

**CONTROL OF SALE BY AUCTION AND TRADE OF ANTIQUES ACT,  
B.E. 2474 (1931)\*\***

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His Majesty King Prajadhipok is graciously pleased to proclaim that:  
Whereas it is expedient to improve the control of sale by auction and trade  
of antiques,

Be it, therefore, enacted by the King Prajadhipok, as follows:

**Section 1.** The Act shall be called the “Control of Sale by Auction and Trade of Antiques Act, B.E. 2474 (1931)”.

**Section 2.**<sup>1</sup> This Act shall come into force from the first day of October B.E. 2474.

**Section 3.** In this Act:  
“antique” means property that is offered for sale, exchange, or disposal in the same manner done to used property, including historic items;  
“Minister” means the Minister of the Ministry of Interior.

**Section 4.**<sup>2</sup> No person shall carry on the following trading profession without a permit issued from a competent official:

(1) sale by auction other than that carried on by a seller by auction who is a government official or sale by auction carried on for a benefit of an association or public benefit ordered in writing by the Minister on a case-by-case basis;

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\* Translated by Ms. Sudkhanueng Somboonwong under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

\*\* As amended up to the Control of Sale by Auction and Trade of Antiques Act (No. 5) B.E. 2535 (1992).

<sup>1</sup> Published in the Government Gazette Vol. 48, -, Page 72, dated 24 May B.E. 2475.

<sup>2</sup> Section 4 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 2), B.E. 2481 (1938).

(2) trade of antiques other than certain type or kind of antiques under the announcement of the Minister as published in the Government Gazette.

For the antiques under the announcement in the previous paragraph, upon another announcement the Minister may terminate the exemption for every or a certain type or kind of the antiques as he or she sees appropriate. The trader of the antique which is no longer exempted shall obtain a permit within thirty days as from the date of its publication in the Government Gazette.

**Section 5.** An application for a permit to carry on sale by auction or trade of antiques shall comply with the form prescribed in the Ministerial Regulation and be submitted to a competent official in charge of issuing a permit.

**Section 6.**<sup>3</sup> No permit shall be issued to any applicant who submits an application under section 5, except the applicant satisfies the following qualifications and knowledge requirements:

- (1) Be 20 years of age or above;
- (2) Be literate in Thai language;
- (3) Never been sentenced to imprisonment pursuant to criminal law Book 2 Part 2 Chapter 5, Chapter 6, Chapter 7 and Chapter 8; and Part 9 Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5 and Chapter 6.

**Section 6 bis.**<sup>4</sup> If a permit to carry on a sale by auction or trade of antiques is lost in any case whatsoever, the permit holder shall request for a permit replacement from a competent official in charge of issuing a permit within seven days from the date that the permit is lost.

**Section 7.** An auctioneer shall:

- (a) clearly exhibit a sale declaration at the auction site every time that the sale by auction occurs;

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<sup>3</sup> Section 6 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 4), B.E. 2495 (1952).

<sup>4</sup> Section 6 bis is added by the Control of Sale by Auction and Trade of Antiques Act (No. 4), B.E. 2495 (1952).

(b) be present at the auction and ready to present a permit to a competent inspector upon request;

(c) maintain book-keeping for every sale and take notes of all important matters regarding the sale;

(d) notify a competent inspector regarding the date and place of the auction at least three entire days in advance;

(e) present his or her name and the label “auctioneer” above the outer door frame of the office.

For public order, if a competent inspector wishes to know about an important particular regarding the property sold by auction and has issued a letter expressing such an intention, the auctioneer shall inform the competent inspector regarding the particular.

**Section 8.**<sup>5</sup> An antique trader shall:

(a) present his or her name and the label “antique trader” at his or her place of business, as well as display a permit in a clearly visible place;

(b) maintain book-keeping for his or her own trade and take notes of all important matters regarding the trade; the book shall comply with the form and be brought to a competent official in charge of issuing a permit in order for the competent official to sign and seal the book before using;

(c) inform any police officer or a competent inspector when there is a reasonable ground to believe that the property offered or transferred to him or her is acquired fraudulently;

(d) affix numbers on each property according to the numbers recorded in the book for convenience in an inspection.

**Section 9.**<sup>6</sup> A competent official shall have the power to revoke a permit if it is apparent that the permit holder lacks of qualifications under section 6(1) and (2), or has been imprisoned due to a final judgment relating to liability imposed under section 6(3), or subject to a judgment relating to liability under this Act twice in the same year.

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<sup>5</sup> Section 8 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 4), B.E. 2495 (1952).

<sup>6</sup> Section 9 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 4), B.E. 2495 (1952).

**Section 10.** After a competent official in charge of issuing a permit issues an order to deny or revoke a permit, the Minister may issue an order to alter such order of the competent official provided that the applicant or the permit holder submits a petition to the Minister within ten days from the date that he or she receives the order of the competent official.

**Section 11.**<sup>7</sup> A permit issued under this Act is specific to the permit holder, non-transferable and valid until the 31<sup>st</sup> December of every year.

**Section 12.**<sup>8</sup> Any person carrying on a business of selling by auction or trading antiques without a permit, or carrying on a business of selling by auction or trading antiques after an order to revoke a permit has been issued under section 9, shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding five thousand baht or to both.

If an offence under paragraph one involves sale by auction or trade of items considered historic or artistic items according to law on historic sites, historic items, or the National Museum, the wrongdoer shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding ten thousand baht or to both.

**Section 12 bis.**<sup>9</sup> Any permit holder carrying on sale by auction or trade of antiques during the expiration of his or her permit or by failing to comply with section 6 *bis*, section 7, section 8 (a), (b), (d) or section 13, or violating the Ministerial Regulation issued under this Act, shall be liable to a fine not exceeding two thousand baht.

**Section 12 ter.**<sup>10</sup> Any permit holder carrying on sale by auction or trade of antiques who fails to inform a police officer or a competent inspector as soon as there is a reasonable ground that the property being offered or transferred to him or her has been

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<sup>7</sup> Section 11 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 3), B.E. 2484 (1941).

<sup>8</sup> Section 12 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 5), B.E. 2535 (1993).

<sup>9</sup> Section 12 *bis* is added by the Control of Sale by Auction and Trade of Antiques (No. 5), B.E. 2535 (1993).

<sup>10</sup> Section 12 *ter* is added by the Control of Sale by Auction and Trade of Antiques Act (No. 5), B.E. 2535 (1993).

acquired fraudulently shall be liable to imprisonment for a term of one year to three years or to a fine of ten thousand baht to thirty thousand baht.

If an offence under paragraph one involves sale by auction or trade of antiques considered historic or artistic items according to law on historic sites, historic items, or the National Museum, the wrongdoer shall be liable to imprisonment for a term of five year to fifteen years or to a fine of fifty thousand baht to one-hundred and fifty thousand baht.

**Section 12 *quater*.**<sup>11</sup> In case that a wrongdoer liable for an offence under this Act is a juristic person, the managing director, director or representative of the juristic person shall also be liable for the punishment prescribed for such offence, except where such person can prove that he or she was not involved in, or did not give consent to the offending act.

**Section 13.**<sup>12</sup> During the period between sunrise and sunset, a competent inspector or a competent official appointed by the Minister to control sale by auction or trade of antiques has the power to inspect a permit, book, or property or items in a store. The permit holder shall present the permit, book, and property or item promptly upon request in connection with the inspection.

**Section 14.** Any person carrying on a business of selling by auction or trading antiques before or on the date that this Act comes into force shall submit an application to for a permit within three months from the date that this Act comes into force.

**Section 15.** The Minister of Interior shall have charge and control of the execution of this Act, and the power to issue Ministerial Regulation, appoint competent officials in charge of issuing permits and competent inspectors, prescribe rates of fees for the permit applications, and prescribe other acts for the execution of this Act.

The Ministerial Regulation shall come into force upon their publication in the Government Gazette.

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<sup>11</sup> Section 12 *quater* is added by the Control of Sale by Auction and Trade of Antiques Act (No. 5), B.E. 2535 (1993).

<sup>12</sup> Section 13 is amended by the Control of Sale by Auction and Trade of Antiques Act (No. 4), B.E. 2495 (1952).

As announced on the 15<sup>th</sup> day of May B.E. 2474, being the 7<sup>th</sup> year of the present reign.

*Office of the Council of State*

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