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BOONSONG SIRIPHANNON : GOVERNMENT'S PREROGATIVE RIGHTS TO CONTRACT AMENDMENT. THESIS ADVISOR : ASSO. PROF. PAITON KONGSOMBOON.

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This thesis aimed at studying the government's prerogative rights to contract amendment in public contracting, on the basis of civil law system countries such as the France and West Germany and of common law system countries such as United State and United Kingdom, for applying to the Thai public contracting.

The study found that in France it is generally held that the administration has within certain limits an inherent power, independent of express contractual provision, to vary the terms of an administrative contract for the needs or functioning of the public service. However, this power is subject to limitations of magnitude and is counter-balanced by the contractor's right to the maintenance of the "financial equilibrium" of the contract which entitles the contractor to monetary compensation. But in other countries, among them the United States, the United Kingdom and West Germany, no such inherent power is recognised, but general use is made of contractual conditions conferring upon the administration the power to order "variations" or "changes", with provision for adjustment of contract price.

By a comparative study, it was finally found that Thai public contracting should adapt the concept of conferring upon the administration an inherent power to vary the terms of contract to its process, especially for public purpose.