

(Unofficial Translation)

NOTIFICATION OF THE PATHOGENS AND ANIMAL TOXINS COMMITTEE
RE: COMPARISON PURSUANT TO SECTION 80 OF THE PATHOGENS AND ANIMAL TOXINS ACT B.E. 2558
(2015), B.E. 2560 (2017)

Whereas it is expedient to clearly prescribe the rule of comparison pursuant to Section 80 of the Pathogens and Animal Toxins Act B.E. 2558 (2015) to be smoothly, transparently and efficiently taken place.

By virtue of the provisions in Section 12 (3) and Section 80 of the Pathogens and Animal Toxins Act B.E. 2558 (2015), the Pathogens and Animal Toxins Committee's Meeting No. 15 - 10/2017 on 24th November 2017 resolved to issue the Notification as follows.

Clause 1 This Notification is called "Notification of the Pathogens and Animal Toxins Committee Re: comparison pursuant to Section 80 of the Pathogens and Animal Toxins Act B.E. 2558 (2015), B.E. 2560 (2017)".

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

Clause 3 The Director-General or a person entrusted by the Director-General to have power to compare all offenses pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015) that impose the fine.

Clause 4 The Director-General or a person entrusted by the Director-General to compare shall compare the alleged offender based on the list of comparative rates attached herewith.

The execution pursuant to paragraph one shall complete fining at the Department of Medical Sciences.

Clause 5 The competent official shall report the offense verification in case of fine pursuant to Form PorThor. 1 to the Director-General or a person entrusted by the Director-General. In comparing, the Director-General or a person entrusted by the Director-General for comparing shall make a written notice and give it to the alleged offender for comparison pursuant to Form PorThor. 2. When the alleged offender appears, the Director-General or a person entrusted by the Director-General for comparing shall inform an accusation in committing the offense, date, time and scene of offense, and notify the alleged offender that the arisen offense is a comparable offense. If the alleged offender pleads guilty and agrees on comparison, the testimony of the alleged offender and comparison pursuant to Form PorThor. 3 and Form PorThor. 4 attached herewith shall be recorded.

Upon the alleged offender's payment of fine in the comparative amount within thirty days from the compared date, it shall be deemed that the case is terminated and the right to bring the criminal case for suing will be suspended pursuant to the legislation of the Criminal Procedure.

If the alleged offender denies or disinclines the comparison, the pleading pursuant to Form PorThor. 5 attached herewith shall be recorded.

Clause 6 In comparison with the property in dispute, and the competent official has seized or garnished all properties in dispute relating to the offense pursuant to Section 41 (3), the Director-General or a person entrusted by the Director-General for comparing shall also make a written evidence to the alleged offender or the owner or the possessor of the properties in dispute for signing to give consent on seizure or garnishment of the properties in dispute.

This translation is provided by Department of Medical Sciences as the competent authority for information purposes only. Whilst Department of Medical Sciences has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

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The properties in dispute seized or garnished in paragraph one shall be further carried out pursuant to Section 43 and Section 44.

Clause 7 In the case where the Director-General or a person entrusted by the Director-General for comparing deems appropriate that the legal proceedings should be taken with the alleged offender, or the alleged offender denies or disinclines the comparison, or defaults to pay fine within the specified period, or the alleged offender or the owner or the possessor of the properties in dispute disinclines on seizure or garnishment of the properties, the Director-General or a person entrusted by the Director-General for comparing shall submit the issue to the inquiry official to take legal proceedings according to the Pathogens and Animal Toxins Act B.E. 2558 (2015).

Clause 8 The money receipt, withdrawal, payment, keep, deposit with the treasury and procurement, shall be observed according to the rule or regulations of the Ministry of Finance on Deduction of Fine before Delivery to the Treasury.

Clause 9 The competent official shall record the alleged offender's record pursuant to Form PorThor. 6 attached herewith to be covered on the page of a file of the case, and keep the file of the case which has been compared for two years period from the compared date. Upon expiration, the said file of the case shall be destroyed.

Clause 10 In the case where the comparison is required, the Director-General or a person entrusted by the Director-General for comparing shall compare without delay.

Upon completion of the comparison, the Director-General or a person entrusted by the Director-General for comparing shall report the comparison result to the Committee for acknowledgement.

Notified on the 28th day of December B.E. 2560 (2017).

Tharet Karatnairawiwong

Deputy Secretary General for Health

Head of Health Service Support

Chairman of the Pathogens and Animal Toxins Committee

Competent Official Investigation Report Form

Written at
.....

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

Subject: Competent Official Inspection Report
Attention: Director-General of the Department of Medical Sciences

As I,, Position, have inspected the premise of
....., Premise's Name, that operate the
business of, located at Village No. Road,
..... Sub-district, District, Province, Tel.

Inspected fact

.....
.....

Matters of law of the offense

.....
.....

Opinions or suggestions

.....
.....

Signed Competent Official
()

Signed Competent Official
()

Signed Competent Official
()

Signed Competent Official
()

Signed Witness
()

Signed Witness
()

Remark: The number of competent officials shall be in line with the number entrusted by the Director-General of the Department of Medical Sciences.

Official Emblem

No.

Written at
.....

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

Subject: Comparison pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015)

Attention:

- Attachment: 1. Copy of the Offense Notice No. / dated for Copies
- 2. Copy of the Order Letter No. / dated for Copies

Reference to the attachment, the competent official pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015) has inspected and verified the registration evidence that it is apparent that the said premise has been granted for the Certificate of Notification or the business license whereas is the operator. It was detected that the offense has been committed pursuant to Section Of the Pathogens and Animal Toxins Act B.E. 2558 (2015) in ground of The said offense is a comparable offense. Therefore, the competent official has asked to appear for comparison at within Date Month Year in the official days before 15.00 hrs. to compare according to laws. In the case of non-appearance within the specified date and time above, the Department of Medical Sciences will submit the issue to the inquiry official pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015).

The offense in this event is the offense No., and will be compared in the amount of Baht. Upon completion of fine payment in the compared amount, it shall be deemed that the case is terminated according to the Criminal Procedure Code.

Sincerely yours,

Testimony Record

Case No. /

Written at
.....

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

I,, aged years, Nationality, residing at House No., Village No., Lane/Alley, Road, Sub-district, District, Province, Tel., whereas is the authorized person from according to Power of Attorney No. Date Month Year, would like to give testimony as follows.

I have been notified from the competent official that

.....
..... is the alleged offender who performed the act of violation or breach pursuant to Section of the Pathogens and Animal Toxins Act B.E. 2558 (2015) in the ground of, and has had the penalty pursuant to Section to be subject to the fine penalty not exceeding Baht (.....) under an order to be comparable. I have already acknowledged the accusation, and confessed that the said offense is true, and the comparison in the amount of Baht (.....) and daily fine of Baht are allowed all the time of the improper compliance. I hereby certify that:

1. I shall allow the authorized person for comparing to compare in the amount of Baht (.....) and daily fine of Baht all the time of the improper compliance.

2. I shall hand over all properties in dispute seized or garnished by the competent official to belong to the state in the amount specified in the list of properties in dispute attached with this Testimony Record.

3. I am glad to quickly complete the improvement and correction of my act which is an illegal offense to be proper within the specified period of days. After completion of the proper correction, I will inform and pay fine in the said amount within Date Month..... Year

4. If I default not to pay money in the said amount in Clause 1. within the specified period or breach pursuant to Clause 3., the competent official shall further take legal proceedings.

This Record ...

The competent official has read this Record to the alleged offender, and the alleged offender has certified that it is proper based on fact in all respects without coercion and threat whatsoever, and therefore, has mainly affixed the signature.

Signed Alleged Offender
()
Signed Authorized Person for Comparing
()
Signed Competent Official
()
Signed Competent Official
()
Signed Witness
()
Signed Witness
()

Remark:

- 1) In the case where the alleged offender who must be punished pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015) is a juristic person, this Form PorThor. 3 shall be separately used in two copies consisting of one copy for juristic person and one copy for the Managing Director or representative. However, just one number of Case No. shall be taken down.
- 2) In the case where the alleged offender requires the copy of document of this Form PorThor. 3, the competent official can duplicate and certify the copy for the alleged offender.

List of Properties in Dispute...

List of Properties in Dispute

Settled Case No. /

Written at
.....

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

I,, the alleged offender, residing at House No., Village No., Lane/Alley, Road, Sub-district, District, Province, Tel.,

have allowed to give the properties in dispute to belong to the Ministry of Public Health as per the following items.

No.	List of Properties in Dispute	Quantity	Remark

Signed Alleged Offender
()

Signed Competent Official
()

Signed Competent Official
()

Signed Witness
()

Signed Witness
()

Comparison Record

Compared Case No. /

Comparison Office

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

Between Delator
..... Alleged Offender

Accusation

Behavior of the case

An incident occurred on Date..... Month..... Year..... at the premise of
....., No., Road, Sub-district,
..... District, Province, Tel.

The alleged offender confessed the accusation of this case that he/she committed the offense
pursuant to Section of the Pathogens and Animal Toxins Act B.E. 2558 (2015), and has had the
penalty pursuant to Section to be subject to the fine penalty not exceeding
..... Baht (.....). The alleged offender has already paid fine in the said
amount on Date..... Month..... Year.....

The competent official has read to the alleged offender, and the alleged offender has then
certified to be proper and mainly affixed the signature before the competent official and the witness.

Signed Alleged Offender
()
Signed Authorized Person for Comparing
()
Signed Competent Official
()
Signed Witness
()
Signed Witness
()

Payment Record...

Payment Record	
Receipt Volume No.	No.
Date	Month Year
Fine Amount Baht (.....)	
Signed	Recipient Officer
Signed	Recorder

Testimony Record

Written at
.....

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

I,, aged years, Nationality, Identification Card No., residing at House No., Village No., Lane/Alley, Road, Sub-district, District, Province, Tel., whereas Mr./Mrs./Miss..... is the authorized person from according to Power of Attorney No. Date Month Year, would like to give testimony as follows.

I have been notified from the competent official that is the alleged offender who performed the act of violation or breach pursuant to Section of the Pathogens and Animal Toxins Act B.E. 2558 (2015) in the ground of, and has had the penalty pursuant to Section to be subject to the fine penalty not exceeding Baht (.....) under the order to be comparable and make a comparison in the amount of Baht (.....).

I,, have already acknowledged the above accusation, but disinclined the authorized person for comparing to make comparison because:
() I did not commit the offense.
() Other reasons (specify)

The competent official has already read to the alleged offender, and the alleged offender has then certified to be proper according to his/her intention, and mainly affixed the signature before the competent official and the witness.

Signed Alleged Offender
()

Signed Authorized Person
() for Comparing

Signed Competent Official
()

Signed Competent Official
()

Signed Witness
()

Signed Witness
()

Alleged Offender Record

1. Alleged Offender	Name Surname, having age Years Race, Nationality, residing at House No. Lane/Alley, Sub-district, District, Province, is the business operator of which its office in the name of....., Certificate of Notification No. License No.
2. Date, Time, and Scene	The incident occurred on Date..... Month.....Year..... at hrs. at the scene
3. Accusation	Ground pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015)
4. Properties in Dispute	1. Seizure and pickup 2. Garnishment
5. Case Result	An offense was committed pursuant to Section of the Pathogens and Animal Toxins Act B.E. 2558 (2015) in the ground of The alleged offender allows to be compared and pay fine in the amount of Baht (.....) on the fine payment date on Date..... Month..... Year..... Evidence of fine comparison from letter or record no. Date..... Month..... Year.....
6. Money Receipt by the Treasury	Date..... Month..... Year..... Amount..... Baht (.....) pursuant to Receipt Volume No..... No.

Signed Recorder of Record
(.....)
Position
Date..... /..... /.....

(Unofficial Translation)

List of Comparative Rates
Pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015)

No.	Offense	Ground of the Offense	Penal Code		Comparative Fine Rate
			Section	Penalty	
1	Section 6 (5)	An operator or operation personnel violates or breaches the duties prescribed in the Notification issued pursuant to Section 6 (5).	Section 56	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht
2	Section 20	A person who produces, imports, exports, sells, transits or possesses Group 1 Pathogens violates or breaches the Notification issued pursuant to section 6 (4), (10), (11), (12), (13), (14) and (15).	Section 63	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht
3	Section 21 paragraph one	A person who produces, imports, exports, sells, transits or possesses Group 2 Pathogens or Group 1 Animal Toxins violates or breaches the Notification issued pursuant to Section 6 (4), (5), (10), (11), (12), (13), (14), (15), and (18).	Section 64 paragraph two	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
4	Section 22 paragraph three	A person who produces, imports, exports, sells, transits or possesses Group 3 Pathogens or Group 2 Animal Toxins violates or breaches the Notification issued pursuant to Section 6 (4), (5), (10), (11), (12), (13), (14), (15), and (18).	Section 65 paragraph two	Fine penalty not exceeding 200,000 Baht	No. 1 100,000 Baht No. 2 150,000 Baht Following No. 200,000 Baht
5	Section 25 (1)	A person receiving a certificate of notification or a person receiving a license fails to present the certificate of notification or the license at the open and noticeable place at the premises specified in the certificate of notification or the license.	Section 66 paragraph one	Fine penalty not exceeding 10,000 Baht	No. 1 5,000 Baht No. 2 7,500 Baht Following No. 10,000 Baht
6	Section 25 (2) or (3)	A person receiving a certificate of notification or a person receiving a license - fails to arrange to have a pathogen or animal toxin account and an account related to execution. - fails to arrange to have a document stating details of safety assessment of technologies used in the production of pathogens or animal toxins, and fails to arrange the same to be kept for at least 5 (five) years for inspection by competent officials.	Section 66 paragraph two	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht
7	Section 26	A person receiving a certificate of notification or a person receiving a license fails to submit an application to the Director-General in case where any information is changed from a particular in the certificate of notification or license, or wishes to amend a particular.	Section 67	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht

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No.	Offense	Ground of the Offense	Penal Code		Comparative Fine Rate
			Section	Penalty	
8	Section 27 paragraph two	Any person who violates or breaches the Notification prescribed by the Minister relating to the execution in form of finished products, medical diagnosis processes or post-mortem examination processes, including collection of samples from medicines, foods, health products, environment, or laboratory testing for medical and public health purposes.	Section 68	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht
9	Section 30 paragraph two	A person who produces, imports, exports, sells, transits or possesses Group 1 Pathogens with a higher level of severity breaches the rules, procedures, and conditions pursuant to Section 21.	Section 70 in accompany with Section 64 paragraph two	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
10	Section 30 paragraph two	A person receiving a certificate of notification that pathogens or animal toxins have a higher level of severity, breaches the rules, procedures, and conditions pursuant to Section 22.	Section 70 in accompany with Section 65 paragraph two	Fine penalty not exceeding 200,000 Baht	No. 1 100,000 Baht No. 2 150,000 Baht Following No. 200,000 Baht
11	Section 30 paragraph two	A person who produces, imports, exports, sells, transits or possesses Group 1 Pathogens, a person receiving a certificate of notification, or a person receiving a license has pathogens or animal toxins at a higher level of severity and wishes not to continue to carry out the higher level, but fails to destroy or hand over the said pathogens or animal toxins to other persons receiving a certificate of notification or licensees.	Section 70 in accompany with Section 74	Fine penalty not exceeding 100,000 Baht; and daily fine not exceeding 5,000 Baht all the time of improper compliance	No. 1 50,000 Baht and daily fine of 5,000 Baht all the time of improper compliance No. 2 75,000 Baht and daily fine of 5,000 Baht all the time of improper compliance Following No. 100,000 Baht and daily fine of 5,000 Baht all the time of improper compliance

No.	Offense	Ground of the Offense	Penal Code		Comparative Fine Rate
			Section	Penalty	
12	Section 31 paragraph one	A person receiving a certificate of notification or a person receiving a license fails to notify the Director-General in case of unsafe situations for, and danger to the persons, the environment or the public.	Section 71 paragraph one	Fine penalty not exceeding 50,000 Baht	No. 1 25,000 Baht No. 2 40,000 Baht Following No. 50,000 Baht
13	Section 31 paragraph two (1), (2), or (3)	A person receiving a certificate of notification or a person receiving a license fails to perform any actions ordered by the Director-General for actions in case of unsafe situations for, and danger to the persons, the environment or the public.	Section 71 paragraph two	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
14	Section 32 (1) or (2)	In the case of emergency or necessity for public interests or for protection and prevention of harm, any person breaches the Notification of the Minister in the following matters: - restrictions or permissions of the production, import, export, sale, transit, or possession of prescribed pathogens or animal toxins; - areas prohibited or permitted for production, import, export, sale, transit or possession of pathogens or animal toxins, including temporary suspension of such actions	Section 72	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
15	Section 33	A person receiving a certificate of notification or a person receiving a license fails to give a written-notice to the Director-General prior to the date of termination of such actions.	Section 73	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
16	Section 34	A person receiving a certificate of notification or a person receiving a license fails to terminate the actions from the date of receipt of such non-renewal order	Section 73	Fine penalty not exceeding 100,000 Baht	No. 1 50,000 Baht No. 2 75,000 Baht Following No. 100,000 Baht
17	Section 35 paragraph one	A person receiving a certificate of notification or a person receiving a license fails to destroy or hand over the remaining pathogens or animal toxins to other persons receiving a certificate of notification or licensees.	Section 74	Fine penalty not exceeding 100,000 Baht; and daily fine not exceeding 5,000 Baht all the time of improper compliance	No. 1 50,000 Baht and daily fine of 5,000 Baht all the time of improper compliance No. 2 75,000 Baht and daily fine of 5,000 Baht all the time of improper compliance

No.	Offense	Ground of the Offense	Penal Code		Comparative Fine Rate
			Section	Penalty	
					Following No. 100,000 Baht and daily fine at 5,000 Baht all the time of improper compliance
18	Section 36 paragraph one	The heir, executor, liquidator, operator, or operation personnel - Not notify the Director-General within fifteen days from the date of which the person receiving a certificate of notification or the person receiving a license dies or loses the status of a juristic person. - Not destroy or hand over the remaining pathogens or animal toxins.	Section 75	Fine penalty not exceeding 10,000 Baht	10,000 Baht
19	Section 36 paragraph two	The heir intends to produce, import, export, transit or possess the pathogens or animal toxins as follows. - Not notify in writing to the Director-General for applying a certificate of notification. - Not submit an application for a license from the Director-General.	Section 75 paragraph two	Fine penalty not exceeding 100,000 Baht and daily fine not exceeding 2,000 Baht all the time of improper compliance	100,000 Baht and daily fine at 2,000 Baht all the time of improper compliance