

3. Objection to an Answer

Upon submission by the defendant of an answer, the Court will furnish a copy of the answer together with copies of evidence to the plaintiff so that the plaintiff can either object to, or accept, the answer and evidence submitted by the defendant. The Court may designate a particular issue on which the plaintiff must provide explanation or furnish evidence.

If the plaintiff does not wish to object to the answer the plaintiff must notify the Court of that fact in writing within thirty days or the period of time specified by the Court and ask the Court to proceed with trial and adjudication. If the plaintiff does not notify the Court, the Court may issue an order to strike the case from the case-list.



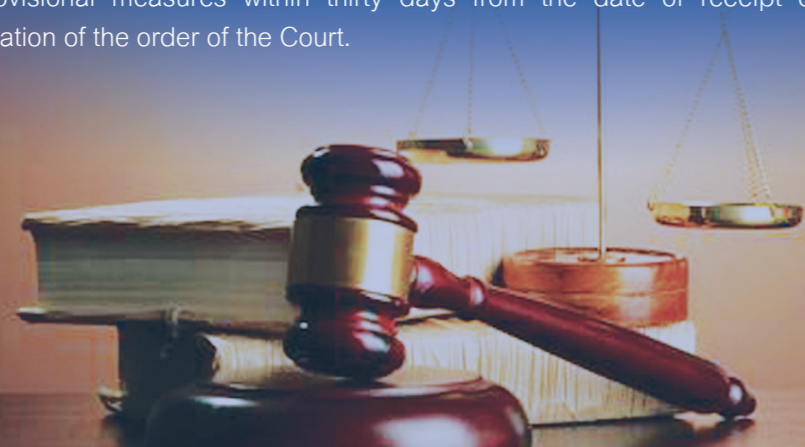
Courtroom

Appeal against the judgment or order of the Administrative Court of First Instance

If either party is not satisfied with the judgment or order of the Administrative Court of First Instance, they can appeal to the Supreme Administrative Court. Such appeal must be lodged within thirty days from the date of the passing of the judgment or the issuance of the order. The appeal must be submitted to the Administrative Court of First Instance that passed the judgment or issued the order. If no appeal is submitted within such period of time, that case shall be deemed final.

The period of thirty days for the submission of the appeal against the judgment or order of the Administrative Court of First Instance is prescribed by law and the Administrative Court has no authority to extend or shorten such period. This is different from civil cases where the Court of Justice has the authority to do so. However, for other matters where the period of time is prescribed by the Administrative Court, it has the authority to extend such period; for example, the period allowed for lodging an appeal against an order rejecting a plaint.

Appeals can be lodged with the Supreme Administrative Court against an order of the Administrative Court of First Instance which is not prescribed to be final. For example, a defendant or interested person may appeal against an order of the Administrative Court of First Instance which stipulates measures or provisional measures within thirty days from the date of receipt of the notification of the order of the Court.



4. Preparation of a Supplementary Answer

After the plaintiff submits an objection to the answer, the Court will provide the defendant with a copy and the plaintiff can prepare a supplementary answer together with the number of copies requested by the court within fifteen days as from the date of receipt of the objection to the answer or within the period of time specified by the Court. Upon receipt by the Court of the supplementary answer from the defendant, a copy of such supplementary answer shall be served on the plaintiff.

If the Court is of the opinion that the facts of the case are sufficient for trial and adjudication or issuance of an order disposing of the case, the judge-rapporteur will prepare a memorandum summarizing the facts for all of parties. This along with the judge's memorandum will be submitted to the chamber for further consideration and proceedings.

How to write an appeal

Appeals must be in writing and contain the following:

1. the name of the appellant;
2. the name of the parties to the appeal;
3. objections to the judgment or order of the Administrative Court of First Instance;
4. the relief sought by the appellant;
5. signature of the appellant.

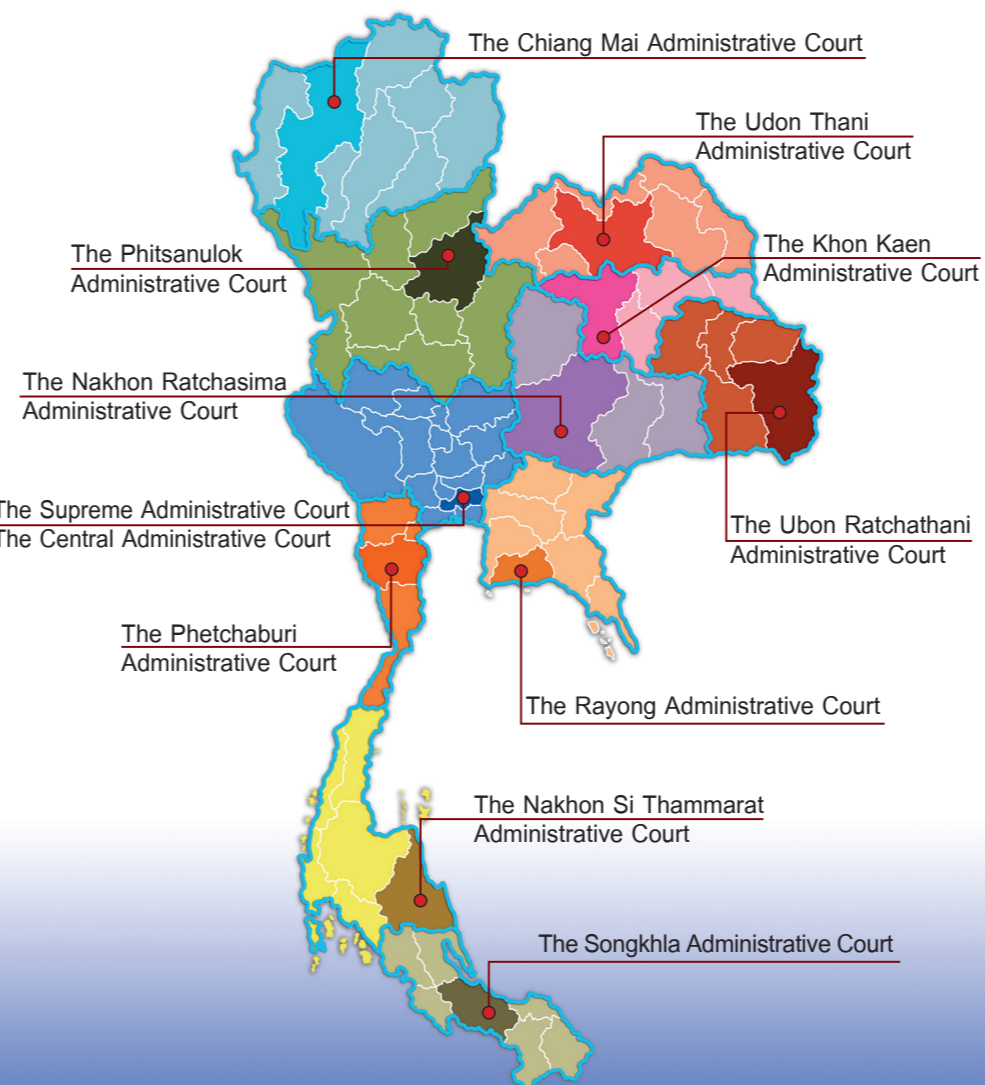
Questionable facts and laws intended to be invoked in lodging the appeal must be clearly stated by the appellant in the appeal and must be those already duly invoked in the Administrative Court of First Instance. However, if any question is related to public order or public interest, the appellant may invoke such a question in the appeal itself or at any time during the currency of the appeal.

Lodging an appeal

The appellant has to submit the appeal against the judgment or order of the Administrative Court of First Instance either via registered post or in person to the official of the Administrative Court of First Instance.

The Administrative Procedure in Appellate Stage

Upon receipt of an appeal of a judgment or an order, the court official will conduct a preliminary examination of the appeal. Then, the former judge-rapporteur in the Administrative Court of First Instance shall reexamine the appeal. If the judge-rapporteur is of the opinion that the appeal is complete, the said appeal shall be submitted to the Supreme Administrative Court for further proceedings like those of the Administrative Court of First Instance. However, the process of the inquiry of facts will be decreased. The Supreme Administrative Court, therefore, doesn't need to conduct the 4 steps of the facts inquiry (preparation of the plaint, the answer, the objection to the answer, and the supplementary answer). It will conduct only 2 steps consisting of the consideration of the appeal and the answer to the appeal. If the judge - rapporteur is of the opinion that the facts of the case are sufficient for a trial and adjudication or the issuance of an order disposing of the appeal, there will be a first hearing, a statement of the judge-commissioner of justice, and an adjudication of the case; the same as in the Administrative Court of First Instance.



Administrative case tracking and consultation on filing of administrative case

To keep track of the progress of a case, inquire about filing of administrative case, request a copy of an order or judgment or request other information from the Administrative Court, members of the public can contact the Public Service Center of the Office of the Administrative Courts at the Central Administrative Court or at any of the nine Regional Administrative Court Offices. Tel.1355, Monday - Friday from 08.00 - 16.30 hrs.

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| - The Supreme Administrative Court | Tel.+66 2141 1111 |
| - The Central Administrative Court | Tel.+66 2141 1111 |
| - The Chiang Mai Administrative Court | Tel.+66 5310 7999 |
| - The Songkhla Administrative Court | Tel.+66 7433 4945-8 |
| - The Nakhon Ratchasima Administrative Court | Tel.+66 4430 7300-2 |
| - The Khon Kaen Administrative Court | Tel.+66 4325 8681-2 |
| - The Phitsanulok Administrative Court | Tel.+66 5526 6230-7 |
| - The Rayong Administrative Court | Tel.+66 3869 4513-31 |
| - The Nakhon Si Thammarat Administrative Court | Tel.+66 7532 5201-10 |
| - The Udon Thani Administrative Court | Tel.+66 4222 4173 |
| - The Ubon Ratchathani Administrative Court | Tel.+66 4531 9600-4 |
| - The Phetchaburi Administrative Court | Tel.+66 3270 9400 |



THE ADMINISTRATIVE COURT

Justice is our mission



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The Central Administrative Court
The Office of the Administrative Courts

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THE ADMINISTRATIVE COURT

Public Relations Bureau
The Office of the Administrative Courts





The Administrative Court

The Administrative Court is an independent judicial organization separate from the Courts of Justice. The Administrative Court has the competence to try and adjudicate **administrative cases**, i.e. cases involving a dispute between an administrative agency or State official and a private individual or a dispute between an administrative agency and State officials themselves in connection with the performance of duties as required by the law. The Administrative Court was inaugurated on 9th March 2001 and its establishment marked the introduction of the **dual court system** in Thailand whereby the Administrative Court exercises judicial power in the administrative justice system distinct from the civil and criminal justice system under the jurisdiction of the Courts of Justice.

Structure of the Administrative Court

The **Supreme Administrative Court** is a single court located at the Administrative Court Building, Bangkok and has jurisdiction throughout the Kingdom of Thailand.

The **Administrative Courts of First Instance** are divided into:

- **The Central Administrative Court** which is located at the Administrative Court Building, Bangkok.
- **The Chiang Mai Administrative Court**
- **The Songkhla Administrative Court**
- **The Nakhon Ratchasima Administrative Court**
- **The Khon Kaen Administrative Court**
- **The Phitsanulok Administrative Court**
- **The Rayong Administrative Court**
- **The Nakhon Si Thammarat Administrative Court**
- **The Udon Thani Administrative Court**
- **The Ubon Ratchathani Administrative Court**
- **The Phetchaburi Administrative Court**
- **The Nakhon Sawan Administrative Court** is another Regional Administrative Court to be inaugurated in the nearest future.

For further information on the jurisdiction of the Administrative Courts of First Instance, please visit www.admincourt.go.th

Cases within the jurisdiction of the Administrative Court

The Administrative Court has the competence to try and adjudicate the following matters:

1. Cases involving a dispute in relation to an unlawful act by an administrative agency or State official illegally issuing a rule, order or any other acts;
2. Cases involving a dispute in relation to an administrative agency or State official neglecting official duties required by the law or performing such duties with unreasonable delay;
3. Cases involving a dispute in relation to a wrongful act or other liabilities of an administrative agency or State official arising from the exercise of power under the law, a rule, or administrative order or from the neglect of official duties required by the law or the performance of such duties with unreasonable delay;
4. Cases involving a dispute in relation to an administrative contract;
5. Cases prescribed by law to be submitted to the Court by an administrative agency or State official for mandating a person to do a particular act or refraining therefrom;
6. Cases involving a matter prescribed by the law to be under the jurisdiction of the Administrative Court.

Exception: The following matters are not within the jurisdiction of the Administrative Court:

- Actions related to military discipline;
- Actions of a Judicial Commission under the law on judicial service;
- Cases within the jurisdiction of the Juvenile and Family Court, Labor Court, Tax Court, Intellectual Property and International Trade Court, Bankruptcy Court or other specialized courts.

Cases within the jurisdiction of the Administrative Courts of First Instance

The Administrative Courts of First Instance have the competence to try and adjudicate cases within the jurisdiction of the Administrative Court as mentioned above.

Cases within the jurisdiction of the Supreme Administrative Court

The Supreme Administrative Court has the competence to try and adjudicate the following matters:

1. Disputes in relation to a decision of a quasi-judicial commission as prescribed by the General Assembly of the Judges of the Supreme Administrative Court;
2. Disputes in relation to the legality of a Royal Decree or by-law issued by the Council of Ministers or with the approval of the Council of Ministers;
3. Cases prescribed by the law to be within the jurisdiction of the Supreme Administrative Court;
4. Appeals made against a judgment or order of an Administrative Court of First Instance.



Conditions for filing a case with the Administrative Court

1. A plaintiff who is entitled to file an administrative case with the Administrative Court must be an aggrieved or injured person or may inevitably be aggrieved or injured in consequence of an act or omission by an administrative agency or State official or have a dispute in connection with an administrative contract;
2. A plaintiff must be competent as prescribed by law. In cases which the plaintiff is under the prescribed age or is judged an incompetent person, an instrument of authorization or a consent letter is also required for the filing of an administrative case;
3. Before filing a case with the Administrative Court, all proceedings or procedures must have been fulfilled as required by law;
4. A plaintiff must file a case with the Administrative Court within the period of time as prescribed by law;
5. A plaintiff must file a complete case, containing all items as prescribed by law;
6. The filing of an administrative case must not be repeated or overlap with other cases filed and thereby be subject to multiple deliberations;
7. The filing of an administrative case is not subject to court fees except in cases which involve a court order to make payment or deliver property in connection with wrongful acts or other liabilities, or for administrative contracts. In cases where the amount of money or value of a property does not exceed 50 million baht, the plaintiff must pay court fees at the rate of 2 percent of the value, but not exceeding 200,000 baht. In cases where the value exceeds 50 million baht, the plaintiff must also pay at the rate of 0.1 percent for the amount exceeding 50 million baht.



Filing of an administrative case

A case within the jurisdiction of an Administrative Court of First Instance shall be filed with an Administrative Court in whose jurisdiction the plaintiff is domiciled or the cause of action has arisen. However, cases involving a dispute in relation to the legality of a Royal Decree or by-law issued by the Council of Ministers or with the approval of the Council of Ministers shall be directly filed with the Supreme Administrative Court.

Any person who wishes to file an administrative case with the Administrative Court has to prepare a written plaint in polite and courteous language containing the following details:

1. the name and address of the plaintiff;
2. the name of the administrative agency or State official concerned;
3. all acts constituting the cause of action as well as necessary facts and circumstances in connection therewith;
4. an application to the Administrative Court requesting an order or a judgment in connection with the acts constituting the causes of action under article 72 of the Act on Establishment of Administrative Court and Administrative Court Procedure, B.E. 2542 (1999);
5. the signature of the plaintiff.

Note

All relevant documents, statements of evidence or testimony to be submitted to the Court must be prepared in Thai. If any document is written in another language, translation is required and must be certified before being submitted to the Court.

Submission of a plaint

The plaintiff can submit a plaint by:

1. Submitting it by hand to a competent official at the Administrative Court;
2. Registered post to the appropriate Office of the Administrative Court of First Instance i.e. the Central Administrative Court or one of the nine Regional Administrative Courts; or to the Office of the Supreme Administrative Court in a case within the jurisdiction of the Supreme Administrative Court.

Note

Plaints will be accepted by the Court for trial and adjudication if it is complete and correct and if the matter is within the jurisdiction of the Court. If the plaint is incomplete or has to be amended, the Court may order the plaintiff to amend it within a specified period of time. If the plaint cannot be amended or the matter is not within the jurisdiction of the Court, the Court may issue an order to strike the case from the case-list.



Administrative Court proceedings

When the Administrative Court issues an order accepting a case filed by a plaintiff, it shall inquire into the facts of the case according to the **inquisitorial system**. During the proceedings, each party shall be afforded an opportunity to present his/her allegations or contentions. If the Administrative Court is of the opinion that sufficient facts have been collected, an end date for inquiring into facts will be fixed. The case file is then delivered to a judge-commissioner of justice who will prepare an argument. When this argument has been delivered to the chamber, the first hearing day will be fixed and the summary of facts prepared by the judge-rapporteur will be furnished to the parties in advance. After trial and adjudication, a judgment or an order of the administrative case will be issued and the parties will be informed to attend a hearing.

The **inquisitorial system** is a unique characteristic of administrative court proceedings. This system is used because one of the parties is an administrative agency or State official exercising administrative power and usually most of the documentary evidence is in the possession of that administrative agency or State official. The other party is therefore at a disadvantage in trial and adjudication. The Administrative Court therefore plays the important role of hearing all the evidence as is appropriate, not just the evidence presented by the parties.

Examination of evidence in advance can be carried out when any person or party is concerned that evidence may be lost or will become difficult to obtain before the actual inquiry. Parties may submit a request to the Administrative Court to examine such evidence without delay. In such event, if any party or relevant person is not domiciled in the Kingdom of Thailand, the Court shall issue an order to inquire into the evidence without having to first inform such party.



4 Important Administrative Court Proceedings

The Administrative Court proceeds with administrative cases using the inquisitorial system in order to obtain the facts. Administrative judges can exercise their power to inquire into facts in the following four proceedings: preparation of a plaint, preparation of an answer to a plaint, objection to the answer and preparation of a supplementary answer. When the judge deems that the available facts are insufficient, the Court may inquire further.

1. Preparation of a Plaint

(Please see Filing of an administrative case.)

2. Preparation of an Answer

After issuing an order to accept the plaint, the Court delivers a copy of the plaint and copies of any accompanying evidence to the defendant so that a response, or answer, can be prepared. The response should be submitted to the Court within thirty days of receipt of the copy of the plaint or within the period of time specified by the Court. The defendant may deny or admit to the allegations in the plaint. The answer must be made in writing and where it is considered appropriate, the issues the defendant must answer may also be determined or evidence relevant to or useful for the trial of the Court may be requested. If the defendant does not submit an answer or requested evidence to the Court within the specified time, it will be deemed that the defendant has accepted the facts and claims of the plaintiff. The Court will then carry out the trial and adjudication.