

Section 82 paragraph one of the Constitution provided that “Members of the House of Representatives or Senators constituting not less than one-tenth of the existing Members of each respective House have the right to enter their names in a petition to the President of the House of membership that the membership of any Member of that House terminated under section 101(3), (5), (6), (7), (8), (9), (10) or (12) or section 111(3), (4), (5) or (7), as the case may be, and the President of the House receiving the petition shall forward such petition to the Constitutional Court for a ruling on whether or not the membership of such Member terminated.”

After deliberations, the Constitutional Court found as follows. When submitting an application under section 82 paragraph one of the Constitution, the number of Members of the House of Representatives required to enter their names in a petition to the President of the House of Representatives that the membership of the House of Representatives terminated was not less than one-tenth of the existing Members of the House of Representatives. Upon a finding of facts from the application, supplemental application and supporting documents that at the time of the applicant’s submission of application, dated 28th December B.E. 2563 (2020), and supplemental application, dated 29th December B.E. 2563 (2020), there were 487 Members of the House of Representatives, and subsequently the applicant submitted a supplemental application, dated 29th December B.E. 2563 (2020) notifying the Constitutional Court that 2 Members of the House of Representatives withdrew their names in the petition to submit the application, dated 28th December B.E. 2563 (2020). As a consequence, the number of remaining Members of the House of Representatives in the petition was 48, which was less than one-tenth of the total number of existing Members of the House of Representatives as provided under section 82 paragraph one of the Constitution. Therefore, this application was not in accordance with the rules and conditions under section 82 paragraph one of the Constitution which the Constitutional Court could accept for consideration.

By virtue of the aforesaid reasons, the Constitutional Court ordered the dismissal of this application. Upon the dismissal of this application, other requests also lapsed.
