

Ministerial Regulation
Prescribing the Criteria, Procedures, and Conditions for Claiming Preliminary
Compensation from the Fund, and Payments of Preliminary Compensation out of the
Fund
B.E. 2552 (2009)

By virtue of Section 5 of the Protection for Motor Vehicle Victims Act B.E. 2535 (1992), which was amended by the Protection for Motor Vehicle Victims Act (No. 3) B.E. 2540 (1997), and Section 21 and Section 35 paragraph two of the Protection for Motor Vehicle Victims Act B.E. 2535 (1992), where some provisions of which concern the restriction of rights and liberties of a person, in which Section 29, together with Section 41 and Section 43 of the Constitution of the Kingdom of Thailand, dictate that such restriction shall be done by virtue of law specifically enacted, the Minister of Finance prescribes this Ministerial Regulation as follows:

Clause 1 The Ministerial Regulation Prescribing the Criteria, Procedures, and Conditions for Claiming Preliminary Compensation from the Fund, and Payments of Preliminary Compensation out of the Fund B.E. 2545 (2002) shall be repealed.

Clause 2 In the event that an insurer Company fails to make any payment of preliminary compensation pursuant to Clause 20, or has made a payment to a Victim less than an obligated amount of preliminary compensation, the Victim shall notify the Office of the Victim Compensation Fund of such event, together with the following facts:

- (1) the name of the insurer Company and the insurance policy number;
- (2) the amount of preliminary compensation the Victim wishes to receive;
- (3) the date on which an original claim for preliminary compensation was filed with the insurer Company.

If the Victim is unable to make such notification, the notification may be made on behalf of the Victim, by a medical establishment having provided treatment to the Victim, the Victim's heirs, relatives, or interest holders, where the Victim has suffered bodily injury, or by the Victim's statutory heirs, where the Victim has deceased.

Clause 3 Upon any occurrence of a case under Section 23 and when a Victim is unable to pursue a claim for preliminary compensation from neither an owner of an uninsured vehicle, nor an insurer Company, the Victim may submit a request for preliminary

compensation to the Office of the Victims Compensation Fund in the form prescribed by the Registrar, which must be supported by the following evidence:

(1) For bodily injury:

(a) Receipts or documents evidencing invoices for medical treatments in the case of treatment in a medical establishment;

(b) A copy of identification card or other evidence issued by any government agency, a copy of an alien identification card, or photocopy of passport, or other evidence prescribed and notified by the Registrar that can prove that the person named therein is the Victim, as the case may be; and

(c) A copy of the Inquiry Officer's daily case report.

In the case that the Victim suffers any bodily injury triggering an entitlement to an additional preliminary compensation of thirty-five thousand Baht, apart from the evidence stated in Clause 3 (1) (a), (b), and (c), a certificate of doctor's affirmation or opinion or other evidence indicating that the Victim suffers such bodily injury must also be submitted.

(2) For loss of life:

(a) A copy of the death certificate or other evidence as prescribed and notified by the Registrar that can prove that the person named therein is the Victim;

(b) A copy of the Inquiry Officer's daily case report.

In the case that the Victim dies after having received treatment in a medical establishment, apart from the evidence stated in Clause 3 (2), the evidence stated in Clause 3 (1) must also be submitted.

Clause 4: Persons being entitled to pursue a claim for preliminary compensation include:

(1) In the case of any bodily injury, a Victim shall act as a claimant. If the Victim is unable to do so, the medical establishment that has given treatment to the Victim and has been assigned the right of claim from the Victim, or the Road Accident Victims Protection Company Limited that has been assigned the right of claim from the medical establishment that has given treatment to the Victim, the Victim's heirs or relatives, or interest holders, as the case may be, shall pursue a claim on behalf of the Victim.

In the case that a Victim suffers any bodily injury triggering an entitlement to an additional preliminary compensation of thirty-five thousand Baht, the Victim shall act as a claimant. If the Victim is unable to do so, the Victim's heirs or relatives, or interest holders, as the case may be, shall pursue a claim on behalf of the Victim.

[Translation]

(2) In the case of loss of life, the Victim's statutory heirs shall act as a claimant.

Clause 5 Any claim for preliminary compensation against the Office of the Victim Compensation Fund must be made within one hundred eighty days from the date of injury.

Clause 6 Payment of preliminary compensation shall be made to the respective claimant as stated in Clause 4, in cash, or by a non-postdated cheque, within seven days from the date on which the claim is received, without requiring further proof of any person's fault.

Given on this 16th day of December B.E. 2552.

Korn Chatikavanij

Minister of Finance