

Notification of the Ministry of Agriculture and Cooperatives
Re: Rules and Procedures for the Furnishing and Retention of Prospectuses
in Contract Farming

By virtue of section 5 paragraph one and section 20 paragraph two of the Contract Farming Promotion and Development Act, B.E. 2560 (2017), the Minister of Agriculture and Cooperatives hereby issues the Notification as follows:

Clause 1. This Notification is called “the Notification of the Ministry of Agriculture and Cooperatives Re: Rules and Procedures for the Furnishing and Retention of Prospectuses in Contract Farming”.

Clause 2. This Notification shall come into force as from the date of its publication in the Government Gazette.

Clause 3. In this Notification:
“prospectus” means any document, whether paper or any other material, upon which the expression is made by letters, figures, drawing or any other design, whether by means of printing, photographing or any other means which is evidence of such expression, and that is prepared by an agricultural business operator with the intention to enable farmers who will enter into a contract farming agreement to have knowledge on the conclusion of the agreement in advance to assist their decision making prior to the conclusion of the agreement.

Clause 4. An agricultural business operator must prepare a prospectus and a draft agreement for farmers’ acknowledgment prior to the conclusion of the agreement, and may require a farmer to provide his or her signature as evidence of acknowledgement.

Clause 5. An agricultural business operator must furnish one copy of a prospectus intended for persuading farmers to enter into a contract farming agreement to the Office of the Permanent Secretary for Agriculture and Cooperatives or the Provincial Agriculture and Cooperatives Office within 30 days after the date of the first conclusion of an agreement of such prospectus with the details as follows:

(1) means of furnishing:

a. submission by the operator or an authorized person with a written power of attorney;

b. submission via a registered mail;

(2) places of furnishing:

a. in the case where the principal office or the domicile of the agricultural business operator is located in Bangkok, the furnishing shall be made at the Office of the Permanent Secretary for Agriculture and Cooperatives;

b. in the case where the principal office or the domicile of the agricultural business operator is located in other provinces, the furnishing shall be made at the Provincial Agriculture and Cooperatives Office located in that province.

Where prospectuses under paragraph one contain the same details, the agricultural business operator shall furnish only one copy thereof to the Office of the Permanent Secretary for Agriculture and Cooperatives.

In the case where the amendment is made to the terms of the agreement so that they differ from the details in the furnished prospectus, the parties shall indicate in the amended agreement that such amendment shall also have the effect of amending the prospectus.

This translation is provided by the Ministry of Agriculture and Cooperatives as the competent authority for information purposes only. Whilst the Ministry of Agriculture and Cooperatives has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

Clause 6. The Office of the Permanent Secretary for Agriculture and Cooperatives or the Provincial Agriculture and Cooperatives Office shall issue to the agricultural business operator evidence of receipt of the copy of the prospectus under clause 3 promptly or not more than 7 days from the date of receipt of the document via a registered mail.

Clause 7. The Office of the Permanent Secretary for Agriculture and Cooperatives must retain the copy of the prospectus for not less than 10 years from the date of receipt of the document. The retention shall be in accordance with the Rules of the Office of the Prime Minister on Archives, B.E. 2526 (1983) and its amendments. The Office of the Permanent Secretary for Agriculture and Cooperatives shall prepare the document or text in a form of electronic data.

Notified on the 19th October B.E. 2560 (2017)

General Chatchai Sarikulya

Minister of Agriculture and Cooperatives

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