

C071111 : MAJOR LAW

KEY WORD : LAW/PARTIES/SILO/COLD STORAGE/WAREHOUSE

THAWICH NIMTHONGKHAM : THE LAW'S ENFORCEMENT TO RIGHTS AND DUTIES'
PARTIES IN SILO AND COLD STORAGE COMPARES WITH WAREHOUSE. THESIS
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KOVILAIKOOL, 240 PP. ISBN 974-581-493-8

There are two objectives of study : finding out the similarities among warehousing, silo and cold storage business; and proving that the Civil and Commercial Code can be applied directly to silo and cold storage business or not.

The result is that if considering only the civil law, some lawyers say that warehousing, silo and cold storage business should have been under the enforcement of the Civil and Commercial Code as they have the same transactions and objectives but they only have different maintenance procedures and kinds of goods. However, if regarding the public law starting from the Act of Controlling over Trade Effecting on the Safety and Peace of the Public 1928 to the National Executive Council Announcement No.58 which had been effective so far, silo and cold storage business are not warehousing. Especially, according to the Ministerial Notification dated March 5, 1992, it says that silo and cold storage business are only similar to warehousing.

The study has analyzed two periods of time when applying the civil law with silo and cold storage business : the period before and the period after the said Ministerial Notification. During the former period, there was no provision certifying goods receipt of silo and cold storage business, and its utilization in trade. In this case, the contractors are subjected to the depositing law. If a goods receipt is endorsed in order to transfer goods ownership, it will be the transfer an obligation performable to a specific creditor according to the Civil and Commercial Code, Section 306. In case it is endorsed for pledge, it will be the pledge according to the Code, Section 749. As for the latter period, the context of the said Ministerial Notification describes that silo and cold storage business are able to issue warehouse receipt and warrant, and its utilization in the same way as warehousing does. In this case, warehousing provisions can be applied as analogy according to the Code, Section 4, paragraph 3.