

Court of First Instance Proceeding Postponement

Chart Chotiphol & Palawi Bunnag

As an effort to slow down the spread of Covid-19, Thailand Office of Judicial Administration Commission (“JAC”) has implemented new rules and regulations for Thailand’s Court of First Instance proceedings. These changes are designed to reduce necessary gathering in compliance with social-distancing rules, as well as, Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) (“EPAES”) and Communicable Diseases Act B.E. 2558 (2015) (“CDA”). The changes to court proceedings are as below.

1). Special Proceeding Cases

Period: March 24 – May 31, 2020

All related proceedings, discoveries, hearings or trials scheduled during the stated period will be postponed and appointed a new date. With this being said, exemption cases are the following:

1. Criminal cases, that the defendant is incarcerated during the proceeding, such as: witness examination in a guilty plea and evidence examination;
2. Civil cases, such as: appointment of guardianship, appointment of an estate manager or declaration of a missing person;
3. Other cases, where:
 - a. The plaintiff and court agreed that it is appropriate and safe to proceed;
 - b. A postponement may adversely affect either parties, and that the consents from both parties are required in order to proceed.

Despite the above exemptions, the court may decide to postpone if the number of participants exceed an appropriate limit.

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advocates
&
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2). Ordinary and Special Cases

Period: March 24 – May 31, 2020

All related proceedings, discoveries, hearings or trials scheduled during the stated period will be postponed and appointed a new date. With exemption cases as the following:

1. Criminal cases where the defendant is incarcerated during the proceeding;
2. Other cases where:
 - a. The litigant wishes to proceed with the discovery;
 - b. The court deemed appropriate and safe to proceed;
 - c. That a postponement may adversely affect either parties.

Regardless, the court may decide to postpone if the number of participants exceed an appropriate limit.

3). Filing of Complaint, Deference of Criminal case, Requesting Court Order, Imprisonment and Bail

Requests for any actions above and other related actions will continue as usual. However, there is likely to be a change in operation hours due to the social distancing guideline.

Overall, in consideration of the on-going effort to reduce the spread of COVID-19, relates parties should consider whether the court proceeding is avoidable. If this is the case, it would be best to postpone the proceeding to a later date. If you have further question or need any assistance, please contact us at law@ilct.co.th.

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