22nd day of May B.E. 2553 (A.D. 2010)

Jurin Laksanavisit
Public Health Minister
Chairperson of the Alcoholic Beverage Control Committee

(Annexes)

1. List of Compounding Rate annexed to the Regulation of the Alcoholic Beverage Control Committee on Criteria for Compounding of Offences under the Alcohol Control Act, B.E. 2551 (Form Por Thor. 1)
2. Request for Compounding of Offence (Form Por Thor. 2)
3. Form of Report on the Compounding of Offences under the Alcohol Control Act, B.E. 2551 (Form Por Thor. 3)

(Form Por Thor. 1)

**List of Compounding Rate annexed to the Regulation of the Alcoholic Beverage Control
Committee on Criteria for Compounding of Offences
Under the Alcohol Control Act, B.E. 2551 (A.D. 2008)**

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
1	Section 26	Manufacturer or importer of the alcoholic beverage not arranging for the packaging materials, labels and warning messages for the manufactured or imported alcohol beverage or not undertaking other acts prescribed by the control committee	Section 38	An imprisonment of not exceeding 1 year or to a fine of not exceeding 100,000 baht, or both	100,000 Baht
2	Section 27 (1)	Selling the alcoholic beverage in temples or places meant for performing of religious ceremonies	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
3	Section 27 (2)	Selling the alcoholic beverage in public health service places, medical service places under the Law on Medical Services and drugstores under the Law on Drug	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
4	Section 27 (3)	Selling the alcoholic beverage in Official places, except the areas set as shops or clubs	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
5	Section 27 (4)	Selling the alcoholic beverage in dormitories in accordance with the Law on Dormitory	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
6	Section 27 (5)	Selling the alcoholic beverage in educational institutes in accordance with the Law on National Education	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
7	Section 27 (6)	Selling the alcoholic beverage in petrol service stations in accordance with the Law on Fuel Oil control or shops in the area of the petrol service stations	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
8	Section 27 (7)	Selling the alcoholic beverage in official parks provided for relaxation of people in general	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
9	Section 27 (8)	Selling the alcoholic beverage in other places as prescribed by the Minister with approval of the Committee	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
10	Section 28	Sale of alcoholic beverage beyond the date... or time... (designated) This shall not apply to the sale made by manufacturers, importers, or agents to the sellers authorized by the laws on Liquor and Spirit	Section 39	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
11	Section 29 (1)	Sale of alcoholic beverage to a person under 20 years of age	Section 40	An imprisonment of not exceeding 1 year or to a fine of not exceeding 20,000 baht, or both	1 st time: 6,000 baht 2 nd time: 12,000 baht 3 rd time: 20,000 baht
12	Section 29 (1)	Sale of alcoholic beverage to a person who is unconsciously drunk	Section 40	An imprisonment of not exceeding 1 year or a fine of not over 20,000 baht, or both	1 st time: 6,000 baht 2 nd time: 12,000 baht 3 rd time: 20,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
13	Section 30 (1)	Sale of alcoholic beverage using automatic distribution machine	Section 40	An imprisonment of not exceeding 1 year or to a fine of not exceeding 20,000 baht, or both	20,000 baht
14	Section 30 (2)	Sale of alcoholic beverage by means of wandering about	Section 41	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
15	Section 30 (3)	Sale of alcoholic beverage by means of discount for sale promotion purpose	Section 41	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
16	Section 30 (4)	To provide or propose to provide the right to attend a competition or performance or to win some rewards, or any other privileges in favor of alcoholic beverage buyers or those brining the packages, labels or any other materials related to the alcoholic beverage to exchange or trade with anything	Section 41	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	10,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
17	Section 30 (5)	Sale of alcoholic beverage by distributing, gratuitously, giving or exchanging with alcoholic beverage or with other products or providing other services, as the case may be, or distribute alcoholic beverage as sample of the alcoholic beverage or induce people to consume alcoholic beverage, including to make sale conditions in the manner that the directly or indirectly compulsory buying of alcoholic beverage.	Section 41	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	10,000 baht
18	Section 30 (6)	Sale of alcoholic beverage by any means or characteristics notified by the Minister with advice of the Committee	Section 41	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
19	Section 31 (1)	Drinking of alcoholic beverage in temples or places for performing of religious ceremonies, except being a part of religious ceremonies.	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
20	Section 31 (2)	Drinking of alcoholic beverage in public health service places, medical service places under the Law on Medical service and drugstores under the Law on Drug, except the areas where set up as dwelling places	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
21	Section 31 (3)	Drinking of alcoholic beverage in Official places, except the areas where set up as dwelling places, clubs or traditional parties.	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
22	Section 31 (4)	Drinking of alcoholic beverage in Educational institutes in accordance with the Law on National Education, except the areas set up as dwelling places or clubs or for traditional parties, or the educational institutes where having bartender course and authorized in accordance with Law on National Education	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
23	Section 31 (5)	Drinking of alcoholic beverage in petrol service stations in accordance with laws on fuel oil control or shops in the area of the petrol service stations	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
24	Section 31 (6)	Drinking of alcoholic beverage in Official parks arranged for relaxation of people in general	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht
25	Section 31 (7)	Drinking of alcoholic beverage in other places as prescribed by the Minister with approval of the Committee	Section 42	An imprisonment of not exceeding 6 months or to a fine of not exceeding 10,000 baht, or both	1 st time: 3,000 baht 2 nd time: 6,000 baht 3 rd time: 10,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
26	Section 32	<p>Advertising or displaying names or trademarks of alcoholic beverage deemed to exaggerate their qualifications or induce people to drink such alcoholic beverage either directly or indirectly</p> <p>Any advertising or public relations made by manufacturers of alcoholic beverage not for the purpose of giving information and creative knowledge</p> <p>Any advertising or public relations made by manufacturers of alcoholic beverage by displaying pictures of the products or packages, except for the display of symbol of such alcoholic beverage or the symbol of the company manufacturing the alcoholic beverage as prescribed in the Ministerial Regulations.</p> <p>In this regard, any prohibitions of the advertising or public relations shall not apply to the advertisement originated outside the Kingdom of Thailand.</p>	Section 43	<p>An imprisonment of not exceeding 1 years or to a fine of not exceeding 500,000 baht, or both</p> <p>apart from being liable under paragraph one, the violator shall be liable to a daily fine of not exceeding 50,000 bath through the period of the commission of that offense.</p>	<p>1st time: 50,000 baht</p> <p>2nd time: 200,000 baht</p> <p>3rd time: 500,000 baht</p> <p>Unless the advertising is made by the manufacturers or importers, the fine shall be 500,000 baht.</p>
27	Section 34 (1) and (2)	<p>Resisting the execution of duty of the competent officials who are:</p> <p>(1) Entering the business place of the manufacturer, importer, or seller of alcoholic beverage, place of manufacture, import, or sale of alcoholic beverage, and storage place of alcoholic beverage during the working hours of such places including checking the vehicles to inspect a compliance in accordance with this Act</p> <p>(2) Seizing or attaching alcoholic beverage of the manufacturers, importers or sellers violating or Fails to comply with this Act</p>	Section 44	<p>under section (1) and (2) an imprisonment of not exceeding 1 year or to a fine of not exceeding 20,000 baht, or both</p>	20,000 baht

No.	Offences		Punishment		Designated Fine Rates
	Sections	Charges	Sections	Rate of Penalty	
28	Section 34 (3)	(3) Not showing up to give statements or not agreeing to give statements without a proper reason to the competent officials who are executing their duties; (3) not submitting documents or evidence necessary for consideration of the competent officials upon being requested to do so (3)	Section 44	(3) a fine of not exceeding 20,000 baht	20,000 baht
29	Section 36	Concerned persons not reasonably assisting the competent officials who are performing the duty under Section 34	Section 44	A fine of not exceeding 2,000 baht	2,000 baht

(Form Por Thor. 2)

Request for Compounding of Offences

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

Executed at

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

I,, aged years; of nationality; race; currently residing at House No..... Moo #Alley; Road; Sub-district; District; Province.....; Tel....., am authorized by in accordance with the Power of Attorney No....., dated (in case of a juristic person);

I have been informed by the person having the power to compound the offence that I have committed an offence under Section of the Alcohol Control Act, B.E. 2551 (A.D. 2008). I am subject to the penalty under Section and liable to pay a fine of Baht under the compoundable offence and the person having the power to compound the offence considers that it is my time to commit the offence so I am required to pay the fine of baht (.....)

I am aware of the offence charged and I hereby plead guilty to such an offence; and

(1) I agree that the person having the power to compound the offence may impose a fine on me in an amount of baht (.....) and I will pay the fine within(date).....

(2) If I fail to make payment of the amount prescribed in (1) within the designated time, the competent officials may take legal proceedings against me.

The competent official has read this memorandum to me and I have understood it well and agree that it is correct so I sign my name on it for evidence.

(Sign) The Accused or Offender

(Sign) Person having the compounding power

(Sign) Competent Officer

(Form Por Thor. 3)

Report on the Compounding of Offences under the Alcohol Control Act, B.E. 2551 (A.D. 2008)

For the Month of Year.....

Name of Agency.....

No.	Case No.	Name of the Accused or Offender	Charge/ Section	Date of Compounding of Offence	Amount of Fine (Baht)	Amount of Money Remitted to the Treasury	Problems and Obstacles	Notes
1								
2								
3								
4								
5								
				Total				

Reporter's Name:

Position:

Tel/Fax: