

## NBTC Act (No. 3) B.E. 2562

The NLA passed the National Broadcasting and Telecommunications Commission Act (No. 3) B.E. 2562 (A.D. 2019) on the 28<sup>th</sup> of December 2019. It amended the NBTC Act B.E. 2553 (A.D. 2010) as amended by the NBTC Act (No. 2). It was published in the Government Gazette on the 16<sup>th</sup> of April 2019 and is effective on and from the 17<sup>th</sup> of April 2019.

The major amendments are as follows:-

1. The NBTC is required to prepare a master plan for spectrum administration, a national spectrum schedule, a radio and television broadcasting business master plan, a telecommunications master plan, a radio frequencies master plan, and a satellite orbit rights administration plan.
2. A spectrum license can be for a national, regional or local level as the NBTC may determine.
3. The NBTC may permit other parties to use the same frequency or bandwidth provided that use of the same frequency or bandwidth by another person must not interfere with the use of them by the licensee.
4. The NBTC may grant frequency licenses by any means other than an auction for frequencies which are sufficient for usage or for use for the public interest, state security, or non-profit activities.
5. A frequency license holder must operate the business by itself. Allowing another person to manage the licensed frequency in whole or in part or allowing another person to operate the business cannot be made. However, leasing radio or TV time slots to other persons is possible if allowed by the NBTC.
6. A radio-TV spectrum licensee must allocate at least 25% of the licensed frequency for use for interest of the public.
7. A frequency license is exclusive for the licensee and cannot be transferred to any other person without approval from the NBTC.



## AUTHOR



**Kowit Somwaiya**  
Managing Partner | **Bangkok**  
kowit.somwaiya@lawplusltd.com



**Nattaya Lohasomboon**  
Associate | **Bangkok**  
nattaya.lohasomboon@lawplusltd.com

LawPlus Ltd.  
Unit 1401, 14th Floor, Abdulrahim Place 990  
Rama IV Road, Bangkok 10500, Thailand  
Tel: +662 636 0662  
Fax: +662 636 0663

LawPlus Myanmar Ltd.  
Unit No. 520, 5th Floor, Hledan Centre  
Corner of Pyay Road and Hledan Road, Kamayut Township,  
Yangon, Myanmar  
Tel: +95 (0)92 6111 7006  
and +95 (0)92 6098 9752