

**MARINE SALVAGE ACT,
B.E. 2550 (2007)**

BHUMIBOL ADULYADEJ, REX;
Given on the 15th Day of July B.E. 2550;
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on marine salvage;
Be it, therefore, enacted by the King, by and with the advice and consent of
the National Legislative Assembly as follows:

Section 1. This Act is called the “Marine Salvage Act, B.E. 2550 (2007)”.

Section 2. This Act shall come into force after the expiration of ninety days
from the date of its publication in the Government Gazette.

Section 3. All other laws, rules and by-laws in so far as they have already
been provided herein, or are contrary to or inconsistent with the provisions of this Act, shall
be replaced by this Act.

Section 4. In this Act:

“Salvage operation” means any act or activity undertaken to assist a vessel or
any other property in danger in at sea or in any other navigable waters whatsoever;

“Vessel” means every kind of watercrafts;

“Sea-going vessel” means a vessel which, by nature, is used in the sea
according to the regulations on vessel inspection under the law on navigation in Thai waters;

“Property” means any property not permanently and intentionally attached
to the shoreline and shall include the right to receive freight;

* Translated by Ms. Vipatboon Klaosontorn under contract for the Office of the Council
of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office
of the Council of State.

“Damage to the environment” means substantial physical damage to human health, marine life, or resources in coastal waters, inland waters, or areas adjacent thereto, caused by pollution, contamination, fire, explosion, or similar major incidents;

“Payment” means any monetary reward or special compensation which has to be paid under this Act;

Section 5. This Act shall not apply to:

(1) salvage operations undertaken in inland waters without involvement of sea-going vessels;

(2) warships or other vessels owned and operated by a State which are not used or possessed for commercial purposes at the time of salvage operations, and obtain State immunity under generally recognized principles of international law;

(3) fixed or floating platforms or mobile offshore drilling units when such platforms or units are on location while performing an exploration, exploitation or production of sea-bed mineral resources.

Section 6. The Minister of Transport shall have charge and control of the execution of this Act.

CHAPTER I

PERFORMANCE OF SALVAGE OPERATIONS

Part I

Salvage Operation Contracts

Section 7. In making a salvage operation contract, the master of the vessel shall have the authority to conclude the salvage operation contract on behalf of the owner of the vessel, and the owner or master of the vessel shall have the authority to conclude such contract on behalf of the owner of the property on board the vessel.

Section 8. In enforcing a salvage operation contract, if the court is of an opinion that the contract has been entered into under undue pressure or pressure arising from threatening danger and has inequitable terms and conditions, or that the payment

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under the contract has been set too high or too low when taking into consideration of the condition of the operation which has actually been undertaken, the court may issue any of the following orders:

- (1) not to enforce the whole or part of the contract against the contracting parties, and instead apply the provisions of this Act;
- (2) to modify the terms and conditions of the contract;
- (3) to increase or decrease the payment set in the contract to be suitable to the condition of the operation which has actually been undertaken.

Part II

Duties in Salvage Operations

Section 9. The salvor shall owe duties to the owner of the vessel, master of the vessel or owner of other property in danger as follows: to undertake salvage operations with due care;

- (1) while performing the duty in (1), must exercise due care to prevent damage to the environment or to mitigate damage to the environment;
- (2) to seek assistance from other salvors whenever circumstances reasonably require;
- (3) to accept the intervention of other salvors to undertake or join the operations when reasonably requested to do so by the owner of the vessel, master of the vessel, or owner of other property in danger, provided that if it appears that such a request was unreasonable, the intervention of other salvors to undertake or join the operation shall not affect the entitled amount of the monetary reward.

Section 10. In the case where a vessel or other property is in danger, the owner of the vessel, master of the vessel, or owner of other property shall owe the following duties to the salvor:

- (1) to cooperate fully with the salvor during the course of the salvage operations;
- (2) in performing the duty in (1), must exercise due care to prevent damage to the environment or to mitigate damage to the environment;

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(3) to accept the return of the vessel or other property when the vessel or other property has been brought to a place of safety and he or she has received a reasonable request from the salvor to do so.

Section 11. The master of the vessel shall have the duty to assist any person in danger at sea so far as he or she can do without causing any serious danger to the vessel or other persons on board the vessel.

The owner of the vessel shall not be liable for a breach of the duty of the master of the vessel under paragraph one.

CHAPTER II RIGHTS OF SALVORS NOTWITHSTANDING

Section 12. The salvor shall be entitled to earn a monetary reward if the salvage operation is useful in salvaging the vessel or other property.

The right to earn a monetary reward shall not be extinguished notwithstanding that the vessel undertaking the salvage operation and the salvaged vessel belong to the same owner.

Section 13. The specification of a monetary reward shall be in accordance with the following criteria, provided that it shall take promotion of salvage operation into consideration:

- (1) the salvaged value of the vessel and other property
- (2) the skills and efforts of the salvor in preventing damage to the environment or mitigating damage to the environment;
- (3) the degree of success of the salvage operation;
- (4) the condition and degree of the danger;
- (5) the skills and efforts of the salvor in salvaging the vessel, other property and life;
- (6) the time spent and expenses including losses incurred by the salvor;
- (7) the risk of liability and other risks taken by the salvor or equipments for the salvage operation; the swiftness of the services rendered;
- (8) the vessels and other equipments the salvor has and used in salvage operations;

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(9) preparation efficiency and value of the salvor's equipments.

Section 14. The interested persons in the vessel or other property shall render a monetary reward in proportion to the salvaged value of the vessel and other property.

In the case where the salvage operation is useful in salvaging the vessel or other property on board the vessel, the salvor may claim for the whole amount of the monetary reward from the owner of the vessel.

In the case where the salvor exercises the right under paragraph two, the owner of the vessel who has rendered a monetary reward shall be entitled to the right of recourse against the interested persons of the vessel or other property on board the vessel in proportion to the amount they have to pay under paragraph one.

Section 15. A monetary reward shall not exceed the salvaged value of the vessel and other property, provided that it shall not include interests and expenses arising from exercising the claim.

Section 16. In the case where the salvor has undertaken the salvage operation in respect of a vessel which by itself or its cargo threaten to cause damage to the environment and has not earned a monetary reward under section 13 or has earned the monetary reward under section 13, but less than his or her expenses, the salvor shall be entitled to receive special compensation as specified in this section from the owner of that vessel equivalent to the expenses incurred by the salvor or the difference between the expenses incurred by the salvor and the monetary reward under section 13, as the case may be.

In the case as specified in paragraph one, if, in the salvage operation, the salvor has prevented damage from occurring to the environment or mitigated to minimise damage to the environment, the special compensation which the owner of the vessel shall pay salvor may be increased up to thirty percent of the expenses incurred by the salvor. The court may increase the special compensation if the court is of the view that it is fair and just to do so by taking into consideration of the criteria specified in section 13. However, the total special compensation to be paid shall not exceed twice the amount of the expenses incurred by the salvor.

The expenses incurred by the salvor under paragraph one and paragraph two mean the necessary expenses reasonably paid by the salvor, including a fair rate for

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equipments and personnel actually and reasonably used, taking into consideration of the criteria specified in section 13 (8) (9) and (10).

If the salvor has been negligent and has failed to prevent damage from occurring to the environment or mitigate to minimise damage to the environment the salvor may be deprived of entitlement to the whole or part of special compensation under this section, as the case may be.

The provision of this section shall not affect the right of recourse of the owner of the vessel.

Section 17. In the case where there are several salvors, the criteria specified in section 13 shall be used as the basis of calculation of a monetary reward between the salvors.

Section 18. In the case where the salvage operation has been undertaken from a Thai vessel, the apportionment of a monetary reward between the owner of the vessel and the crew shall be determined as to whether the salvage operation was putting the vessel at risk or relying on skills or personal capabilities of the crews. If it appears that it is the case of putting the vessel at risk, the majority of the monetary reward shall belong to the owner of the vessel, but if it is the case of relying particularly on the skills or personal capabilities of the crew, the majority of the monetary reward shall belong to all crew members, in which case the monetary reward shall be apportioned equally among them unless explicitly agreed otherwise.

In the case where the salvage operation has been undertaken from a foreign vessel, the apportionment of the monetary reward between the owner of the vessel and the crew shall be determined by the law of the country whose flag has been raised by that vessel.

Section 19. In the case where the salvage operation has not been undertaken from a vessel, the apportionment of a monetary reward between the salvor and the employees he or she used in the salvage operation shall be in accordance with the law governing the contract between the salvor and his or her employees.

In the case where the law governing the contract between the salvor and his or her employees is Thai law, section 18 paragraph one shall apply mutatis mutandis.

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Section 20. A person saving any victim's life shall not be entitled to claim for any payment from the victim whose life is saved by him or her.

In the salvage operation where there has been a life-saving circumstance, the person saving a life shall be entitled to receive an equitable share of the payment which the salvor has received.

Section 21. In the case where there has been a life-saving circumstance, if the person saving the victim's life has concurrently undertaken the salvage operation, the court may increase the payment which such person is entitled to receive.

Section 22. In the case where a salvage operation contract has been entered into before the danger occurs, the performance of the contract shall not give rise to the right to receive the payment unless such performance is an act which exceeds the scope of duties under such contract.

Section 23. If the salvage operation was necessary or has become more difficult because of fault or neglect of the salvor, the salvor may be deprived of the right to receive the whole or part of the payment.

If the salvor has committed fraud or other dishonest conduct, the salvor shall be wholly deprived of the right to receive the payment.

Section 24. The salvage operation shall not give rise to the right to receive the payment if it is undertaken in violation of the express and reasonable prohibition of the following persons:

(1) the owner or master of the vessel in case of undertaking the salvage operation for the vessel, property which is on board the vessel or property which was on board the vessel;

(2) the owner of other property in danger in case of undertaking the salvage operation for the property which is not on board the vessel and has never been on board the vessel.

CHAPTER III

CLAIMS FOR PAYMENT AND LITIGATIONS

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Section 25. The salvor shall be entitled to maritime liens with regard to the claim for the payment for undertaking the salvage operation, but if satisfactory security has been put up for such claim, the salvor shall not claim for the maritime liens.

Section 26. Upon a request of the salvor, a person liable for the payment shall provide satisfactory security for the claim for the payment, including any interests and expenses incurred from exercising such claim.

Section 27. Before the cargo is released from the vessel, the owner of the vessel shall use his or her best endeavour to ensure that the owner of the cargo provides satisfactory security for the claim for the payment, including any interests and expenses incurred from exercising such claim, irrespective of whether or not the salvor has made a request under section 26.

Section 28. The salvaged vessel and other property shall not be removed, without the salvor's consent, from the port or place at which the salvaged vessel and other property have arrived after the completion of the salvage operation unless security has been put up for the claim for the payment of the salvor against the relevant vessel or property.

Section 29. Any claim relating to the claim arising from any salvage operation under this Act shall be under the jurisdiction of the Intellectual Property and International Trade Court.

Section 30. In the case where the dispute of the claim is specifically concerned with the payment, the salvor may file an ex parte application with the court at any time before judgment, requesting the court to order a person liable for the payment to pay for the undisputed amount of the payment. Upon the receipt of such application, the court may hold an inquiry. The court may order the salvor to be paid for the amount requested for.

After the salvor has received the payment of the said amount, the security put up under section 26 shall be decreased proportionally for the persons liable for the payment.

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Section 31. The claim for the payment shall be barred by prescription if any litigation has not been instituted within two years from the date of the completion of the salvage operation.

Section 32. Non-commercial cargoes of a State which has obtained State immunity shall not be subject to seizure, arrest or detention by law unless the State which is the owner of the cargoes has given its consent.

Section 33. Humanitarian cargoes donated by a State shall not be subject to seizure, arrest or detention by law if the payment is agreed to be paid by the State.

TRANSITORY PROVISIONS

Section 34. This Act shall not apply to any salvage operation undertaken before the date of its enforcement.

Countersigned by:

General Surayud Chulanont
Prime Minister

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