
Appendix to Thailand Update

George M. Kelakos, Attorney
601 S. Figueroa Street, 40th Floor
Los Angeles, CA 90017 USA
(213) 6890-7652



Tilleke & Gibbins
INTERNATIONAL LTD.

**Rules of The Judiciary
Administration Commission
Concerning the Mediation of
Financial Disputes (B.E. 2544)***

- * This unofficial English translation was prepared by Tilleke & Gibbins International Ltd. Although care was taken to render the translation as reliable as possible, it does not carry any legal authority. Only the original official text in Thai may be relied on for legal authority.

Dispute Mediation

Certified correct translation

(Mr. Sontaya Assavavipapan)

(Translation)
(Copy)

Rules of the Judiciary Administration Commission
concerning the Mediation of Financial Dispute B.E. 2544

In consideration of a large number of legal cases on financial dispute lodged with the court thereby affecting the administration of court cases and resulting in prolongation in the judgement of various legal cases. The encouragement to end financial dispute through mediation will assist in settling the underlying legal cases within a short period, which will enable the solving of the economic problems of the country to proceed in a smooth manner. It is hereby considered appropriate to institute a system for financial dispute settlement in the Dispute Resolution Office, Office of the Court of Judiciary in order to lessen the burden of the court.

By virtue of the power pursuant to Article 17 (1) of the Act on the Rules for Judicial Affairs Administration B.E. 2543, the Judicial Administration Commission hereby issues the following rules:

Clause 1. These rules will be referred to as “ Rules of the Judicial Administration Commission concerning the Mediation of Financial Dispute B.E. 2544”.

Clause 2. These rules will become effective from the date of this Notification.

Clause 3. Unless otherwise specified herein, “Mediation Center” means the Dispute Mediation Center of the Dispute Resolution Office, Office of the Judiciary.

“Director-General” means the Director-General of the Dispute Resolution Office, Office of the Judiciary.

“Dispute” means the civil dispute which may be settled by agreement among the disputing parties.

“Financial Dispute” means a dispute whereby the creditor financial institution demands payment of debt by money from one or more debtors or claims for settlement of debt which also includes payment by money.

“Disputing Party” means the person involved in the dispute who wishes to settle the dispute through mediation or has a dispute in the process of being mediated hereunder and, for the benefit of mediation, includes those authorized to act on behalf of the said person under the law.

“Mediator” means the person appointed to carry out the mediation hereof.

“Qualified Person” means an expert or a specialist appointed to provide opinion or examine the facts or data or carry out any act based on his knowledge and expertise for the benefit of mediation hereof.

“Expenses” means fees, travelling expenses and per diem of the mediator or the qualified person hereof.

Clause 4. The Secretary-General of the Office of the Judiciary shall have authority to issue notification concerning regulations and ethics and any guidelines for implementation hereunder, or, in this respect, authorize any person to carry out any action on his behalf.

Clause 5. The Director-General may require any petition or document for submission to the Mediation Center or the mediator to be made in the specified format.

Section 1 Commencement of Mediation

Clause 6. The Mediation Center shall take action to mediate the financial dispute under the court’s deliberation when the debtor has submitted a proposal for debt restructuring or debt repayment to the court having jurisdiction over the case and the court, with the consent of the disputing parties, has notified the Mediation Center to act on the mediation.

Clause 7. Pursuant to the notification as stated in Clause 6, the Mediation Center will arrange for all disputing parties to execute an agreement to pursue mediation of the dispute.

Upon execution of the said agreement, the disputing parties shall deem to have acknowledged and been bound by the mediation procedures under the agreement and the Rules herein.

If any disputing party declines to sign the above-mentioned agreement, the mediation procedure shall be deemed to have ended.

Clause 8. In mediating the financial dispute, there will be a mediator assigned to handle the assignment. When the agreement has been executed pursuant to Clause 7, the Director-General will appoint a mediator from those whose names appear in the list of mediators of the Mediation Center.

Clause 9. The disputing parties can object to the mediator appointed by the Director-General, in which case the Director-General will appoint another mediator.

Each disputing party shall be entitled to make only a one-time objection thereon. However, the disputing party will not be barred to object to a mediator pursuant to Clause 31.

Clause 10. The appointed mediator must execute an agreement to become a mediator and disclose to the Mediation Center any information about his interest or personal connection with all disputing

parties pursuant to Clause 31.

Section 2 Mediation Procedure

Clause 11. The disputing party of a natural person should personally attend the meeting for mediation and may also appoint a representative to jointly attend the said meeting.

If the disputing party is a juristic person, it may appoint a representative with decision-making authority to participate in the meeting. Such appointment is to be made in writing and submitted to the mediator.

Clause 12. Prior to the commencement of the mediation procedure, the mediator may discuss with the disputing parties to determine the steps and guidelines for the mediation.

Clause 13. For the benefit of the mediation, the mediator can arrange for the disputing parties to present facts or preliminary information pertaining to the dispute and a proposal to the mediator for settlement of the dispute, or can propose for an exchange of such information between the disputing parties.

The disputing parties may request the mediator to proceed in accordance with the preceding paragraph. Under this circumstance, the mediator may or may not comply with such request.

Clause 14. The mediation shall be carried out in the presence of both disputing parties and on the date, time and place as specified by the mediator.

Clause 15. In the course of the mediation, if the mediator deems it necessary for the benefit of the mediation, the mediator may allow only both disputing parties or only any one disputing party to attend the meeting.

The preceding paragraph shall also apply to the representatives, the Attorneys-in-fact and advisors of the disputing parties or any person permitted by the mediator to take part in the mediation procedure.

Clause 16. The mediation procedure shall be carried out on confidential basis with no records of any mediation detail irrespective of whether in recording tape or video tape or by transcript of the mediation procedure in writing unless the disputing parties agree to have all or part of the mediation recorded.

Clause 17. For the purpose of mediation, if the mediator deems that the dispute of a third party is connected to the financial dispute being mediated, and that it will be in the interest of the disputing parties to arrange for the forgoing dispute to come under the mediation

concurrently, the mediator with the consent of the disputing parties, can include all the aforesaid disputes for simultaneous mediation, irrespective of whether the related dispute is under the deliberation of the court.

Under such circumstance, the mediator will advise the Mediation Center to bring those other persons into the mediation hereof.

Clause 18. The Director-General shall have authority to appoint the qualified person as requested by the mediator to examine the facts or any information or take part in the mediation and provide opinion or advice as well as prepare the report on the examination of the facts, or on the information, advice or opinion of the qualified person for use in the mediation.

The appointment of the qualified person shall be made from those whose names appear in the list of qualified persons issued by the Mediation Center unless the disputing parties agree otherwise to nominate other person whose name is not included in the said list. In this connection, a letter of consent from such person will have to be presented and the Director-General shall have authority to appoint that person as a qualified person.

Clause 19. The mediator may arrange to have a compromise agreement drafted for the disputing parties as deemed appropriate. In case there is any expense to be incurred and payable by the disputing parties for drafting this agreement, the mediator may carry out this act after having received consent from all disputing parties and the disputing parties agree to be responsible for the expenses thereof.

Clause 20. The mediation of financial dispute shall be undertaken and completed within 45 days from the date of appointment of the mediator. The Mediation Center may extend this timeframe no more than twice with each extension not exceeding 15 days. Such extension will be granted only when the Mediation Center is of the opinion that the disputing parties are close to achieving an agreement for the dispute settlement.

Clause 21. Any communication between the disputing parties including all of any information, opinion or advice which has been disclosed or made in the course of the mediation shall not be used as reference in any arbitration procedure or in any court unless the disputing parties agree otherwise.

Section 3 **Termination of the Mediation Procedure**

Clause 22. In case the disputing parties are able to come to an agreement to settle the dispute, the mediation procedure shall be deemed to have ended and the Mediation Center shall proceed as follows:

- (1) In case the dispute has not been filed for litigation with the court, the Mediation Center will facilitate compliance in accordance with the agreement to settle the dispute.
- (2) In case the dispute is under the court's deliberation, the Mediation Center will report the result and agreement of the mediation to the court for further action.

Clause 23. Except as specified in Clause 22, the mediation procedure shall be deemed to have ended under the following circumstances:

- (1) Any disputing party refuses to execute the agreement for the mediation of the dispute.
- (2) Any disputing party withdraws from the mediation.
- (3) Any disputing party does not place deposit to cover expenses as stipulated in Clause 39.
- (4) The mediator is unable to successfully achieved settlement of the dispute within the timeframe as specified in Clause 20.
- (5) The mediator is of the opinion that the dispute cannot be settled by mediation.
- (6) The Director-General is of the opinion that the dispute cannot be settled by mediation.

Clause 24. When the mediation procedure has ended, the Mediation Center will notify all disputing parties accordingly. In case the dispute is under deliberation of the court, the Mediation Center will immediately inform the court of the cause for the termination of the mediation.

Clause 25. In case the mediation procedure has been terminated with the disputing parties still unable to agree upon any settlement and the dispute is under the Court's deliberation, the mediator will, for the benefit of subsequent deliberating procedure of the court, provide his opinion to the court having jurisdiction over the case as to which proposal on debt restructuring or debt repayment will be most feasible and beneficial to the disputing parties.

Section 4

The Mediator and The Qualified Person

Clause 26. The Mediation Center will register the name of the mediators and the qualified persons and place a notice thereof at the Dispute Resolution Office, Office of the Judiciary.

The registration and removal of the mediators and the qualified persons shall be made in accordance with the guidelines and procedures as prescribed by the Director-General with the approval of the Secretary-General of the Office of the Judiciary.

Clause 27. The records of the mediators and the qualified persons will be nullified at the end of each calendar year irrespective of when they have been registered.

When the records thereof have become ineffective, the Mediation Center will immediately effect new registration.

The nullification of the records pursuant to paragraph 1 above will not affect the prior appointment of the mediators and the qualified persons who can continue to carry on his duties and will be entitled to receive the fees as specified herein.

Clause 28. The mediator will have to:

- (1) make preparations for the mediation.
- (2) be bound under the agreement executed pursuant to Clause 10.
- (3) assist and support the discussions between the disputing parties and provide problem-solving guidance to settle the dispute.
- (4) refrain from giving any opinion which is arbitrary to the dispute unless specifically agreed between the disputing parties for the mediator to give such opinion.
- (5) assist the disputing parties in drafting the compromise agreement.

Clause 29. The mediator and the qualified person will have to perform his duties in accordance with the rules including the notification, regulations, ethics and any guidelines issued hereof in order to pursue an orderly mediation taking into consideration the best benefits of the disputing parties.

Clause 30. The mediator and the qualified person will not be held responsible to the disputing parties for any action undertaken to mediate and settle the dispute unless such action or non-action has been taken intentionally, negligently or in violation of these rules resulting in damage to the disputing parties.

Clause 31. The mediator and the qualified person will be relieved from his duties under the following circumstances:

- (1) In carrying out any action in the capacity as a representative or on behalf of the disputing party.
- (2) Has any interest or is related to the disputing party in respect to the dispute.
- (3) Upon having been withdrawn from the registration records.
- (4) Upon an order from the Director-General to remove the said mediator or qualified person due to deficiency or negligence in duty.

The Director-General will appoint other person as a new mediator or qualified person unless the disputing parties have

consented to have the said mediator or qualified person continue to carry on the mediation procedure, in which case the Director-General will act accordingly.

The appointment of a new mediator or qualified person under this clause can be made at any time prior to the termination of the mediation procedure.

Section 5 Confidentiality

Clause 32. Any person involved in the mediation will agree to keep all information of the disputing parties confidential and will not make use of the following information in pursuing arbitration or any action in court.

- (1) Any fact in respect to the undertaking of the mediation.
- (2) Any opinion or proposal which has been provided to other disputing party in the mediation procedure.
- (3) Any opinion or proposal which has been given by the mediator except those mentioned in Clause 25.
- (4) The fact that a disputing party has accepted or declined a proposal for compromise in the course of mediation as recommended by the mediator.
- (5) Any information in connection with the mediation including the compromise agreement except in case it becomes necessary for the enforcement under the compromise agreement.

Clause 33. Any document whether in the form of paper or electronic media or data for use or which has been used or derived from the mediation procedure shall not be employed or referred to in any deliberating procedure in respect to the dispute.

Clause 34. The disputing parties agree not to refer to or request the court to issue a warrant for the mediator, qualified person, Director-General and official of the Mediation Center who has participated in the mediation to testify in the court as witness of the facts on the substance or details of discussions in the mediation procedure thereof.

The disputing parties are entitled to prohibit the mediator, qualified person, Director-General and official of the Mediation Center who has participated in the mediation to testify in the court as witness of the facts on the substance or details of discussions in the mediation procedure thereof.

Clause 35. The disputing parties agree not to engage the mediator, qualified person, Director-General and official of the Mediation Center who has participated in the mediation procedure as an advisor, arbitrator, specialized witness or to perform any function which may make use of the facts derived from the mediation procedure for any other proceeding in connection with the dispute.

Section 6 Expenses

Clause 36. Any payment of expenses to the mediator and the qualified person shall be made specifically to those whose names appear in the register of the Mediation Center. The guidelines and procedures for such payment will be in accordance with those prescribed by the Secretary-General of the Office of Judiciary with the approval of the Judicial Administration Commission.

Any expense incurred in the mediation procedure over and above the expenses stipulated in paragraph 1 shall be borne by the disputing parties with each party contributing one-half unless otherwise agreed between the disputing parties.

Clause 37. In case a person whose name does not appear in the register of qualified person pursuant to Clause 18, paragraph 2 has been appointed, the disputing parties will be responsible for the expenses incurred by such qualified person with each party sharing one-half unless otherwise agreed between the disputing parties.

Clause 38. In case a qualified person has been appointed to examine the facts pertaining to the financial condition or any other fact evidencing the debt repayment capability of the debtor for the purpose of preparing a debt restructuring or debt repayment proposal or for any work for which expenses are payable as specified by the qualified person, the payment of expenses above-mentioned shall be as determined by such qualified person but not exceeding the rate prescribed by the Secretary-General of the Office of the Judiciary with the approval of the Judicial Administration Commission.

If the expenses of the qualified person as stated in paragraph 1 are higher than the amount prescribed by the Secretary-General of the Office of the Judiciary with the approval of the Judicial Administration Commission, each disputing party shall be responsible for one-half of the excess amount unless otherwise agreed between the disputing parties.

Clause 39. Prior to the mediation commencement, the Mediation Center may require that the disputing parties place a deposit for payment of expenses in an amount as determined by the Mediation Center.

The Mediation Center may require more deposits to be placed to meet additional expenses at any time prior to the completion of the mediation procedure.

In case any disputing party has not placed the deposit within the time specified by the Mediation Center, the Secretary-General may order that the mediation procedure be terminated or suspended until such deposit has been made.

When the mediation procedure has ended, the Mediation Center will prepare an account of the expenses and refund any remaining balance of the deposit to the disputing parties.

Clause 40. In case the mediator has successfully settled the dispute, a special compensation will be paid to the mediator in accordance with the guidelines and procedures prescribed by the Secretary-General of the Office of the Judiciary with the approval of the Judicial Administration Commission.

The mediation will be deemed to be successful as follows:

- (1) If the financial dispute has not been filed for litigation with the court when the disputing parties execute the compromise agreement.
- (2) If the financial dispute is under deliberation by one or more courts when all of the courts have given judgement in accordance with the compromise agreement.

Clause 41. The qualified persons appointed by the court to mediate financial dispute pursuant to the judiciary rules of mediation are those whose names appear in the register of the Mediation Center. Such qualified persons shall have the same right for expense reimbursement as the qualified persons appointed under these rules and the guidelines and procedures herein shall apply accordingly.

Given on Mach 22, B.E. 2544

(signed)

Mr. Thavatchai Pitakphol
President of the Supreme Court
President of the Judicial Administration Commission

Certified true copy

(Signature)

(Ms. Pranyong Puthipas)
Legal Official 7 Vor

**Notification of the Name List of Registered Mediators
of the Dispute Mediation Center
Dispute Resolution Office, Office of the Judiciary**

By virtue of the power pursuant to Clause 10 of the Notification of the Dispute Resolution Office concerning the registration of mediators and qualified persons of the Mediation Center dated April 18, 2001, the Dispute Resolution Office with the approval of the Secretary-General of the Office of the Judiciary hereby announce the name of the registered mediators of the Mediation Center as follows:

1. Dr. Karoon Chantarangsu
2. Associate Professor Kannikar Bunsithi
3. Mr. Kirin Chatchavalwongse
4. Associate Professor Kesini Vitoonchart
5. Dr. Kanit Na Nakorn
6. Mr. Kampee Kaocharoen
7. Mr. Kiang Boonperm
8. Assistant Professor Jongpit Siriratana
9. Associate Professor Jarun Lengvithaya
10. Mr. Chaikasem Nitisiri
11. Associate Professor Dr. Chitchai Anantaseth
12. Mr. Dej-udom Krairit
13. Assistant Professor Thipawan Ruengkittisakul
14. Mr. Nam Yimyam
15. Lecturer Pralom Chairatanapongse
16. Mr. Prasong Tarachai
17. Associate Professor Prasit Khovilaikul
18. Mr. Pramote Siriuthaikorn
19. Assistant Professor Piyarat Krisnamara
20. Associate Professor Pornsiri Tivawanwong
21. Assistant Professor Dr. Patcharawalai Chaipanee
22. Mr. Pallop Pisithsangakarn
23. Assistant Professor Phairuch Watcharaphan
24. Mr. Vallop Tantikul
25. Assistant Professor Dr. Viruch Apimetheethamrong
26. Associate Professor Wai Chamornmarn
27. Lecturer Somchitr Jungsanguanpornasuk

28. Lecturer Somchart Julirachanikorn
29. Assistant Professor Sommart Jusikkapongse
30. Lecturer Pintha Sithiwongse
31. Associate Professor Suthida Sarungboonmee
32. Mr. Suthee Damnuerde
33. Associate Professor Sumalee Jivamitr
34. Associate Professor Sumeth Kaenmanee

Given on April 18, 2001

Dispute Resolution Office
March 2001

Notification of the Dispute Resolution Office
Subject: Name List of the Registered Qualified Persons of the Dispute
Mediation Center

By virtue of the power pursuant to Clause 9 of the Notification of the Dispute Resolution Office concerning the registration of mediators and qualified persons of the Mediation Center dated April 18, 2001, the Dispute Resolution Office with the approval of the Secretary-General of the Office of the Judiciary hereby announce the name of the registered qualified persons of the Mediation Center as follows:

1. Mr. Kavee Ngarntavee
2. Mr. Chiravithaya Masrungsan
3. Mr. Chamni Chantrchai
4. Mr. Ramesuan Upathumpan
5. Mr. Visuth Kachamaporn
6. Mr. Siriwat Anandosri
7. PricewaterhouseCoopers FAS Co., Ltd.

Given on July, B.E. 2544

(Mrs. Suparatana Pansombat)
Legal Official 8 acting in the capacity of The Director-
General of the Dispute Resolution Office

Appendix to the Rules Expenses and Special Compensation

- (1) Payment of expenses and special compensation as stated in the Appendix will be made to the mediator and the qualified person whose name appear in the register of the Mediation Center.
- (2) Payment of fees to the mediator will be based on the debt amount at the following rates:

Debt Amount Rate of Fees

From 0 up to Baht 10 million Baht 20,000
Exceeding Baht 10 million up to
Baht 100 million 0.02%
Exceeding Baht 100 million 0.005%

In this connection, total fees payable to the mediator must not exceed Baht 80,000.

For the calculation of fees, the amount of debt shall be computed based on and include the debt in all disputes under the same mediation procedure.

- (3) Payment of fees to the qualified person will be made in the following cases:
 - (3.1) For the qualified person employed on a monthly basis, the Director-General with the approval of the Secretary-General of the Office of the Judiciary shall fix a monthly fee in the amount reasonably commensurate with the volume of cases and nature of dispute for which the qualified person is responsible at the monthly rate not exceeding Baht 100,000.
 - (3.2) The qualified person appointed pursuant to Clause 38 shall be paid a fee as specified by such qualified person but not exceeding the amount computed based on the debt amount at the following rates:

Debt Amount Rate of Fees

From 0 up to Baht 10 million 0.25%
Exceeding Baht 10 million up to
Baht 100 million 0.10%
Exceeding Baht 100 million 0.01%

In this respect, the fees payable to the qualified person pursuant to this clause must not exceed Baht 100,000.

For the calculation of fees, the amount of debt shall be computed based on and include the debt in all disputes under the same mediation procedure.

- (3.3) In all other cases besides sub-clause
 - (3.1) and (3.2), the fees payable to the qualified person shall be based on actual working hours at an hourly rate of Baht 2,000.
- (4) Payment of travelling expenses and per diem to the mediator or the qualified person shall be made in case it is necessary to travel to other provinces in which he is not registered on the following basis:
 - (4.1) Travelling expenses payable to the mediator or the qualified person shall be based on the actual amount incurred as follows:
 - (4.1.1) In case the travelling time exceeds six hours, the cost for an economy-class air ticket will be paid.
 - (4.1.2) The train fare will be payable at the maximum rate, or
 - (4.1.3) The bus fare will also be payable at the maximum rate.
 - (4.2) Payment of per diem will be made at a daily rate of Baht 2,000.
- (5) The mediator will be paid special compensation for successfully resolved the dispute which is complicated, involves numerous disputing parties and the success in mediation will be beneficial for the court's adjudication.

The Director-General will consider the payment of special compensation under paragraph 1 at the rate of 0.05% of the debt amount, which will not be less than Baht 10,000 and not exceeding Baht 100,000.

For the calculation of special compensation, the amount of debt shall be computed based on and include the debt in all disputes under the same mediation procedure.

- (6) Subject to Clause 7, the Director-General will consider all payments of expenses and special compensation under the following conditions:
 - (6.1) The fees will be payable to the mediator upon the completion of the mediation procedure.
 - (6.2) The fees payable to the qualified person who has been employed on a monthly basis will be made at the end of every month.

- (6.3) The fees payable to the qualified person appointed pursuant to Clause 38 will be made upon submission of the work fully completed.
 - (6.4) The fees payable to the qualified person in all other cases will be made upon completion of the assignment.
 - (6.5) Payment of special compensation will be made upon successful completion of the mediation procedure.
 - (6.6) Payment of travelling expenses and per diem will be made in accordance with the entitlement of the mediator and the qualified person under this Appendix.
-
- (7) The mediator or the qualified person who has been relieved of his duties under Clause 31 (3) but is permitted to continue his work up until being eligible for expense reimbursement in accordance with Clause 6 will be entitled to such payment for the work undertaken prior to his removal in an amount determined by the Director-General based on the proportion of work then completed.
 - (8) In case the mediator or the qualified person has been relieved of his duties prior to being eligible for fees in accordance with Clause 6, the Director-General will determine a reasonable amount of fees payable based on the proportion of work then completed.
 - (9) The Director-General will be responsible for execution of any payment pursuant to the Appendix.

Notification of the Dispute Resolution Office
Subject: The Registration of the Mediator and the Qualified Person of
the Mediation Center

By virtue of the power pursuant to Clause 26 of the Rules of the Office of the Judiciary concerning the Mediation of Financial Dispute B.E. 2544, the Director-General of the Dispute Resolution Office with the approval of the Secretary-General of the Office of the Judiciary hereby issues the following guidelines and procedures in respect to the registration of the mediator and the qualified person of the Dispute Mediation Center, Dispute Resolution Office, Office of the Judiciary.

Section 1
General

Clause 1. In this Notification: "Office" means the Dispute Resolution Office, Office of the Judiciary.

"Mediation Center" means the Mediation Center of the Dispute Resolution Office, Office of the Judiciary.

"Director-General" means the Director-General of the Dispute Resolution Office, Office of the Judiciary.

"Mediator" means the person who has been registered with the Mediation Center as a mediator of the Mediation Center.

"Qualified Person" means the person who has been registered with the Mediation Center as a qualified person in the specialized field which is beneficial to the operation of the Mediation Center.

Clause 2. The Director-General or the person assigned by the Director-General will be responsible for compliance under this rule.

Section 2
Registration

Clause 3. A natural person may apply for registration as a mediator under this Notification.

A registered qualified person can be a natural person, a consortium or a juristic person.

Clause 4. Any person who is interested to be registered as a mediator or a qualified person must submit an application to the Director-General at the Mediation Center using the printed form as prescribed by the Director-General together with documents evidencing the qualifications or other details, if any.

Clause 5. The mediator must have the following qualifications:

- (1) Is over 30 years old.

- (2) Is not a disabled person who is unable to carry out the undertaking, or incompetent, semi-incompetent or mentally-deformed.
- (3) Has not been convicted to imprisonment as a final judgement except for an offence on account of being negligent or for a petty offence.
- (4) Has good human relations and proper conduct to act as a mediator.
- (5) Has never had any damaging record.
- (6) Has never been removed from the register as a qualified person or a mediator of the Mediation Center.

Clause 6. The qualified person who is a natural person must have qualifications as stipulated in Clause 5 (1) through 6 and must at least hold a bachelor's degree in finance, accounting, fiscal finance or administration with experience not less than 5 years.

In case the qualified person is a juristic person, it must have carried on the business for at least 1 year and been involved in providing counsel and advice in finance, accounting and debt restructuring.

Clause 7. When an application has been received pursuant to Clause 4, the Mediation Center will check the qualifications of the applicant or make inquiries for additional information from any person as it deems appropriate.

After the Mediation Center has found that the applicant has complete and suitable qualifications to be a mediator or a qualified person of the Mediation Center, it will submit its opinion to the Director-General to seek approval from the Secretary-General of the Office of the Judiciary.

Clause 8. After the Secretary-General of the Office of the Judiciary has given its approval, the Mediation Center will effect the registration and issue a notice of such names at its office.

Applicant for registration as a mediator must undergo training on dispute resolution under the curriculum approved by the Director-General prior to being registered.

Clause 9. In addition to accepting application for registration, the Mediation Center can also recruit other person for registration as a mediator or a qualified person subject to the consent of the said person.

The Director-General will propose the name of the person recruited in accordance with paragraph 1 for approval by the Secretary-General of the Office of the Judiciary prior to effecting the registration.

The provision in Clause 8 will be applied to the registration of the person recruited pursuant to this clause.

Section 3 Removal from the Registration

Clause 10. The person whose name appears as a mediator or a qualified person may be removed from the register when the registered name list has ceased to be effective or his name has been taken out or deleted from the said register.

Clause 11. The register of the mediator and the qualified person will be nullified at the end of every calendar year.

When the records as stated in paragraph 1 cease to be effective, the Mediation Center will immediately arrange for new registration. The person who has been registered will be eligible to reapply for registration.

Clause 12. The Mediation Center will take out the name of a mediator or a qualified person from the register when that person:

- (1) Has died or has dissolved its juristic entity.
- (2) Has resigned.
- (3) Has not met the qualifications as specified in Clause 5 or 6 as the case may be.

Clause 13. When there is evidence to support that the person whose name appear in the register as a mediator or a qualified person has behaved improperly, performed or refrained to perform his duties intentionally or negligently resulting in damage to the disputing party, the Mediation Center with the approval of the Secretary-General of the Office of the Judiciary will delete the name of that person from the register.

Clause 14. A mediator or a qualified person who has been removed from the register cannot continue to perform his duties in such capacity unless he has been registered again.

The removal from the register will not affect any undertaking which has been carried out by such mediator or a qualified person.

Clause 15. The Mediation Center may again effect registration of the person who has been removed because of the expiry of the register without requiring that a new application or recruitment be made unless that person no longer desires to be registered as a mediator or qualified person.

Section 4

Expenses of the Mediator or the Qualified Person

Clause 16. The Mediator or the qualified person who has been registered pursuant to this Notification will be entitled to payment for expenses as determined by the Secretary-General of the Office of the Judiciary with the approval of the Judicial Administration Commission.

Given on April B.E. 2544
(Signature)
(Mrs. Supharatana Phansombat)
Legal Official 8 acting in the
capacity as Director-General of the
Dispute Mediation Center