

NATIONAL PARKS ACT,
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 24th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on national parks;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 28, section 33, section 37 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in putting forth balanced and sustainable efficacy of the conservation, preservation, protection and maintenance of national parks, forest parks, botanic gardens and arboreta as well as the management of natural resources, the ecosystem and biological diversity in such areas and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand. – Tentative Version – subject to final authorisation by the Office of the Council of State.

Section 1. This Act is called the “National Parks Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force after one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) the National Parks Act, B.E. 2504 (1961);

(2) the Emergency Decree Amending the National Parks Act, B.E. 2504 (1961), B.E. 2532 (1989).

Section 4. In this Act:

“plant” means a plant of every kind which comes into existence or is in existence in a national park, forest park, botanic garden or arboretum, whether it takes the form of a tree, brushwood or creeper and includes a root, node, stump, offshoot, limb, gnarl, tuber, rhizome, piece, ending part or any part of the plant, whether it is cut, chopped, sawn, split, whittled, slashed, dug or otherwise made;

“wild animal” means a wild animal under the law on wild animal conservation and protection which is in existence in a national park, forest park, botanic garden or arboretum;

“national park” means an area which possesses such particularly distinct natural beauty or possesses such biological diversity, ecosystem, natural resources, environment and rare or endangered wild animals or wild plants or such geological distinctiveness or cultural heritage as to deserve sustainable conservation or preservation for the benefit of the people of the nation or as a place for the nature study or public recreation;

“forest park” means an area which possesses such beautiful natural surroundings as to be suitable for conservation as a place for the protection of natural resources and the environment or as a place for the nature study or recreation of the public at large;

“botanic garden” means an area where plant varieties are gathered and classified into categories in accordance with botanical principles or in accordance with principles of plant taxonomy, with a view to its serving as a place for preserving biological diversity, a place for academic studies and research and a place for public leisure;

¹ Published in Government Gazette, Vol. 136, Part 71a, dated 29th May 2019.

“arboretum” means an area where valuable, rare or endangered plant varieties which are in existence in the locality are gathered and preserved, with a view to promoting knowledge on plant varieties and using it for public leisure;

“competent official” means a person appointed by the Minister for performing activities under this Act;

“Commission” means the National Parks Commission;

“Director-General” means the Director-General of the Department of National Parks, Wildlife and Plant Conservation;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, reducing or exempting fees and prescribing other activities or issue Notifications and Rules in the execution of this Act.

In issuing Ministerial Regulations prescribing fees under paragraph one, the Minister may prescribe different fees, having regard to the size, nature or type of undertakings or activities or areas to which the intended operation relates.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

NATIONAL PARKS

PART I

DESIGNATION OF NATIONAL PARKS

Section 6. When it appears that any area has such suitable characters as to be designated as a national park, the Department of National Parks, Wildlife and Plant Conservation shall submit the matter to the Council of Ministers for consideration and approval to that effect. In this regard, this shall be made by enactment of a Royal Decree, with a map indicating the

boundary lines, prepared with the application of a geographic information system or any other system of a similar nature, being annexed thereto.

When the Royal Decree under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 7. The expansion or revocation of a national park, whether in whole or in part, shall be by enactment of a Royal Decree and, in the case of the expansion or revocation of a national park in part, a map indicating the changed boundary lines, prepared with the application of a geographic information system or any other system of a similar nature, shall also be annexed to the Royal Decree.

Section 8. The area to be designated as a national park under section 6 shall not be any person's land that is covered by a document evidencing ownership or a possessory right under the Land Code or any other law, unless it is the land of a State agency.

In designating a national park in an area which is under the responsibility or in care of or is owned by a State agency or which a State agency is permitted to use or exploit, the Department of National Parks, Wildlife and Plant Conservation shall first seek an opinion from such State agency.

In designating any area as a national park, expanding a national park or revoking a national park, whether in whole or in part, there shall be the hearing of opinions and participation of interested persons, communities concerned and members of the public for assisting the consideration, in accordance with the Notification issued by the Minister with the approval of the Commission.

There shall not be revocation of a national park, whether in whole or in part, for the purpose of designating it as a forest park, botanic garden or arboretum.

Section 9. Competent officials shall make available boundary stakes, signs, marks indicating boundary lines of a national park and other necessary marks for the purpose of public awareness that the area concerned is a national park and provide members of the public with facilities as well as instructive information.

In the execution of paragraph one, competent officials may entrust local government organisations to take care of or maintain boundary stakes, signs, marks indicating boundary lines and other marks, as may be necessary.

Rules, procedures and conditions for, and forms of, the availability of boundary stakes, signs, marks indicating boundary lines and other necessary marks shall be in accordance with the Rule prescribed by the Director-General.

PART II

NATIONAL PARKS COMMISSION

Section 10. There shall be a commission called the “National Parks Commission” consisting of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson, the Permanent Secretary for Agriculture and Co-operatives, Director-General of the Department of Provincial Administration, Director-General of the Department of Tourism, Director-General of the Royal Forest Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands and Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, as *ex officio* members, and not more than seven qualified persons appointed by the Council of Ministers from those possessing knowledge, expertise or experience in the areas of national parks, the preservation of natural resources and the environment, tourism and recreation or law, as members.

The Director-General shall be a member and secretary.

Not less than one half of the qualified members under paragraph one shall be appointed from persons representing the private sector.

Section 11. A qualified member shall be of Thai nationality and have possessed experience or worked in the area to which the appointment relates for a period of not less than ten years and shall not be under prohibitions as follows:

- (1) being a bankrupt or having previously been a dishonest bankrupt;
- (2) being an incompetent person or a *quasi*-incompetent person;
- (3) having been sentenced to imprisonment by a final judgment, except for a petty offence or an offence committed through negligence;
- (4) being a political official, a holder of a political position, a member of a local assembly or a local administrator, an executive member or position holder responsible for the administration of a political party, an adviser to a political party or an official of a political party.

Section 12. A qualified member shall hold office for a term of three years. A qualified member who vacates office may be re-appointed.

In the case where qualified members vacate office at the expiration of the term but new qualified members have not yet been appointed, such qualified members shall perform the duties for the time being until new qualified members are appointed.

Section 13. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers on the ground of neglect of duties, misbehaviour or lack of competence;
- (4) being disqualified or being under any prohibition under section 11.

Section 14. In the case where a qualified member vacates office before the expiration of the term or in the case where the Council of Ministers appoints an additional qualified member during the term of office of the qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall be in office for the remaining term of the qualified members already appointed, provided that if less than ninety days remain in the term of office, the appointment of a replacing or additional qualified member may be omitted.

Section 15. At a meeting of the Commission, the presence of not less than one half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, if the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Chairperson and the Vice Chairperson are not present or are unable to perform the duty, one member shall be elected at the meeting to preside over it.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 16. The Commission has the duties and powers as follows:

(1) to set policies on the management of national parks, forest parks, botanic gardens and arboreta;

(2) to make recommendations on the designation of any area as a national park and the expansion or revocation of a national park to ensure consistency with policies and plans on the management of land and land resources of the country;

(3) to consider and approve the designation of any area as a forest park, botanic garden and arboretum as well as the expansion or revocation of a forest park, botanic garden and arboretum to ensure consistency with policies and plans on the management of land and land resources of the country;

(4) to consider and approve the issuance of Ministerial Regulations, Notifications or Rules required by this Act to be approved by the Commission;

(5) to perform any other act as provided in this Act or any other law or as entrusted by the Council of Ministers or the Minister.

Section 17. The Commission shall have the power to appoint sub-committees for performing any act as entrusted by the Commission.

The provisions of section 15 shall apply to a meeting of a sub-committee *mutatis mutandis*.

PART III

PROTECTION, MAINTENANCE, CARE AND PRESERVATION OF NATIONAL PARKS

Section 18. In the protection, maintenance, care, preservation and management of national parks, there shall be made available a plan on the management of the area of each national park, together with a map indicating details and boundary lines for the area management, for submission to the Director-General for approval. When the Director-General has approved such plan on the management of the area, the Chief of the national park who has duties and responsibility in such national park shall cause to be posted a notification of the map as well as the boundary lines annexed to the notification at an open place and manage the area of the national park in accordance with such plan on the management of the area.

The preparation of a plan on the management of the area of a national park and the determination of managerial zones within the area of a national park shall be in accordance with the rules prescribed by the Director-General. In this regard, such determination of managerial

zones within the area of a national park shall be made in a manner not affecting the nature of areas that need the preservation of natural surroundings or vulnerable areas of the ecosystem and also in a manner maintaining the state of being a national park.

The plan on the management of the area of a national park shall at least consist of operational methods, directions for the management and the supervision of the use of the areas and there shall also be the hearing of opinions and participation of interested persons, communities concerned and members of the public.

The Notification of the Minister issued under the provisions of section 8 paragraph three shall also apply *mutatis mutandis* to the hearing of opinions and participation of interested persons, communities concerned and members of the public under paragraph three.

Section 19. Within a national park, a person shall not carry out any of the following acts:

(1) holding or possessing land, carrying out construction, massively clearing or burning a forest or acting in any manner causing deterioration or diversion of area conditions from original conditions;

(2) collecting, taking away or otherwise endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carrying out any other act affecting the ecosystem, biological diversity and natural resources and the environment;

(3) luring or taking wild animals away or injuring wild animals in any manner;

(4) changing a waterway or causing water in a river, brook, marsh, swamp or the sea to overflow or be dried, polluted or toxic;

(5) blocking or obstructing a waterway or an inland way;

(6) making an entry for performing any activity with a view to seeking a benefit;

(7) bringing into it tools for hunting animals or catching animals or any weapons;

(8) firing a gun, causing explosion or lighting fireworks;

(9) leaving articles which may serve as fuel capable of combustion;

(10) causing boundary stakes or marks indicating boundary lines made available by competent officials under this Act to be moved, obscured, damaged, lost or useless.

Section 20. A person who enters a national park shall comply with orders of competent officials given to require compliance with the Rule prescribed by the Director-General.

Section 21. A person who brings or releases animals into a national park shall obtain permission from the competent official.

Rules, procedures and conditions for the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General.

Section 22. The competent official has the power to permit a person to do an act under section 19 (2), (5), (6) or (7) which corresponds to the nature of determined managerial zones within the national park, provided that such act must be under supervision of the competent official. In this regard, such permission may be granted only for the purpose of a survey, study, research or academic experiment, film, video or documentary shooting, photography, nature study or the maintenance of public utility infrastructure or in the interest of energy security or useful tourism and without causing damage to the national park.

Rules, procedures and conditions for the granting of permission and the supervision under paragraph one, a term of validity of a licence, renewal of a term of validity of a licence and the issuance of a substitute for a licence shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 23. For the purposes of protecting, taking care of or maintaining a national park or carrying out a survey, study, research or academic experiment or for the purpose of facilitating a study tour or a temporary stay or facilitating safety or educating general members of the public in a national park, competent officials shall have the power to carry out the acts under section 19.

Acts of competent officials under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 24. In a national park, there shall be made available public relations, the maintenance of safety, the provision of advice or the organisation of warning systems for members of the public.

In carrying out acts under paragraph one, the Chief of the national park may request local government organisations or any other organisations or other persons to provide assistance as may be necessary and it shall be deemed that the acts of officials of such local government organisations, officials of such other organisations or such other persons are the acts of competent officials under this Act.

Section 25. In the case where there is urgent need or emergency for carrying any act or refraining from any act in a national park for the purpose of providing assistance or preventing danger to a person or community or for the purpose of preserving natural surroundings, the ecosystem, natural resources and the environment or for the purpose of preventing a public disaster, competent officials shall have the power to carry out the acts under section 19. In this regard, competent officials may request other State officials or other persons to provide assistance therein and shall report the acts to the Director-General for information.

Acts of other State officials or other persons under paragraph one shall be deemed to be acts of competent officials under this Act.

CHAPTER II

FOREST PARKS, BOTANIC GARDENS AND ARBORETA

Section 26. The Minister, with the approval of the Commission, shall issue a Notification prescribing any area as a forest park, botanic garden or arboretum, with a map indicating the boundary lines, prepared with the application of a geographic information system or any other system of a similar nature being annexed thereto.

The provisions of paragraph one shall also apply to the expansion or revocation, whether in whole or in part, of a forest park, botanic garden or arboretum.

When the Notification under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 27. Within a forest park, botanic garden or arboretum, a person shall not carry out any of the acts under section 19 and section 21 paragraph one.

In the case of the acts under section 19 (2), (3), (5), (6), (7) or (8) or section 21 paragraph one, the competent official may permit the commission thereof, provided that the person committing the acts shall comply with orders of competent officials given to require compliance with the Rule prescribed by the Director-General

Rules, procedures and conditions for the granting of permission and the supervision under paragraph two, a term of validity of a licence, renewal of a term of validity of a licence and the issuance of a substitute for a licence shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 28. The provisions of section 8, section 9, section 20, section 23, section 24 and section 25 shall also apply to forest parks, botanic gardens or arboreta *mutatis mutandis*.

CHAPTER III

SERVICE FEES OR REMUNERATION

Section 29. For the purpose of maintaining conditions, safety, cleanliness, orderliness and the provision of services and facilities in a national park, forest park, botanic garden or arboretum, the Department of National Parks, Wildlife and Plant Conservation may collect service fees or remuneration for the activities concerned.

Rules, procedures and conditions for the collection of and exemption from service fees or remuneration and rates of service fees or remuneration under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 30. The amount not exceeding ten percent of the proceeds collected under section 29 shall be distributed to the municipality or *Tambon* administrative organisation in whose areas the national park, forest park, botanic garden or arboretum concerned is located, for the purpose of expending the same on the promotion and support of its work performance or the preservation, maintenance and rehabilitation of the national park, forest park, botanic garden or arboretum within its areas of responsibility, in accordance with the rules and procedures prescribed in the Ministerial Regulation.

In the case where the national park, forest park, botanic garden or arboretum is located in the areas of responsibility of several municipalities or *Tambon* administrative organisations, the proceeds shall be distributed to all such municipalities and *Tambon* administrative organisations, provided that the aggregate amount shall not exceed the rate provided in paragraph one.

Section 31. The proceeds collected under section 29, proceeds from donations and fines acquired from the settlement by the Director-General or persons entrusted by the Director-General under section 52 are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them for preserving, rehabilitating and maintaining national parks, forest parks, botanic gardens or arboreta.

Section 32. The proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta under section 31 shall be expended by the Department of National Parks, Wildlife and Plant Conservation for funding the following:

(1) the protection, care, maintenance or rehabilitation of natural resources and the environment in national parks, forest parks, botanic gardens or arboreta or areas approved by the Commission as preparatory areas for designation as national parks, and the assistance and subsidisation of any activities relating to the support, promotion and maintenance of natural resources and the environment in such zones;

(2) costs of the destruction, demolition or relocation of structures or trees in respect of which persons commit offences under section 35 (3);

(3) the provision of welfare or financial grants to competent officials, officials or volunteers who suffer harm or physical injury or lose a life, or the provision of funds for defending lawsuits, in consequence of the performance of duties in the protection and care of national parks, forest parks, botanic gardens or arboreta or areas approved by the Commission as preparatory areas for designation as national parks;

(4) the maintenance of places or the provision of resources necessary for or beneficial to the delivery of facilities, safety, knowledge dissemination, tourism or a stay of tourists;

(5) training, studies or research of competent officials or officials performing work in the area concerning national parks, forest parks, botanic gardens or arboreta;

(6) costs of the administration of national parks, forest parks, botanic gardens or arboreta in the implementation of the policies on the management of national parks, forest parks, botanic gardens or arboreta prescribed by the Commission under section 16 (1) and approved by the Commission.

Section 33. The remittance, retention and expenditure of the proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

An annual report on financial matters as well as operational results involving the proceeds received from service fees or remuneration under section 29 shall be prepared for submission to the Commission and public dissemination.

CHAPTER IV

EXPLOITATION OF BIOLOGICAL DIVERSITY

Section 34. Any person who collects, procures or gathers plant varieties, animal varieties or any part of such plant varieties or animal varieties including biological diversity in a national park, forest park, botanic garden or arboretum for the purpose of a study or research which is beneficial to biological diversity preservation shall obtain permission from the competent official in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

The sharing of benefits from results of the study or research of biological diversity in a national park, forest park, botanic garden or arboretum shall be in accordance with the laws on such particular matters.

CHAPTER V

COMPETENT OFFICIALS

Section 35. In the case of a violation of or failure to comply with the provisions of this Act, the competent official shall have the duties and powers as follows:

(1) to order any person to leave a national park, forest park, botanic garden or arboretum or refrain from any act therein;

(2) to order, in writing, the offender under this Act to carry out destruction or demolition or perform any other act for the purpose of restoring a national park, forest park, botanic garden or arboretum to its original conditions within the time specified;

(3) to carry out seizure, destruction, demolition or rectification or otherwise perform when the offender fails to take action under (2) or the offender is not known or the offender is known but is not found;

(4) to take any action as deemed appropriate, for preventing, terminating or mitigating damage to a national park, forest park, botanic garden or arboretum in the case of emergency.

Section 36. In the performance of duties under this Act, the competent official shall have the duties and powers as follows:

(1) to demand, in writing, a person to give statements or furnish relevant documents or evidence for assisting the consideration and pursuit of activities under this Act;

(2) to enter any place between sunrise and sunset or during office hours of such place for conducting inspection and exercising control to ensure compliance with this Act;

(3) to search any place or vehicle between sunrise and sunset or during office hours of such place in the case where there is a reasonable cause to suspect that an offence is committed under this Act and there is a reasonable cause to believe that a delay in securing a warrant of search will result in property, articles, things or documents connected with the commission of the offence being moved, concealed, sent or taken out of the Kingdom or destroyed;

(4) to seize or attach property, articles, things or documents connected with the commission of the offence under this Act for the purpose of conducting inspection or taking legal proceedings.

When a search, seizure or attachment has been conducted under (3) or (4), if the action has not yet been accomplished, it may be continued during the night time or out of office hours of such place.

Section 37. The question as to what positions or levels of competent officials shall have such powers, whether in whole or in part, as provided in section 35 and section 36 or shall require approval from any particular person before taking action and also the procedures for the performance of duties and the qualifications of competent officials of each position or each level shall be as prescribed in the Notification of the Minister. In this regard, in the performance of duties, officially entrusting documents shall be prepared for the entrusted competent officials for production to persons concerned.

Section 38. In the performance of duties under this Act, competent officials shall produce identification cards to persons concerned.

Identification cards of competent officials shall be in accordance with the form prescribed in the Notification of the Minister.

Section 39. In making an arrest or carrying out suppression of an offender under this Act, competent officials shall be administrative or police officials under the Criminal Procedure Code.

CHAPTER VI

PENALTIES

Section 40. Any person who unlawfully acts or omit to act, whether intentionally or negligently, and thereby causes damage to natural resources in a national park, forest park, botanic garden or arboretum shall be liable to payment of damages to the State to the extent of the total value of natural resources so destroyed, lost or damaged.

In the case where competent officials have taken any action in rehabilitating natural surroundings, the ecosystem, natural resources or biological diversity in consequence of the act or omission of any person under paragraph one, such person shall also be liable to pay expenses incurred in such action.

The value of natural resources under paragraph one shall be calculated by reference to the value or inventory as prescribed by the Director-General with the approval of the Commission.

Section 41. Any person who holds or possesses land, carries out construction, massively clears or burns a forest or acts in any manner causing deterioration or diversion of area conditions from original conditions in a national park, forest park, botanic garden or arboretum, which is a violation of section 19 (1), shall be liable to imprisonment for a term of four to twenty years or to a fine of four hundred thousand to two million Baht or to both.

In the case where the offence under paragraph one is committed in an area of a first-tier river basin or an area of a second-tier river basin as prescribed by the Council of Ministers or a vulnerable area of the ecosystem or biological diversity, the offender shall be liable to heavier penalty than that provided by law in paragraph one by one half.

Section 42. Any person who collects, takes away or acts in any manner endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting the ecosystem, biological diversity or natural resources and the environment in a national park, forest park, botanic garden or arboretum, which is a violation of section 19 (2), shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

In the case where the offence under paragraph one is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

In the case where the offence under paragraph one is an act which causes damage to trees or logs or a combination of the two, in the aggregate quantity exceeding twenty or in the aggregate volume exceeding four square metres, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand to two million Baht.

Section 43. Any person who violates section 19 (3) or (4) shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

Section 44. Any person who violates section 19 (5), (6), (8) or (9) shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht or to both.

Section 45. Any person who violates section 19 (7) shall be liable to a fine not exceeding ten thousand Baht.

Section 46. Any person who violates section 19 (10) shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 47. Any person who fails to comply with an order of the competent official under section 20 or section 28 or fails to comply with the conditions attached to the permission granted under section 21, section 22 or section 27 shall be liable to a fine not exceeding one hundred thousand Baht.

Section 48. Any person who commits an act under section 21 paragraph one or section 27 paragraph one without permission shall be liable to a fine not exceeding twenty thousand Baht.

In the case where the offence under paragraph one is an act of bringing or releasing animals seriously harmful to or affecting the ecosystem in the national park, forest park, botanic garden or arboretum concerned, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 49. Any person who fails to comply with an order of the competent official under section 35 (1) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 50. Any person who fails to comply with an order of the competent official under section 35 (2) shall be liable to imprisonment for a term of one year to three years or to a fine not exceeding three hundred thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 51. Any person who fails to provide assistance to the competent official under section 36 shall be liable to a fine not exceeding twenty thousand Baht.

Section 52. For all offences under this Act which are only punishable by a fine or punishable by a fine or imprisonment for a term not exceeding one year, the Director-General or the person entrusted by the Director-General shall have the power to settle them in accordance with the Rule prescribed by the Minister.

When the offender has made payment of the fine in such amount as required for the settlement within thirty days as from the date of the settlement, the case shall be deemed to have been extinguished under the provisions of the Criminal Procedure Code.

Section 53. In the case where the offender under this Act is a juristic person, if the commission of such offence has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 54. In taking criminal proceedings against a person who violates or fails to comply with this Act, when the Public Prosecutor submits a criminal action, a claim of damages under section 40 shall be made simultaneously.

Section 55. In the case where a person has provided information leading to an arrest of an offender under this Act, the Public Prosecutor shall make a request to the Court and

the Court shall have the power to order, in its judgment, payment of an arrest reward to the person providing information leading to the arrest in an amount not exceeding one half of the amount of the fine required by the judgment, provided that payment shall be made out of the fine paid before the Court. If the offender fails to pay the fine or makes payment in an amount lower than the full amount required to be paid as an arrest reward, payment of the outstanding arrest reward shall be made out of the proceeds of sale of exhibits seized by the Court's order. Any deficient amount shall be disregarded.

In the case of several persons providing information leading to an arrest, an arrest reward shall be shared amongst them equally.

Payment of an arrest reward may be made when the case becomes final.

Section 56. All logs, wild animals or any other natural resources in a national park, forest park, botanic garden or arboretum acquired by a person from the commission of an offence or weapons, tools, appliances, structures, equipment, beasts of burden, vehicles or any machines used by a person in the commission of an offence or possessed for use in the commission of an offence or used as equipment for the achievement of the result of the commission of an offence under section 19 (1), (2), (4), (5), (7) or (10) shall be confiscated, irrespective of whether they belong to the offender and whether any person is inflicted with penalty by judgment of the Court or not.

The Public Prosecutor shall request the Court to order confiscation of the property under paragraph one and, when a request has been made by the Public Prosecutor, the competent official shall post the notification thereof at the *Amphoe* Office, Office of *Kamnan*, Office of *Poo Yai Ban* and Office of the local government organisation in whose area the incident has occurred, whether in such case the person believed to be the owner is known or not. In the case where there appears evidence that a particular person is the owner of the property under paragraph one, such notification shall be sent, by registered post with advice of receipt, to the domicile of the owner thereof in order that the person claiming to be the owner may submit an application to join the case before the Court of First Instance renders judgment.

In the case where nobody claims to be the owner before the Court of First Instance renders judgment or there exists the owner but the owner is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the said offence and the owner exercised reasonable care to prevent the commission of such offence or is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did

not have a reasonable cause to suspect that such property would be used in the commission of the offence under this Act, the Court shall order confiscation of such property at the expiration of thirty days as from the first day of the notification being posted. In the case where there appears evidence that a particular person is the owner of the property, the time shall be counted as from the date on which the owner of the property receives or is deemed to have received the aforementioned notification sent by registered post with advice of receipt under paragraph two and, in this case, section 36 of the Penal Code shall not apply.

TRANSITORY PROVISIONS

Section 57. In the initial period in which qualified members have not yet been appointed under section 10, the National Parks Commission shall consist of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson and the Permanent Secretary for Agriculture and Co-operatives, Director-General of the Department of Provincial Administration, Director-General of the Department of Tourism, Director-General of the Royal Forest Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands and Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, as members, with the Director-General of the Department of National Parks, Wildlife and Plant Conservation being a member and secretary, who shall perform the duties under this Act for the time being until the appointment of qualified members is made under this Act, provided that this shall take place not later than one hundred twenty days as from the date on which this Act comes into force.

Section 58. All national parks prescribed by Royal Decrees prior to the date on which this Act comes into force shall be national parks under this Act.

Section 59. All licences, concession certificates and permits under the law on minerals and concessions, permits and written permissions for the exploitation or residence under the law on national reserved forests as already granted to any persons prior to the date on which this Act comes into force shall continue to be valid only for the term of validity of such licences, concession certificates and permits under the law on minerals and concessions, permits and written permission for the exploitation or residence under the law on national reserved forests.

Section 60. All permits or written permissions granted to any persons under the law on national parks prior to the date on which this Act comes into force shall remain valid until their expiry.

Section 61. Money retained by the Department of National Parks, Wildlife and Plant Conservation as revenue for the maintenance of national parks under section 23 of the National Parks Act, B.E. 2504 (1961) shall be transferred to be the proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta under this Act.

Section 62. All Rules or Notifications issued under the provisions of the National Parks Act, B.E. 2504 (1961) as in force on the day prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Rules or Notifications issued under this Act come into force.

The issuance of Rules or Notifications under paragraph one shall be completed within one year as from the date on which this Act comes into force.

Section 63. Forest parks, botanic gardens or arboreta designated and brought into existence prior to the date on which this Act comes into force, only in respect of the work falling within missions or responsibility of the Department of National Parks, Wildlife and Plant Conservation under the Ministerial Regulation Reorganising the Department of National Parks, Wildlife and Plant Conservation, the Ministry of Natural Resources and Environment, B.E. 2547 (2004), shall be forest parks, botanic gardens or arboreta under this Act and the Department of National Parks, Wildlife and Plant Conservation shall complete the preparation of maps indicating boundary lines of such areas in accordance with section 26 of this Act within two hundred forty days as from the date on which this Act comes into force.

Section 64. The Department of National Parks, Wildlife and Plant Conservation shall complete a survey of the holding of land of people residing or earning the living in each national park within two hundred forty days as from the date on which this Act comes into force.

When the period of time under paragraph one elapses and the Government has an action plan or policy aimed at assisting landless people who have resided or earned their living in national parks designated prior to the date on which this Act comes into force, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, prepare a project on the preservation and upkeep of natural resources within such national parks, without

granting rights in the land, for submission to the Council of Ministers for approval. For this purpose, this shall be made by enactment of a Royal Decree.

The Royal Decree under paragraph two shall have an objective of assisting landless persons who have resided or earned their living in national parks under the time frames in accordance with the resolution of the Council of Ministers on 30th June 1998 Re: Resolution of Problems Concerning Land in Forest Areas or in accordance with the Order of the National Council for Peace and Order No. 66/2557 Re: Addition of Agencies for the Suppression and Prevention of Forest Resources Trespass and Destruction and Work Performance Policies as Temporary Matters in Current Circumstances dated 17th June 2014. In this regard, a map indicating boundary lines of the project to be operated, as prepared with the application of a geographic information system or any other system of a similar nature, shall be annexed to the Royal Decree and a period of time for its application shall not exceed twenty years and the Royal Decree shall at least contain key substances concerning rules for the consideration and qualifications of persons residing or earning their living in the community under the project to be operated, duties of persons residing or earning their living in the community in the preservation, rehabilitation, care and upkeep of natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, rules, procedures and conditions for the residence or the earning of the living and the termination thereof and measures for the supervision, monitoring and evaluation of the project operation.

In the case where a person who holds residence or earns the living possesses the land, carries out construction, carries out an act of massive clearing or carries out an act in any manner causing deterioration of the area or a change from its original condition, collects, takes away or carries out an act in any manner causing danger to or deterioration of wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting the ecosystem, biological diversity or natural resources and the environment or brings or releases animals in the area of the project under the Royal Decree enacted under this section, such person shall not be punished if such act is carried out for the purpose of regular subsistence and complies with the Rule prescribed by the Director-General with the approval of the Commission.

Section 65. For the purposes of the preservation, rehabilitation, maintenance and control of the exploitation of natural resources and the environment in national parks, the Department of National Parks, Wildlife and Plant Conservation shall complete a survey of fundamental information on types and kinds of renewable natural resources in national parks designated and prescribed by Royal Decrees prior to the date on which this Act comes into force within two hundred forty days as from the date on which this Act comes into force.

In the case where the Department of National Parks, Wildlife and Plant Conservation considers that an area in any national park under paragraph one has seasonally renewable natural resources which have suitable and sufficient potential for their collection or exploitation without affecting natural surroundings, wild animals, biological diversity and the ecosystem and it is the case where there exists the need for the resolution of problems concerning subsistence along the line of the community life or the traditional way of life in the vicinity of such national park, the Department of National Parks, Wildlife and Plant Conservation, with the approval of the Commission, shall make a proposal to the Minister for the preparation of a project on sustainable preservation and exploitation of natural resources in such national park for submission to the Council of Ministers for approval, provided that this shall be in the form of a Notification of the Ministry, with a map indicating the boundary lines of the project to be operated, as prepared with the application of a geographic information system or any other system of a similar nature, being annexed thereto as well.

For the purpose of controlling and reducing the dependence on natural resources in a national park, a project on sustainable preservation and exploitation of natural resources to be operated under the Notification of the Ministry under paragraph two shall have a period of time not exceeding twenty years and shall be in line with policies on the management of national parks and the plan on the management of the area of such national park and shall at least contain key substances concerning rules for the consideration and qualifications of persons to be granted permission under the project to be operated, duties of permitted persons in the preservation, rehabilitation, care and upkeep of natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, types, kinds, amounts or quantities of seasonally renewable natural resources in respect of which the collection or exploitation is permissible, a suitable period of time for the operation, measures for the examination and control of impacts and the rehabilitation of conditions of areas or natural resources, rules, procedures and conditions for the granting of permission for the collection or exploitation of natural resources and the termination of permission, measures for the supervision, inspection, monitoring, control of impacts and rehabilitation of conditions of areas or natural resources and evaluation of the project operation and approaches to the reduction of the dependence on such natural resources in the area in which the project is to be operated.

In the case of the collection or exploitation of seasonally renewable natural resources by a person to whom permission is granted in an area of a project under the Notification of the Ministry issued under this section, such person shall not be punished if it is the collection or exploitation of natural resources in accordance with the type, kind and quantity to which the

permission relates and for the purpose of regular subsistence and it complies with the Rule prescribed by the Director-General with the approval of the Commission.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Office of the Council of State

RATES OF FEES

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| (1) Licences for bringing or releasing animals under section 21 or section 27 | 10,000 Baht each |
| (2) Licences for carrying out activities under section 22 other than those in (3) and (4) | 100,000 Baht each |
| (3) Licences for a survey, study, research or academic experiment | 100,000 Baht each |
| (4) Licences for film, video or documentary shooting or photography | 100,000 Baht a copy/day |
| (5) Licences for the provision of guided tour services to tourists in a national park | 500,000 Baht each |
| (6) Licences for an entry for the purpose of collecting swallow nests | 500,000 Baht a concession |
| (7) Licences for carrying out activities under section 27 | 100,000 Baht each |
| (8) Renewal of a term of validity of licences | Equivalent to the fees for licences on each occasion |
| (9) Substitutes for licences | 10,000 Baht each |