

Independent Study Title	:	The Problem of the Charter Party in Thailand
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ABSTRACT

Charter Party is a type of contract that contains distinctive legal terms to enforce the contract or any disputes that may arise from the agreements of the contracting parties. In present times, Thailand still does not have a special provision of laws concerning Charter Party regulations to implement issues, hence the Hire of Property Sections under the Civil and Commercial Code were put into effect instead. Moreover, Section 149 of the Civil and Commercial Code, which is a general law, was, from time to time, used to settle the disagreements of a Charter Party contract.

For example, in Supreme Court Decision no. 1705/1985, Section 563 under Hire of Property of the Civil and Commercial Code was used to reconcile the disputes simply because Thailand did not have Maritime Act. However, with such occurrence came a conflict because the meaning of the word "property" under the Sections of Hire of Property of the Civil and Commercial Code are not the same as in the Charter Party regulations. In Charter Party terms, the property bears higher risk than in the Hire of Property contract since the property is stored inside the warehouse. It will be unfair to the injured person of the Charter Party contract if the judge uses the Sections of Hire of Property under the Civil and Commercial Code to rule any disputes concerning Charter Party. This is only a sample of the problem that Thailand is facing when not having Maritime Act, in contract with some other countries that already have Maritime laws like United Kingdom or France.

Lastly, this independent research will analyze the problems Thailand is confronting, and compare the advantages and disadvantages of Thailand when not having a Charter Party Act. The only way to solve the problems is for the Thai

government to draft the Charter Party Act because it can help liberate any issues on Charter Party contracts. And additionally, the enactment of Charter Party Act will aid Thailand to reach an international standard.

