

Abstract

International trade is another important factor for growth of Thai economic as well as a heart of Thai economic system, especially the international trade by sea which was existed long time ago. Therefore, transportation of goods by sea has played an important role in international trade since the past due to the fact that it is able to load a number of goods in one time. Accordingly, average unit cost is cheaper than other types of transportation. The condition of Thai commercial vessel, however, has slower development than it should be. Moreover, most of the vessels have been used for a long time. Apart from various benefit and motivation reasons, one of the reasons is that Thai law on registration of Thai vessels, the Thai Vessels Act B.E. 2481 (A.D. 1938), has enforced for a long time. Furthermore, legal development in this area has been done in a prolonged step; as a result, the Thai registration of Thai vessels is neither up-to-date nor complete. Its disharmony with present situation causes vessel owner not confident in registering his/her vessel as Thai vessel.

Even though the Thai Vessels Act B.E. 2481 (A.D. 1938), Thai law on vessel registration, has been amended or added numerous times, this law has still been incomplete. From the study, it shows that some regulations which are accepted and appeared in domestic law of other countries are useful for the development of fleet. These regulations, nevertheless, have not been stipulated in the Thai Vessels Act B.E. 2481 (A.D. 1938). Moreover, many amendments in the Thai Vessels Act B.E. 2481 (A.D. 1938) without consideration of connection of other provisions therein generate problems in interpretation and confusion to users. These are restrictions and hindrance in the development of Thai vessel registration system together with the expansion of commercial vessel fleet in the future.

With regard to the study of foreign law on vessel registration system in England, China and Australia including regulation under international law, that is, the United Nations Convention on Conditions for Registration of Ships 1986, interestingly it finds that they permit the registration in some cases. For example, the bareboat charter

registration allows operator, who makes a boat charter contract abroad, to register the said vessel and, consequently, such vessel is granted the nationality under the country of the operator. This is another prominent factor to develop commercial vessel fleet as economic of country.

This thesis, hence, aims to study in the issues relating to vessel registration system in order to indicate legal constraints. The lack of regulations in some topics which have been accepted by other countries may be an impediment in developing Thai commercial vessel fleet. The objective of this thesis is also to show the appropriateness and way to apply the said regulations which are advantage to Thailand as an example for solving Thai problem and improving Thai law on vessel registration system.

Thus, from the study on law regarding vessel registration system in foreign countries including international law, this author is of an opinion that Thailand should develop its law concerning Thai vessel registration system by amending the Thai Vessels Act B.E. 2481 (A.D. 1938) to be more complete and explicit. The operator, therefore, will be more understanding, confident and accepted to register his/her vessel as a Thai vessel. Furthermore, it will standardize Thai law on vessel registration system to be international, modern and in accordance with the maritime business at the present time. These, all in all, will benefit the development of Thai maritime business.