

Order of the Head of the National Council for Peace and Order

No. 22/2558

Subject: Measures to prevent and resolve problems of car and motorcycle racing on the road and control of entertainment venues or business establishments providing services in a manner similar to an entertainment venue

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Currently, it appears the fact that the general public has suffered a nuisance and danger to commute due to groups of car and motorcycle gathering to race on the road. Therefore, it is necessary to prescribe measures to prevent such public dangers, as well as to deter and resolve the problem of people gathering or assembling to cause damage to others. In addition, it is also to create a sense of responsibility among children and juveniles, guardians, people involved, and in sectors in society to be aware of safety, protection of life and people's property, as well as to inhibit the inappropriate behaviors of persons under twenty years of age from entering an entertainment venue or a business establishment providing services alike, and to tackle the selling alcoholic beverages in the vicinity of an educational institution or a dormitory in the vicinity of an educational institution, and to punish a business operator who violates the law. The measures are to put into practice for social reform and reorganization, including to suppress and prevent actions adversely affecting the public order.

By virtue of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order, with the consent of the National Council for Peace and Order, hereby issues the orders as follows:

Clause 1. Persons shall not gather or assemble, or arrange any gathering or assembling in any manner or any circumstance likely to lead to an offense in car and motorcycle racing on the road and shall be punishable under the law on land traffic.

In the event of the circumstance under paragraph one occurs, the traffic officer or the competent official under the law on land traffic, or the police officer or government official under other laws relating to the problem of car and motorcycle racing on the road shall have the power to suspend, restrain or take any action to prevent such action as deemed appropriate. Such authority shall include temporary confiscation of cars and motorcycles suspected to be used in racing for the purpose protection or maintaining the public safety until such manner or circumstance ends.

The provisions of paragraph one and paragraph two shall apply to persons who evidently appears to be in the same place of the gathering or assembling group under paragraph one, unless such person can prove that he or she is not involved in car and motorcycle racing on the road.

The confiscation and return of cars and motorcycles under paragraph two shall be in accordance with the regulations prescribed by the Royal Thai Police.

Clause 2. Parents or guardians shall provide nurture, guidance and discipline, and shall curb misbehaviors of children and juveniles under their care. Parents or guardians shall comply with the criteria prescribed in the Ministerial Regulation under the law on child protection. In addition, they shall not support or neglect children and juveniles under their guidance to gather or assemble for car and motorcycle racing on the road, and the government official who have the authority and duty on such matter shall conduct a follow up and strictly monitor the implementation.

In the event that children and juveniles are found gathering or assembling under clause 1, it shall be deemed the responsibility of parents or guardians of the children and juveniles, depending on the case, and it shall be the authority of the traffic officer or the competent official under the law on land traffic or the police officer or the government official under other relevant laws to inform the parents or guardians to acknowledge the action of such children and juveniles in order to provide advice, admonition, parole, or to set regulations, in order to prevent the children and juveniles from reoffending, or may order to execute a cash bond in the amount as suitable to his/ her condition in life, but the bond shall be seized for no more than a two-year period. If the children and juveniles have repeatedly committed such offense, the parents or guardians shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both and the bail shall be forfeited to the Child Protection Fund under the Child Protection Act.

Clause 3. Whoever produces, possesses, sells, assembles, modifies or alters a car or a motorcycle, or makes special parts or equipment for cars or motorcycles, if such action is in a manner with reasons to believe that it is to prepare, incite, encourage, support, persuade, provide, supply, arrange, or engage to car and motorcycle racing on the road, it shall be deemed that such person acts in a manner to promote or support car and motorcycle racing on the road and is guilty under the law on land traffic, and shall be liable to imprisonment for a term not exceeding six months or to a fine from two thousand to twenty thousand Baht, or to both.

In the case where the person under paragraph one is an operator of a commercial business, a factory or a building related to production, possession, distribution, assembly, modification or alteration of the condition of a car or a motorcycle or making special parts or equipment for cars or motorcycles, the competent official responsible for the operation of such business shall order the closure of the operation or revoke the business license immediately. In the event of an order to close the operation or revoke the license to operate that business, the order to close the operation or revoke the license is final.

The competent official under the law on commercial registration, the competent official under the law on factories and the public health official under the law on public health shall have the authority to inspect commercial businesses under the law on commercial registration, factories under the law on factories, and buildings under the law on public health, as the case may be, to prevent any offense under paragraph two. The administrative official or the police officer and the competent official responsible for maintaining order shall have the same powers and duties as such competent official and public health official.

If the offense under paragraph one is punishable by a heavier penalty under another law, it shall be punished according to that law.

Clause 4. An operator of any entertainment venue or any business establishment providing services in a manner similar to an entertainment venue is prohibited from doing any of the following acts:

1. By consent or negligence, allow any person under twenty years of age to receive the service.
2. Sell alcoholic beverages to any person under twenty years of age.
3. Open for business beyond the time prescribed by law.
4. Sell alcoholic beverages beyond the time prescribed by law.
5. By consent or negligence, allow any person to carry arms, explosives or drugs into their place.

In the event that any entertainment venue or any business establishment acts under paragraph one, the relevant legal authority shall have the authority to revoke the license or order the closure and prohibit the opening of such entertainment venue or business establishment for another five years, and if such entertainment venue or business establishment are in the process of applying for a license renewal, the renewal and issuance of the license shall be prohibited for five years.

Subject to the provisions of clause 6, in the case of an entertainment venue or a business establishment located in the vicinity of an educational institute or a dormitory in the vicinity of an educational institution, the relevant legal authority shall revoke the license or order the closure of the business establishment and prohibit the reopening of an entertainment venue or a business establishment in such place.

In order to revoke or order the closure under paragraph two, if such entertainment venue or business establishment receives a liquor license, it shall be deemed an offense under the law on liquor, and the excise official shall revoke a liquor license as well. However, if it is an entertainment venue or a business establishment located in the vicinity of an educational institution or a dormitory in the vicinity of an educational institution, the liquor license shall be revoked and shall be prohibited from reissue.

The order to revoke the license or to close the business establishment or to prohibit the renewal of the license is final.

In the event that a government official neglects, leading to the issuance of an entertainment venue license or a liquor license that does not comply with the requirements for the issuance of an entertainment venue license or requirements for the issuance of a liquor license or liquor sales, the supervising official authorized to make an instatement order of such government official shall take civil, criminal, and administrative proceedings against that officer decisively and expeditiously.

In the event that a head of a government agency or a supervisor neglects to proceed under paragraph six, the measures prescribed in the Order of the National Council for Peace and Order No. 69/2557 regarding Measures to Prevent and Resolve Corruption and Misconduct, dated 18 June B.E. 2557 (2014), shall be enforced.

Clause 5. In the event that an entertainment venue or a business establishment providing services in a manner similar to an entertainment venue causes noise nuisance to residents in the vicinity of such entertainment venue or business establishment, the public health official under the law on public health, the police official and the administrative official shall order the owner or proprietor of such place to take action to improve and resolve such noise nuisance within thirty days. During such period, the noise causing the nuisance must be suppressed.

In case the owner or proprietor of such place has not made any modification in accordance with the laws, the provisions of clause 4, paragraph two, shall apply *mutatis mutandis*.

Clause 6. Any venue of selling alcohol is prohibited to be located in the vicinity of an educational institution.

If a place is found violating and failing to comply with paragraph one, the competent official or the government official having authority under the relevant law shall enforce the law on that matter decisively and strictly, including the authority to order the closure of such place immediately.

Administrative officials or police officers and competent officials who have the duty to maintain order shall have the same authorities and duties as the competent official or the government official under paragraph two.

In the case of any entertainment venue or any business establishment providing services in a manner similar to an entertainment venue which is located in the vicinity of an educational institution or a dormitory in the vicinity of an educational institution, it is prohibited to sell alcoholic beverages in such place. The relevant legal authority shall revoke the license or order the closure of the business establishment and prohibit the reopening of the entertainment venue or business establishment in such place.

Clause 7. All government authorities and government agencies involved in the enforcement of law on car and motorcycle racing and the control of entertainment venues or business establishments providing services in a manner similar to an entertainment venue shall strictly adhere to and enforce the law in order to prevent any wrongdoing. In the event of ignorance, negligence, inaction or omission (dereliction of duties) from acting under the law of a government official, the supervising official authorized to make an instatement order of such government official carry out civil, criminal, and administrative proceedings against that officer decisively and expeditiously.

In the event that a head of a government agency or a supervisor neglects to proceed under paragraph one, the measures prescribed in the Order of the National Council for Peace and Order No. 69/2557 regarding Measures to Prevent and Resolve Malfeasance and Misconduct, dated 18 June B.E. 2557 (2014), shall be enforced.

Clause 8. All government authorities and government agencies involved in administrative acts or the judicial process shall take action or prosecution against the offenses related to car and motorcycle racing on the road and control of entertainment venues or business establishments providing services in a manner similar to an entertainment venue as required by law or by this order.

Clause 9. All government authorities and government agencies related to car and motorcycle racing on the road and control of entertainment venues or business establishments providing services in a manner similar to an entertainment venue shall tighten and expedite measures to prevent and resolve such problems in a concrete manner in order to organize and reduce social problems urgently.

Clause 10. This order shall come into force from the date of its publication in the Government Gazette.

Given on the date of 22 July B.E. 2558 (2015)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order