

Independent Study Title : The Legal Problems on Law Controlling the Service Business : Case Study of the Application for the Entertainment (Pleasure) of Service Business in Bangkok Metropolitan Area

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Degree : Master of Laws (Business Law)

Academic Year : 2010

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ABSTRACT

Although the entertainment license is legal but the nature of its operation may affect to the public peace and morality. Therefore state must provide lawsuit to take control the registration of the entertainment license. However, there were many entertainment facilities that were opened without any permission or licenses all around Bangkok due to the difficulty and prolong of the current registration and authorization process which was the reason of the violation of the entertainment Act BE 2509. Therefore this research had objective to provide the information of rules, regulation, procedure to apply the entertainment license within Bangkok area and the details of penalties in case of the violation of the entertainment Act BE 2509.

The study found the licensing authority has authorization for the approval of the entertainment license within Bangkok area was the Bangkok Metropolitan Police Commander that was different from the licensing authority at England who was the local government and English police only sets up and enforces crime prevention law. English police is not responsible for licensing directly. Furthermore, the research also found the large amount of violation of the entertainment Act BE 2509 by opening entertainment facilities without any license. There are only 3 zones which were allowed to open entertainment venue. Therefore the entertainment facilities that has been located outside those 3 zones, could not apply for the entertainment license. Moreover, when the police official arrested such those facilities, they could not close their operations as mentioned on The Entertainment Act 2509 that was not assigned the authority

of police officials to close such facilities. Except the announcement of the National Executive Council No. 50 dated January 15, 2502 that provide the official authority to close the entertainment facilities that had operated their business without the entertainment license. But if the entertainment facilities still opened their business, there was only petty offense under the Penal Code, Section 368 only. Therefore the law did not provide its real enforcement.

The recommendations to resolve such problem, there should amend the Entertainment Act 2509 by changing the licensing authority within Bangkok area from the police commander to be the local agency or the department of the Interior and should provide the additional zoning within Bangkok area by issuing under Section 5 of the Entertainment Act that will help to increase the entertainment license application. Moreover they should adjust the Entertainment Act BE 2509 by assigning the authority to police official to close the facility which was opened without license. The Entertainment Act BE 2509 should adjust for suiting to the current situation in order to prevent the opening of an unauthorized facility.

