

Third Amendment to the Consumer Protection Act of Thailand

The Consumer Protection Act (No. 4) B.E. 2562 (2019) (“**Amendment**”) was passed by the National Legislative Assembly (NLA) on 6th March 2019 to amend the Consumer Protection Act B.E. 2522 (1979) (“**CPA**”). It was published in the Government Gazette on 27th May 2019 and will come into force on and from 25th August 2019.

The major changes to the CPA under the Amendment include the followings.

1. Representatives from the academic, civilian and business sectors are now included as members of the Consumer Protection Board (“**CPB**”).
2. The CPB is given more power in preparing a consumer protection strategic plan in line with the national strategic plan, the government’s policy, the Cabinet’s resolutions regarding consumer protection and international standards. The CPB also has duties to give opinion to the Cabinet and other government authorities on issuance, amendment, implementation and enforcement of consumer protection laws and regulations and take actions against business operators who violate the CPA.
3. The Consumer Protection Office has been empowered to (1) support consumers in establishing consumer organizations to promote consumers rights, (2) inform consumers about goods or services that could impact or cause damage to the consumers, and (3) publish final judgments of the court in relation to violations of the CPA or news on acts in violation against notifications or orders of the CPB.
4. Business operators are now prohibited from manufacturing, ordering, importing, distributing or advertising any unsafe goods and are required to implement special safety measures for label-controlled goods and other goods and/or services determined by the Goods and Services Safety Committee. They must inform the public if and when there is a reasonable ground to believe that their goods or services are not safe and become dangerous to consumers. They must take actions to eliminate such danger, e.g. taking down or recalling the goods and promptly notifying the CPB of their actions taken.
5. The Goods and Services Safety Committee is newly established with powers to issue orders to business operators for them to examine their goods or services in order to prove that they are safe, to temporary or permanently ban the sale of unsafe goods or services or

destroy them, or change or improve their quality.

6. The Secretary-General of the CPB has powers to appoint Consumer Protection Officials to take civil and criminal actions for consumers against any person who violates the rights of the consumers under the CPA and claim for damages for consumers without paying a court fee.
7. The maximum amounts of fines for offenses have been increased, except for the daily fines. Business operators who fail to comply with the consumer protection measures can be subject to imprisonment up to 10 years, a fine of up to THB2,000,000 or both plus a daily fine of up to THB20,000 per day.
8. An offense with a fine only or an offense with a fine plus imprisonment for a term of not more than 1 year can be settled with the CPB provided that the fine must be paid within a period of time specified by the CPB but such period must not be longer than 30 days from the settlement date.

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