
Arbitration Act (No.2)

B.E. 2562

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given this 12th day of April 2019,

Being the 4th year of the present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that,

Whereas it is deemed expedient to revise the law governing arbitration,

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly acting as the Parliament, as follows:

Section 1. This Act shall be called “Arbitration Act (No. 2) B.E. 2562”.

Section 2. This Act shall be enforced on and from the day following the date of its publication in the Government Gazette¹.

Section 3. The following shall be added as Chapter 2/1, Foreign Arbitrator, Section 23/1, Section 23/2, Section 23/3, Section 23/4, Section 23/5, and Section 23/6, of the Arbitration Act B.E. 2545 (2002):

**“Chapter 2/1
Foreign Arbitrator**

Section 23/1. The parties to the dispute may appoint one or several foreigners as arbitrators for the arbitration proceedings in the Kingdom.

In the case there is an appointment of arbitrator under Section 18, or there is an appointment of arbitrator under an agreement of the parties to the dispute, a foreigner may be appointed as an arbitrator.

Section 23/2. In the case where there is an appointment of a foreigner who resides outside the Kingdom to act as an arbitrator in the Kingdom, which is an arbitration

¹ Published in the Government Gazette on 14 April 2019.

proceedings by a government agency or by an agency established by law and there are missions in connection with settlement of disputes by arbitration, the said foreigner may apply for a certificate from said government agency or agency for consideration by the competent officers under the law governing immigration and the law governing management of working of aliens.

A foreigner who performs the duty of an arbitrator and who is already entitled to reside in the Kingdom may apply for the certificate under paragraph one.

Section 23/3. The government agency or the agency under Section 23/2 shall issue a certificate so that the foreign arbitrator may perform his/her duties under the rules or regulations of arbitration proceedings as agreed upon under Section 23/4 and Section 23/5.

The certificate under paragraph one shall at least contain the following details:

- (1) Name and address of the government agency or the agency issuing certificate.
- (2) Reference no. of the dispute or code of dispute.
- (3) Name, surname, and nationality of the arbitrator.
- (4) Passport no. of the arbitrator.
- (5) Estimated period of arbitration proceedings.

In the case the arbitration proceedings is not yet complete within the estimated period of time under paragraph two (5), the arbitrator may apply for a new certificate.

Section 23/4. Subject to the law governing immigration, the arbitrator who has received the certificate under Section 23/3 shall be entitled to being permitted to enter and reside in the Kingdom temporarily according to the period specified in the certificate, but it must not exceed by the period specified in the law governing immigration.

Section 23/5. Subject to the law governing management of working of aliens, the arbitrator who has received the certificate under Section 23/3 and permitted to reside in the Kingdom shall be entitled to work in the Kingdom according to his/her position and duties.

The registrar under the law governing management of working of aliens shall issue a work permit to the arbitrator under paragraph one, and during the period of processing of work permit, the arbitrator may perform his/her duties for the time being.

Section 23/6. For arbitration proceedings in the Kingdom, the parties to the dispute may appoint one or several foreigners to be their representatives to act on their behalf, and the provisions of this Chapter shall apply to the said representatives *mutatis mutandis*.”

Countersigned by

General Prayuth Chan-ocha
Prime Minister