

The Order of the Constitutional Court No. 63/2022 (B.E. 2565)

dated 19th October 2022 (B.E. 2565)

(a paragraph of reasons for the order)

Section 3 of Advertisement by Using Sound Amplifiers Control Act B.E. 2493 (1950) defines the term “advertisement” to control the means of advertisement through using sound amplifiers orderly and appropriately. The meaning of an “advertisement” is not a rule and condition concerning the means of an advertisement which is prohibited by law. Consequently, the definition of an “advertisement” stated in section 3 is not the provision of law which the Court would apply to the case. The three defendants also argue that the said definition is an outdated measure, but it is not the argument that a provision of law applied to the case is contrary to or inconsistent with the Constitution. Section 3 of Advertisement by Using Sound Amplifiers Control Act B.E. 2493, therefore, is not a provision of law applied to the case and the argument of the three defendants does not concern the issue that a provision of law applied to the case is contrary to or inconsistent with the Constitution. Thus, the petition is not in accordance with the rule provided by section 212, paragraph one, of the Constitution which the Constitutional Court shall accept the matter for consideration and further proceedings. The petition is rejected.
