

(Translation)*

LAWYERS ACT B.E. 2528 (A.D. 1985)

BHUMIPHOL ADULYADEJ REX
Given on this 10th day of September B.E. 2528
Being the 40th year of the present Reign

His Majesty King Bhumiphol Adulyadej is graciously pleased to proclaim that:

Whereas it is deemed expedient to revise the law on lawyers and to enact the law on legal aids to the public,

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

Section 1 This Act shall be called the “Lawyers Act B.E. 2528”.

Section 2 This Act shall come into force upon the expiration of a ninety-day period after the date of its publication in the Government Gazette.

Section 3 The Lawyers Act B.E. 2508 and the Lawyers Act (No. 2) shall be repealed. All other provisions of the law, rules and regulations, in so far as they are already provided for in this Act, or are contrary to or inconsistent with this Act, shall be superseded by this Act.

Section 4 In this Act:

“**Lawyer**” means a person who has been registered as a lawyer and a license therefor has been issued to him by the Lawyers Council.

“**President Extraordinary**” means the President Extraordinary of the Lawyers Council.

“**President**” means the President of the Lawyers Council.

“**Councilor**” means a councilor of the Lawyers Council.

“**Council**” means the Council of the Lawyers Council.

“**Member**” means a member of the Lawyers Council.

“**Regulation**” means the regulation of the Lawyers Council.

* This English translation was revised by Kriwin Sarawichitr of Chandler & Thong-Ek Law Offices Limited based on the English translation published in 1990 by the Law Society of Thailand. Although care was taken to render the translation reliable as much as possible, it does not carry any legal authority. Only the original text in Thai has legal force.

“**License**” means a license to become a Lawyer.

“**Minister**” means the Minister who shall take charge of the enforcement of this Act.

Section 5 The Minister of Justice shall take charge of the enforcement of this Act and shall have the power to issue ministerial regulations for the prescription of fees within the limit prescribed by this Act and to regulate other activities in the enforcement of this Act.

The ministerial regulations shall come into force upon their publication in the Government Gazette.

CHAPTER 1 THE LAWYERS COUNCIL

Section 6 A body called “Lawyers Council”, which shall comprise the Council and Members, with objectives, powers and duties as provided in this Act, shall be established.

The Lawyers Council shall be a juristic person.

Section 7 The Lawyers Council shall have the following objectives:

- (1) To promote legal education and practice of the lawyers profession;
- (2) To supervise conduct of Lawyers;
- (3) To promote the unity and uphold the dignity of the Members;
- (4) To promote and provide welfare to the Members;
- (5) To promote, assist, advise, disseminate and educate the public of matters relating to law.

Section 8 The Lawyers Council shall have the following powers and duties:

- (1) To effect registration and issue Licenses pursuant to this Act;
- (2) To implement the Lawyers Council's objectives and to exercise the powers and to perform the duties as prescribed in this Act.

Section 9 The Lawyers Council may have income from the following:

- (1) Registration fee, dues and fees prescribed pursuant to this Act;
- (2) Government allowance;
- (3) Income from properties or other activities;

- (4) Donated properties donated for the implementation of the Lawyers Council's objectives.

Section 10 The Minister shall act as the President Extraordinary of the Lawyers Council and shall have the powers and duties pursuant to this Act.

CHAPTER 2 MEMBER

Section 11 A Member of the Lawyers Council shall be a Lawyer under this Act.

Section 12 A Member shall have the following rights and duties:

- (1) To recommend in writing to the Board as to the implementation of the objectives or the exercise of powers and performance of duties of the Lawyers Council. Where 50 Members or more jointly submit a request to the Council to consider any matter relating to the implementation of the objectives or the exercise of powers or performance of duties of the Lawyers Council, the Board shall consider such request and shall inform the those Members of the result thereof without delay.
- (2) To query on any operation in the exercise of powers or performance of duties by the Board or matters relating to the general administration of the Lawyers Council at a general meeting of the Lawyers Council.
- (3) To elect or be elected as the President or Councilor.
- (4) To uphold the dignity of the profession and to comply with the provisions of this Act.

Section13 Membership of a Member shall cease upon:

- (1) Death;
- (2) Termination pursuant to Section 44.

CHAPTER 3 THE COUNCIL

Section 14 A committee called the “Council”, which shall comprise a representative of the Ministry of Justice as one Councilor, and a representative of the Thai Bar Association as one Councilor, the President and other Councilors not exceeding twenty-three in number, who are elected by Members countrywide, shall be established. At least nine of such elected Councilors shall be Members whose permanent offices for the practice of law are located in the regions pursuant to the Royal Decree Appointing Chief Justices of the Regions, one of which shall represent one region.

Section 15 The President shall, with the consent of the Council, appoint other Councilors elected pursuant to Section 14 as Vice-President, Secretary-General, Registrar, Treasurer, Welfare Officer, Public Relations Officer or other officers of the Lawyers Council as may be appropriate. The Officers so appointed shall have the powers and duties as prescribed in the Regulation.

Section 16 The President and the elected Councilors shall hold office for a term of 3 years. Neither the President nor the elected Councilors shall serve more than 2 consecutive terms.

Section 17 A Lawyer who has been registered and obtained a License at least 30 days prior to the date fixed for the election of the President and the Councilors shall be entitled to elect the President and/or the Councilors.

A candidate Lawyer eligible to run for the President or the Councilor must have been registered and obtained a License for a period of no less than 5 years prior to the election date.

Section 18 In the election of the President and the Councilors under Section 14, a lawyer must vote in person and by a secret ballot. A Lawyer who practices in a provincial area may cast his vote at his respective provincial constituency or at the general meeting.

The rules and procedures for the election of the President and the Councilors shall be as prescribed in the Regulation.

Section 19 The Lawyers Conduct Committee shall have the powers and duties to supervise the election of the President and the Councilors so as to be in compliance with the law and the Regulation.

Section 20 Where any circumstance indicates that the Council, the President or a Councilor has acted in contrary to the objectives of the Lawyers Council or done anything that causes serious injury to the Lawyers Council, the Minister shall have the power to order the dismissal of the Council, the President or the Councilor from office.

In case the order is to be given by the Minister under paragraph one, the Minister shall appoint an enquiry committee composed of a representative of the Ministry of Justice, two representatives from the Thai Bar Association, one of whom is a public prosecutor and the other is a lawyer, and four other lawyers, to enquire into the matter. The enquiry committee so appointed shall complete its enquiry expeditiously and shall submit its report to the Minister for his review and instruction.

The instruction of the Minister shall be final.

Section 21 Except for vacation by rotation upon expiry of the term, the President or the Councilor shall individually vacate his office upon:

- (1) Death;
- (2) Resignation;
- (3) Loss of eligibility for the President or Councilor under Section 17, paragraph two;
- (4) Dismissal order of the Minister on individual basis under Section 20;
- (5) Termination of the Lawyer's status pursuant to Section 44;
- (6) Becoming physically disabled to the extent that prevents him from performing his duty or becoming a person of mental disability or of unsound mind;
- (7) Becoming a bankrupt pursuant to a final judgment of a court; or
- (8) Being imprisoned pursuant to a final judgment for imprisonment.

Section 22 In case the entire Council vacates office en masse and a new Council has not been elected, the outgoing Council shall remain in office and perform its functions until a new Council takes office, except in the case the Council is dissolved by the Minister under Section 20, in which case the Lawyers Conduct Committee shall take over the powers and duties of the Council and the Chairman of the Lawyers Conduct Committee shall function as the President on a temporary basis until the new Council takes office.

In performing the duties on temporary basis pending election of the new Council, the outgoing Council or the Lawyers Conduct Committee, as the case may be, shall have the powers and duties under Section 27(1) only to the extent of the matters that requires continuity and as is necessary so that regular administrative work of the Council may continue without damage or interruption, and to conduct the election of a new Council within 60 days after the date on which the outgoing Council vacates office; in the later case, the Council or the Lawyers Conduct Committee may appoint a subcommittee to assist it in the conduct of the election.

Section 23 If the office of the President or an elected Councilor shall become vacated prior to the expiration of the term, the vacancy shall be filled by a by-election within 60 days, except in the case where the remaining portion of the term is less than 180 days.

The substitute President or the Councilor elected by the by-election shall be entitled to hold office for the period which his predecessor was otherwise entitled to remain.

Section 24 A quorum for a meeting of the Council shall require no less than half of the total number of the Councilors. The meeting shall be chaired by the President or a person acting in his place.

A resolution of the Council shall be passed by a majority of votes. Each Councilor shall have one vote. In case of a tie of votes, the chairman of the meeting shall cast a second vote.

Section 25 In case the President vacates his office before the expiration of his term or is absent or unable to function, the Vice-President shall act in his place. In the event the Vice-President vacates his office before the expiration of his term or is absent or unable to function, a Councilor appointed by the Council shall act in his place.

Section 26 The President Extraordinary or his representative may attend and express his view at a meeting of the Council or send his opinion in writing on any matter to the Lawyers Council, but he shall not be entitled to vote.

Section 27 The Council shall have the following powers and duties:

- (1) To administer the business of the Lawyers Council in accordance with the objectives provided in Section 7;
- (2) To appoint sub-committees to carry out or consider any matters within the scope of the objectives of the Lawyers Council except for those matters which, by their nature and characteristics, may not be delegated.
- (3) To issue Regulations on the matters contemplated by this Act and the Regulations relating to:
 - (a) Membership and termination of Members;
 - (b) Collection and payment of dues and fees;
 - (c) Notification on relocation of Lawyers' offices;
 - (d) Meetings of the Council and of the sub-committees;
 - (e) Other matters within the scope of the objectives of the Lawyers Council or within the powers and duties of the Lawyers Council by operation of other laws, including the appointment, supervision, maintenance of discipline and the termination of service of the Lawyers Council's staff.

Section 28 The Regulation shall take effect upon its having been approved by the President Extraordinary and published in the Government Gazette.

Section 29 A draft Regulation shall be submitted by the President to the President Extraordinary without delay. The President Extraordinary may veto the Regulation, the reasons for which must be given clearly. The Regulation shall be deemed to have been approved by the President Extraordinary if he does not exercise the veto right within 30 days after receipt thereof.

Section 30 In case the draft Regulation is vetoed by the President Extraordinary, the Council shall reconvene and review the reasons given by the President Extraordinary. If the

draft Regulation is confirmed at the second meeting by at least two-thirds of the total number of the Councilors, the President shall re-submit the draft Regulation to the President Extraordinary for approval. If the President Extraordinary does not approve the draft Regulation or return it within 15 days of receipt of the draft submitted by the President, the President shall proceed to publish the Regulation in the Government Gazette.

Section 31 No less than one hundred Lawyers may jointly request the Council to amend a Regulation.

Section 32 The President shall represent the Lawyers Council in its dealings with third parties. Nevertheless, the President may delegate his power in writing to any Councilor to perform any specific task.

CHAPTER 4 APPLICATION FOR REGISTRATION AND LICENSE

Section 33 No person who is not registered as a Lawyer and not holding a valid License or has ceased to be or has been prohibited from being a Lawyer shall be allowed to appear as a litigation lawyer in court, prepare a complaint or an answer, submit an appeal or answer the appeal, either at the Appeal Court level or at the Supreme Court level, a motion, a petition or statements incidental to court proceedings on behalf of another person, except where he acts in his official capacity or as a competent officer of a government agency, state organization or state enterprise who discharges his duties or is empowered to act pursuant to the procedural law or other laws.

Section 34 The application for registration and obtaining a License, the acceptance of registration, the issuance of License, the renewal of License and the termination of practice shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 35 An applicant for registration and obtaining a License shall have the following qualifications:

- (1) Being a Thai national;
- (2) Having attained no less than 20 years of age on the date of the application;
- (3) Having graduated with the bachelor's degree or the associate degree in law or the certificate in law equivalent to no less than the bachelor's degree or the associate degree from an educational institution accredited by the Lawyers Council as being qualified to the extent that the grantee of its bachelor's degree or associate degree in law or certificate in law is qualified to be a Lawyer, and being a member of the Thai Bar Association;
- (4) Not being a person of indecent behavior or delinquent morals or a person whose conduct is indicative of dishonesty;
- (5) Not being imprisoned pursuant to a final judgment for imprisonment;

- (6) Never having been imprisoned pursuant to a final judgment for an offence which, in the Council's discretion, will impair the dignity of the profession;
- (7) Not being a bankrupt pursuant to a final judgment;
- (8) Not having an illness contagious and repugnant to the public;
- (9) Not being physically disabled or of mental defect which may cause professional incompetence;
- (10) Not being a government official or a local government official with regular salary and position, except for a political official; and
- (11) Not being disqualified to submit the application pursuant to Section 71.

Section 36 Subject to Section 38, upon receipt of the application for registration and obtaining a license, if the Council is satisfied that the applicant is qualified under Section 35, the Council shall effect the registration and issue the License without delay.

In case the Council declines to effect the registration and issue the License to the applicant, the Council must clearly give reasons for such declination. In such a case, the applicant may lodge an appeal with the President Extraordinary pursuant to the rules and procedures prescribed in the Regulations.

The decision of the President Extraordinary shall be final.

Section 37 A Lawyer who has been registered and has obtained a License or a renewal thereof shall become a Member of the Lawyers Council.

Section 38 In case the applicant has never practiced law, has never served as a judge, a judge of military court, a public prosecutor, a prosecutor for military court or a lawyer under the law relating to the organization of the military courts, the registration shall be effected and a License granted by the Council only after the applicant has successfully completed a training in Lawyers conduct, basic principle of advocacy and the legal profession, unless the applicant has been apprenticed in a law office for a period of no less than one year.

The Council may, if it deems appropriate, waive the requirement for training under the first paragraph for any applicant who is qualified under the Regulations.

The curriculum, method and the period of training under the first paragraph shall be as prescribed in the Regulations.

Section 39 A License shall be valid for two years after the date of its issuance, except that a License a fee for which has been paid at the rate applicable to life membership shall be valid until the death of the License holder.

A Lawyer holding a two-year License shall apply for a renewal within 90 days before the expiration date of his License if he wishes to continue the practice. Each renewal shall be valid for two years from the preceding expiry date.

In case an application for renewal is denied by the Council, Section 36, paragraph two, shall apply *mutatis mutandis*. The decision of the President Extraordinary on the appeal shall be final.

Section 40 A Lawyer who fails to renew his License pursuant to Section 39, paragraph two, may have his License renewed if he applies for the renewal within 60 days after the expiry date of his License and pays the renewal fee plus a surcharge at twenty percent of the renewal fee.

Section 41 A License shall be in the form as prescribed in the Regulation and shall contain at least the name, day, month, and year of birth, home address as per official household register, location of office and photograph of the License holder, as well as the serial number, the date of issuance and the expiry date of the License.

In case the License is lost or substantially damaged, the License holder shall apply for a substitute License within 30 days after the loss or damage becomes known.

Section 42 A Lawyer must have only one registered office for his practice as specified in the application for his registration and obtaining a License, or in the notification to the Registrar in the case of subsequent relocation.

The Registrar shall enter the lawyer's office under the foregoing paragraph in the Lawyers register.

Section 43 If it becomes known to the Council that any Lawyer does not possess qualifications pursuant to Section 35, whether such lack of the qualifications occurs before or after the registration and obtaining the License, such Lawyer shall cease to be a Lawyer and his name shall be removed from the Lawyers register.

The foregoing paragraph shall not apply to a Lawyer who has been imprisoned pursuant to a final judgment after he was registered and has obtained a License.

The provision of the second paragraph of Section 36 shall apply *mutatis mutandis* to the case of removal of name of a Lawyer from the Lawyers register pursuant to the first paragraph. The decision of the President Extraordinary on the appeal shall be final.

The provision of Section 70 shall apply *mutatis mutandis* to the removal of name of a Lawyer from the Lawyers register under the first paragraph.

Section 44 A Lawyer shall cease to be a Lawyer upon:

- (1) Death;
- (2) Notification of his termination of practice;
- (3) Failure to renew his License pursuant to Section 39, paragraph two;
- (4) Removal of name from the Lawyers register under Section 43; or
- (5) Being disbarred pursuant to Sections 66, 67, 68, or 69.

CHAPTER 5 GENERAL MEETING

Section 45 A general meeting of the Lawyers Council shall be an annual general meeting or an extraordinary general meeting.

Section 46 The Council shall cause the annual general meeting to be held once a year within April of each year.

Section 47 The Council may call an extraordinary general meeting whenever it deems fit. The Council shall call an extra-ordinary general meeting within 30 days after having received a written request to that effect signed by at least 100 Members. The Council may decide not to comply with the request if it deems that the matters for which the extraordinary general meeting is requested are not relevant to the Lawyers Council or do not deserve the deliberation of the general meeting of the Lawyers Council.

The requisition pursuant to paragraph two shall specify clearly the purposes, the agenda and the reasons for which the meeting is requested.

Section 48 If the Council has decided not to call the meeting as was requested pursuant to Section 47, paragraph two, the Council shall notify any one of the Members whose signatures appeared on the request of the reasons clearly within 30 days after receipt of the request. In such a case, all Members who are signatories to the request are entitled to submit a protest to the President Extraordinary pursuant to the rules and procedures prescribed in the Regulation.

The decision of the President Extraordinary shall be final. In case the President Extraordinary decides in favor of the protest, the Council shall call the extraordinary general meeting within 30 days after receipt of the decision of the President Extraordinary.

Section 49 To attain a quorum, a general meeting must be attended in person by no less than 300 Members. If the President is absent or unable to take the chair, the general meeting shall be chaired by the Vice-President or, if the President and the Vice-President are absent or unable to act, by a Member elected to chair that particular meeting by the Members in attendance.

A resolution shall be passed by a majority of votes. Each Member shall have one vote. In case of a tie of votes, the chairman of the meeting shall cast a second vote as a casting vote.

Section 50 Subject to the provisions of this Act, general meetings of the Lawyers Council shall be in accordance with the provisions of the Regulations.

CHAPTER 6 LAWYERS CONDUCT

Section 51 A Lawyer shall abide by Regulation on Lawyers Conduct. Prescription of Lawyers conduct shall be made by a Regulation.

Any Lawyer who violates or fails to comply with the Regulation under paragraph one shall be deemed to have conducted a breach of Lawyers conduct.

Section 52 Penalties against a breach of Lawyers conduct are divided into 3 types, i.e.

- (1) Suspension of penalty determination;
- (2) Prohibition from practice as a Lawyer for a period not exceeding 3 years; or
- (3) Removal of name from the Lawyers register.

In the case of a minor and a first breach of Lawyers conduct, the persons having the power to impose penalties under Section 66, Section 67 or Section 68, as the case may be, may withhold the penalties but give admonition to the offender or require a written pledge of good conduct.

Section 53 The Regulation on Lawyers conduct shall include the following provisions:

- (1) Conduct towards the court and in the court;
- (2) Conduct towards clients;
- (3) Conduct towards fellow lawyers;
- (4) Conduct towards litigants in general;
- (5) Lawyers personal behavior;
- (6) Dress and attire; and
- (7) Response to an order of the Lawyers Conduct Committee, the Council or the President Extraordinary, as the case may be.

CHAPTER 7 LAWYERS CONDUCT COMMITTEE

Section 54 A Lawyers Conduct Committee comprising a chairman, a vice-chairman and at least 7 other committee members as fixed by the Council shall be established.

The Council shall appoint the committee member from Lawyers having the following qualifications:

- (1) Having been a Lawyer for a total period of no less than 10 years.
- (2) Never having been subject to penalty on account of breach of the Lawyers conduct - or removed from the Lawyers register.

Section 55 The appointment of the committee members under Section 54 shall take effect only upon approval of the President Extraordinary.

Section 56 The President shall notify the President Extraordinary of the appointment of the members of the Lawyers Conduct Committee under Section 54 without delay. If the President Extraordinary does not notify the President of the approval of the appointment within 30 days after receipt of the notice of appointment, it shall be deemed that the President Extraordinary has given approval of such appointment.

In the event that the President Extraordinary notifies the President of his disapproval of the committee or any particular committee members, the Council shall review the appointment. If the Council confirms the appointment by no less than two-thirds of the total number of the Councilors, the President shall notify the President Extraordinary of such appointment. If the President Extraordinary disapproves the appointment or does not give his reply to the President within 15 days, the President may effect the appointment of the Lawyers Conduct Committee or the committee member.

Section 57 The Chairman of the Lawyers Conduct Committee shall have the power and duty to supervise and ensure the expeditious and fair proceedings of ethical actions and shall have other powers and duties as prescribed in this Act or the Regulations.

If the Chairman is absent or unable to perform his functions, the Vice-Chairman shall perform in his place. If both of the Chairman and the Vice-Chairman are absent or unable to perform, the Committee member who has been delegated in writing by the Chairman shall perform on behalf of the Chairman of the Committee.

Section 58 A Committee member shall hold office for a term of three years. A retired Committee member may be re-appointed, but none shall serve more than two consecutive terms.

If the office of a Committee member shall become vacated prior to the expiration of the term, the Council shall make an appointment to fill the vacation, except where the remaining period of the term is no more 90 days, the Council may elect not to fill the vacation. The provisions of Section 55 and Section 56 shall apply to the case of replacement appointment *mutatis mutandis*.

The replacement Committee member shall be in office for the period which his predecessor was otherwise entitled to remain.

Section 59 In case the entire Committee vacates office en masse and a new Committee has not yet been appointed, the outgoing Committee shall remain in office and perform the functions until it is replaced by a new Committee.

The Council shall appoint the new Committee within 60 days after the date of the vacancy.

Section 60 The Committee member shall vacate office upon:

- (1) Expiration of the term;

- (2) Death;
- (3) Resignation;
- (4) Being disqualified under Section 54, paragraph two; or
- (5) Cessation of being a Lawyer under Section 44.

Section 61 In performing his duty functions, a Committee member shall be the public officer under to the Penal Code. The provisions of the Civil Procedure Code on the Challenge of Judges shall apply to the Committee member *mutatis mutandis*.

Section 62 The Committee may appoint one or more Lawyers as a subcommittee or working group to perform any particular functions falling within the Committee's authority, except for the making of decision on Lawyers conduct cases.

Section 63 In hearing a case of Lawyers conduct, the Committee meeting must be attended by no less than half of the total number of the Committee members to constitute a quorum.

Subject to Section 64, paragraph three, and Section 69, paragraph three, a deliberation or a decision on a Lawyers conduct case by the Lawyers Conduct Committee must be made by a majority of votes. Dissenting opinion of the minority shall be allowed.

Section 64 An injured party or a Lawyer may bring an allegation against another Lawyer on account of a breach of Lawyers conduct. The allegation must be made in writing to the Chairman of the Lawyers Conduct Committee.

The right to bring an allegation under paragraph one shall be extinguished upon the lapse of one year after becoming aware of the breach and the alleged offender has become known to the person entitled to such right, but no later than 3 years after the date of commission of the breach.

A withdrawal of the allegation brought under the first paragraph shall terminate the case of breach of Lawyers conduct only if such withdrawal is permitted by the Committee's resolution passed by affirmative votes of no less than one half of the total number of the Committee members.

Section 65 Upon receipt of the allegation under Section 64, paragraph one, or being notified by the court, a public prosecutor or an inquiry official, or where it appears to the Lawyers Conduct Committee that a circumstance exists which warrants the investigation of the misconduct of any Lawyer, an investigation team composed of no less than 3 Lawyers shall be appointed by the Lawyers Conduct Committee to perform an investigation. The investigation team shall have the power to summon any person to give statements and to demand in writing that any persons send documents or materials or have them sent to it for the purpose of the investigation.

The investigation report, when completed, shall be submitted to the Chairman of the Lawyers Conduct Committee for his further action under Section 66.

Section 66 In the proceedings of a case on Lawyers conduct, the Committee shall have the power to dispose of the case, dismiss the allegation or impose a penalty or take any measure against the accused Lawyer as provided under Section 52.

Section 67 When an order of the Lawyers Conduct Committee is given pursuant to Section 66, the file of the case shall be submitted to the President by the Chairman of the Lawyers Conduct Committee within 30 days after the date of the order. The Council shall review the case and may affirm, revise or reverse the order of the Lawyers Conduct Committee, or impose a penalty or take any other measure against the accused as provided under Section 52 as it deems fit. Prior to taking any action as aforesaid, the Council may instruct the Lawyers Conduct Committee to perform additional investigation.

After the President has received the file pursuant to paragraph one, if no decision is made and sent to the Chairman of the Lawyers Conduct Committee by the Council within 60 days of receipt of the file, it shall be deemed that the Council affirms the order of the Lawyers Conduct Committee. In case of additional investigation, however, the 60-day period shall commence on the date on which the additional brief is received.

The order of the Council for the affirmation, dismissal of the case or the dismissal of the allegation pursuant to paragraph one or paragraph two shall be final.

Section 68 A Lawyer who is subject to the order imposing a penalty or a measure under Section 52 may appeal the order to the President Extraordinary in accordance with the rules and procedures provided in the Regulations within 30 days after receipt of the notice of the order. The President Extraordinary shall review and decide, and the provision of Section 67, paragraphs one and two, shall apply to the review and decision making of the President Extraordinary *mutatis mutandis*.

The decision of the President Extraordinary shall be final.

Section 69 If a Lawyer is subject to imprisonment pursuant to a final judgment, the court of first jurisdiction which reads the final judgment shall notify the Chairman of the Lawyers Conduct Committee in writing of the judgment, unless it is an offence committed by negligence or a petty offence.

Upon receipt of the notification under paragraph one, the Chairman of the Lawyers Conduct Committee shall refer the matter to the Lawyers Conduct Committee for removal of the Lawyer's name from the Lawyers register. However, the Lawyers Conduct Committee may decide not to remove the name from the Lawyers register if it concludes that the offence committed by the Lawyer is not of evil nature, does not indicate that the Lawyer cannot be trusted in terms of honesty and is not an act which will impair the dignity of the profession.

The decision not to remove the Lawyer's name from the Lawyers register pursuant to paragraph two must be approved by affirmative votes of no less than two-thirds of the total number of the Committee members.

The order to remove or not to remove the Lawyer's name from the Lawyers register under paragraph two shall be reported to the President by the Chairman of the Lawyers Conduct Committee within 30 days of the date of the order. The Council shall consider and may affirm or reverse the order of the Lawyers Conduct Committee.

Section 70 In case a final order has been made to impose a penalty on a Lawyer or to remove the Lawyer's name from the Lawyers register, the Registrar shall record such decision in the Lawyers register and inform the accused and the complainant of such order.

If the order under paragraph one is for the suspension of practice or the removal of name from the Lawyers register, the Registrar shall notify all courts within the Kingdom and the Thai Bar Association of the order.

Section 71 The person whose name has been removed from the Lawyers register may not re-apply for registration and obtaining the License unless no less than 5 years from the date of the removal shall have elapsed.

Section 72 Subject to the provisions of this Act, the consultation meeting, investigation, deliberation and decision on matters relating to Lawyers conduct shall be in accordance with the rules and procedures provided in the Regulations.

CHAPTER 8 WELFARE FUND

Section 73 There shall be established a welfare fund for Lawyers consisting:

- (1) Money appropriated annually by the Lawyers Council;
- (2) Properties donated by others; and
- (3) Fruits of (1) and (2).

A Lawyer or, in case of his death, his surviving heir who is in distress, may request assistance from the welfare fund by submitting his request to the Welfare Department of the Lawyers Council.

The assistance, the maintenance and the payments of the welfare fund shall be in accordance with the rules and procedures prescribed in the Regulations.

CHAPTER 9 LEGAL AID

Section 74 There shall be the Legal Aid Committee composed of the President, Vice-President and other members, not exceeding 8 in number, appointed by the Council from a pool of Lawyers having practiced law for a period of no less than 10 years.

The President shall be the Chairman, the Vice-President the Vice-Chairman, and the Secretary-General the Secretary of the Legal Aid Committee.

Section 75 The provisions of Sections 58 and 60 shall apply *mutatis mutandis* to the members of the Legal Aid Committee who are appointed pursuant to Section 74, paragraph one.

Section 76 The Legal Aid Committee shall have the following powers and duties:

- (1) Giving legal services to the public under Section 79;
- (2) Maintaining and making payments from the Legal Aid Fund under Section 77;
- (3) Other powers and duties as may be prescribed in the Regulations.

Section 77 There shall be a Legal Aid Fund consisting:

- (1) Money appropriated annually by the Lawyers Council the amount of which shall not be less than 10 percent of the Lawyers Council's income under Section 9 (1) of the preceding year;
- (2) Government grant-in-aid;
- (3) Properties donated by others; and
- (4) Fruits of (1), (2) and (3).

Section 78 The Legal Aid shall be made available only to a person who is indigent and has been unfairly treated.

Section 79 The Legal Aids given are:

- (1) Legal advice or consultation;
- (2) Preparation of legal instruments or contracts;
- (3) Assignment of lawyers for court proceedings.

The Legal Aid Committee may assign Lawyers to work under regular basis for the Legal Aid Committee in the Legal Aid program entitled to remunerations as prescribed in the Regulations.

Section 80 At the annual general meeting of the Lawyers Council, the Legal Aid Committee shall submit a written report relating to the balance of the Legal Aid Fund, together with the balance sheet, income and expense statement for the preceding year certified by the auditor of the Lawyers Council. The report shall also contain the achievements made and obstructions encountered during the preceding year.

The Chairman of the Legal Aid Committee shall send copies of the report and the documents under paragraph one to the Minister for his information.

Section 81 Subject to the provisions of this Act, the meeting of the Legal Aid Committee, as well as the receipts, payments and maintenance of the Legal Aid Fund, and the

administration of the Legal Aid program shall be in accordance with the rules and procedures prescribed in the Regulations.

CHAPTER 10 PENALTIES

Section 82 Whoever violates the provisions of Section 33 shall be subject to an imprisonment not exceeding 2 years, or a fine not exceeding Baht 40,000, or both.

Section 83 Whoever fails to comply with the summon under Section 65, paragraph one, which requires him to appear and give statements or to deliver documents or materials or have them delivered, or, if appears as summoned, but does not give statements without proper justification, shall be subject to an imprisonment not exceeding one month, or a fine not exceeding Baht 1,000, or both.

TRANSITIONAL PROVISIONS

Section 84 A person who has been registered as a lawyer and has obtained a license, whether under the first class or the second class category, before the date on which this Act comes into force shall be deemed to have been registered and licensed under this Act, and the license so obtained shall be deemed the License issued under this Act, except that such license shall be valid until 31st December of the year in which this Act comes into force.

A person who does not possess the qualification under Section 35(3) but has been registered as a lawyer and obtained a license under the second class category before the date on which this Act comes into force may apply for a renewal of his license pursuant to Sections 39 and 40 hereof, or apply for registration and License under this Act, and he shall become a Lawyer under this Act.

The Provisions of Sections 35(1), (2), (4), (5), (6), (7), (8), (9), (10) and (11) shall apply to the Lawyer under paragraph two.

Section 85 Within 120 days after the date on which this Act comes into force, the Thai Bar Association shall deliver to the Lawyers Council the lawyers register as well as documents relating to the registration, the issuance and renewal of licenses and the supervision of conduct of Lawyers, exclusive of pending files on Lawyers conduct cases.

Section 86 The Council shall issue the Regulation on Lawyers conduct under Section 53 within one year after the date on which this Act comes into force.

Pending the issuance by the Council of the Regulation under paragraph one, the provisions of Sections 12(1), (2), (3) and (4) of the Lawyers Act B.E. 2477 and the regulations of the Thai Bar Association concerning Lawyers conduct and lawyers' attire shall remain in force as if the same are the Regulation on Lawyers conduct under this Act until the Regulation under paragraph one has been issued.

Section 87 The Lawyers Conduct Committee under Section 54 shall be established within 90 days after the Regulation pursuant to Section 86, paragraph one, is issued.

All cases on Lawyers conduct which are pending on the date on which this Act comes into force, or occur during the period which the Lawyers Conduct Committee pursuant to paragraph one has not yet been established, shall be governed by the provisions of the law on lawyers which are applicable before the date on which this Act comes into force until their conclusions.

For the purpose of paragraph two, the committee on Lawyers conduct and the persons having the powers and duties in resolving the cases on Lawyers conduct before the date on which this Act comes into force shall have the powers and duties to perform under the provisions of the law on lawyers which are applicable before the date on which this Act comes into force until their conclusions.

Section 88 At the initial stage, 15 lawyers, each of whom possesses qualifications under Section 17 and at least one-third of that number being members of the executive committee of the Lawyers Association of Thailand, shall be appointed by the Minister as the Council under Section 14; such appointment shall take place within 90 days after the date on which this Act comes into force.

Section 89 Within 7 days after the appointment by the Minister under Section 88, the Council shall elect and appoint one of its members as the President under Section 14.

The Council under paragraph one shall cause the election of the Council under Section 14 to be held within 90 days after its appointment.

Counter-signature

General Prem Tinsulanonda

Prime Minister

SCHEDULE OF FEES

(1)	Lawyer registration	Baht 800.-
(2)	License for life membership	Baht 4,000.-
(3)	License for two-year membership	Baht 800.-
(4)	Renewal of license	Baht 800.-
(5)	Substitute license	Baht 100.-

Remark: Reasons for enactment of this Act are as follows:

The law on lawyers has been in force for a long time and has certain provisions that require modifications so as to be suitable for the supervision and promotion of the lawyers profession. Those are, for example, the establishment of the Lawyers Council to supervise the lawyers, the establishment of the lawyers welfare fund to help lawyers, etc. In addition, it is expedient to have the law on legal aids given directly to the public so that the indigent may have access to the aids in all respects and in timely manner. Therefore, it is imperative that this Act be enacted.

(Published in the Government Gazette (Special Volume), Volume 102, Section 129, dated 19 September 1985)