

Wildlife Preservation and Protection Act, B.E. 2535 (1992)

Translation

BHUMIBHOL ADULYADEJ, REX.

GIVE ON THE 19TH DAY OF FEBRUARY B.E. 2535 (A.D.1992)

BEING THE 47TH YEAR OF THE PRESENT REIGN

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is deemed expedient to revise the law on the Preservation and Protection of Wildlife,

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Legislative acting as the Parliament, as follows:

Section 1.

This Act shall be called the "Wildlife Preservation and Protection Act, B.E. 2535 (1992)"

Section 2.

This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3.

The Acts which shall be repealed:

(1) the Wildlife Preservation and Protection Act, B.E. 2503 (1960);

(2) The Announcement of the Revolutionary Party, No.228, B.E. 2515 (1972).

Section 4.

In this Act:

"Wildlife" means all kinds of animals either terrestrial or aquatic, fowls, insects or arthropods which naturally exist, or things which originated from, or are found by nature and able to sustain life in the forest or water and includes insects' eggs of all kinds of wildlife but excludes the beasts of burden which have been registered in accordance with the Beasts of Burden Code and its reproduction thereof ;

"preserved wildlife" means the rare wildlife species according to the Schedule Annexed to this Act, and which is prescribed by the publishing a notice in the Royal Decree;

"protected wildlife" means the protected wildlife in accordance with those specified in the ministerial regulations;

"hunt" means to collect, capture, trap, shoot, or kill wildlife, or to cause injury by any other means whatsoever to wildlife unowned and living free therein, and includes chasing, driving, calling and luring for the said purposes;

"their carcasses" means the body or part of a dead wildlife's body or the meat of wildlife either broiled, roasted, smoked or dried or otherwise preserved, and whether it be in form or dissected, also means the antler, skin, bone, tooth, tusk, horn, hair, scale and claw of wildlife regardless of whether it be alive or dead;

"propagation" means to regenerate wildlife which is brought for nursing by the breeding methods and also includes its offspring by the artificial breeding methods or by the transferring embryo;

"trade" means to purchase, sell, exchange, dispose of, distribute, or transfer the ownership for the purpose of trading and also includes having or showing for its sale;

"import" means to bring wildlife into or order wildlife in the Kingdom;

"export" means to take wildlife out or carry wildlife out of the Kingdom;

"Wildlife Check Point" means the point where wildlife and their carcasses are examined;

"public Zoo" means the place or premise where the collection of wildlife is for the purposes of recreation and education for the public and for scientific research and is also a breeding place of wildlife thereof;

"competent officer" means the person appointed by the Minister for execution of this Act;

"Director-General" means the Director-General of the Royal Forest Department of the Director-General of the Department of Fisheries for only those matters related to the aquatic animals;

"committee" means the National Wildlife Preservation and Protection Committee;

"Minister" means the Minister in charge of the enforcement of this Act.

## Section 5.

The Minister of Agriculture and Cooperatives shall take charge of and control of the execution of this Act and is empowered to appoint the competent officers and issue the ministerial regulations in fixing fees not to exceed the rate in the Schedule Annexed to this Act, or reduce or waiver from fees and stipulate any other implementations for the execution of this Act.

Such ministerial regulations shall come into force upon their publication in the Government Gazette.

## CHAPTER I

### GENERAL PROVISIONS

#### Section 6.

The determination of any kind of wildlife to be protected shall be made by the ministerial regulations with the approval of the committee.

The ministerial regulations issued under the first paragraph shall come into force on and from the date fixed therein, but not before sixty days from the date of their publication in the Government Gazette.

#### Section 7.

This Act shall not apply to the hunting of wildlife by any person on account of necessity or in self defense and under these conditions, such person shall not be liable to penalties, as follows:

- (1) himself or any other person in danger or in the protection of or the maintenance of his own or any other person's property;
- (2) hunt or do any other means with a reasonable cause; and
- (3) in the event of the hunted wildlife being a preserved or protected wildlife, on person may move that wildlife or their carcasses away and shall inform the cause to the competent officer without delay.

The hunted wildlife and their carcasses under the provisions of the first paragraph shall belong to the State. The Royal Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee.

#### Section 8.

In the consideration of any application to issue a license under this Act, the authorized officer shall consider and give the result of the consideration the known applicant within sixty days of the date of the receipt of the application. If an authorized officer has not given any result of the consideration within such period of time, it will be regarded that, the authorized officer has an order to accept the application and a license shall therefore be issued to such applicant.

Unless otherwise provided, a license which has been specified for a period of time by this Act, such license or certificate issued under this Act shall be valid within a specified period of

time as imposed in the license. If the licensee desires to renew the license, he shall file an application prior to the expiration of the date of such period. Thereafter he may have further operation such of wildlife and their carcasses until the authorized officer has an order not to issue such license.

The renewal, transferring of a license or certificate or a substitute for a license or certificate issued under this Act shall be in accordance with the rules, procedures and conditions as specified in the ministerial regulations.

## CHAPTER II

### THE NATIONAL WILDLIFE PRESERVATION AND PROTECTION COMMITTEE

#### Section 9.

There shall be a committee called the "National Wildlife Preservation and Protection Committee" consisting of the Minister of Agriculture and Cooperatives as chairman, the Permanent-Secretary of the Ministry of Agriculture and Cooperatives, the Permanent-Secretary of the Ministry Interior, the Permanent-Secretary of the Ministry of Foreign Affairs, Director-General of the Department of Local Administration, Director-General of the Department of Lands, Director-General of the Department of Fisheries, Director-General of the Department of Customs, Director-General of the Department of International Trade as ex-officio members and other expert members not less than five but not more than eleven in number not less than five but not more than eleven in number appointed by the Cabinet, and the Director-General of the Royal Forest Department as a member and acting as a secretary of the committee.

The other expert members under the first paragraph shall be appointed from the representatives of any Society or Foundation related to wildlife but shall not exceed one half of the expert members appointed.

#### Section 10.

A member appointed by the Cabinet holds office for a term of two years. A retired member may be reappointed.

#### Section 11.

Apart from retirement on account of the expiration of the term of office under Section 10, the member will vacate his office upon

- (1) death;
- (2) resignation;
- (3) being removed by the Cabinet;

(4) being incompetent or quasi-incompetent; or

(5) being sentenced by a final judgment to imprisonment except for petty offences of offences committed by negligence.

In cases where a member vacates his office before the expiration of the term of office, the Cabinet may appoint other persons to fill the vacancy.

In cases where a member is appointed he remains in office only for the term of the office of the person he replaces.

#### Section 12.

At the meeting of the committee, if the chairman is absent or does not attend, the committee shall elect a member as chairman to preside over the meeting.

Any decision of the meeting shall be taken by a majority of votes.

In voting, each member shall have one vote. In the case of a tie, the presiding chairman shall have an additional vote as a casting-vote.

#### Section 13.

At every meeting, there shall be an attendance of not less than one-half of the total members in orders to constitute a quorum.

#### Section 14.

The committee may appoint a sub-committee to consider or perform any activity as assigned to it.

#### Section 15.

The committee has power and duty concerning the following matters:

(1) approval of any determination of Wildlife Sanctuaries under Section 33, to determine the Non-Hunting Wildlife Areas as well as the kind or category of wildlife hunting which is prohibited in such areas under Section 42;

(2) governing any implementation in accordance with the provisions of Section 35;

(3) determination of any activity to be carried out for the purposes of protection and maintenance of the Wildlife Sanctuaries and Non-Hunting Wildlife Areas;

(4) approval of any matter related to the Royal Decree, the ministerial regulations and other rules for implementation in accordance with this Act;

(5) stipulation for any inspection and monitoring of implementation in accordance with this Act;

(6) implementation of any other laws as prescribed to be the duty of the committee

### CHAPTER III

#### HUNTING, PROPAGATING, POSSESSING AND TRADING IN WILDLIFE, THEIR CARCASSES AND CARCASS PRODUCTS

##### Section 16.

No person shall hunt or attempt to hunt the preserved or protected wildlife unless it has been performed by an official with the exception of the provisions of Section 26.

##### Section 17.

The Minister is empowered, with the approval of the committee, to determine any kind of protected wildlife to be one of a kind of propagated wildlife as specified in the ministerial regulations.

##### Section 18.

No person shall propagate a preserved or protected wildlife, except:

(1) the propagation of protected wildlife of the kind as prescribed in accordance with the provision of Section 17, and permission must be obtained from the Director-General;

(2) the propagation of preserved or protected wildlife by a person obtaining permission to establish and conduct a public zoo operation under Section 29, who has obtained permission from the Director-General to propagate preserved and protected wildlife in their possession for the purpose of a public zoo operation.

The application for permission and obtaining of permission for wildlife propagation under the provisions of the first paragraph and acquisition of protected wildlife for the purpose of propagation of permission holder under the provisions of (1) shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations and complies with the notifications as specified in the ministerial regulations and conditions as stated in permission.

The permission issued under the provisions of (1) and (2) shall terminate after such permission holder has been filed as a dissolution of the wildlife propagation operation to the Director-General in accordance with the procedures as specified in the ministerial regulations.

##### Section 19.

No person shall keep in their possession preserved and protected wildlife and their carcasses unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses and permission must be obtained from the

Director-General and complies with the notifications as specified in the ministerial regulations and conditions as stated in the permission.

The application for permission and obtained of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

Subject to the provisions of the first and second paragraph it shall not be applied to:

(1) possession of protected wildlife by a person who has obtained permission to propagate under Section 18 (1), having it for the purpose of propagation or acquired such wildlife from propagation and their carcasses;

(2) possession of preserved and protected wildlife or their carcasses by a person who has obtained permission to establish and conduct a public zoo operation under Section 29, and otherwise provided for showing in the public zoo therein.

Section 20.

No person shall trade in preserved and protected wildlife and their carcasses or carcass products unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses or carcass products and permission must be obtained from the Director-General.

The application for permission and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

Section 21.

No person shall collect, endanger or keep in their possession nests of preserved or protected wildlife.

Subject to the provisions of the first paragraph, it shall not be applied to any person obtaining permission to collect the Edible-Nest Swiftlet' nests in accordance with the Taxes and Trades of the Edible-Nest Swiftlet' Nests Code (Aerodromes fuciphagus) and a person who works under this permission shall comply with the rules as prescribed by the Director-General as a published notice in the Government Gazette.

Section 22.

No person shall shoot wildlife between sunset and sunrise.

## CHAPTER IV

### IMPORTING, EXPORTING, PASSING THROUGH, MOVING WILDLIFE AND WILDLIFE CHECK POINT

Section 23.

Subject to the provisions of Section 24, no person shall import or export wildlife and their carcasses of the kind as specified by the Minister or pass wildlife and their carcasses through the Kingdom, unless permission has been obtained from the Director-General.

Importing or exporting preserved and protected wildlife and their carcasses shall not be permitted, unless permission has been obtained for such protected wildlife acquired from propagation under Section 18 (1), or protected carcasses acquired from propagation and permission must be obtained from the Director-General.

The application for permission and obtaining of permission of the first and second paragraph shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

#### Section 24.

Importing, exporting or passing wildlife through and their carcasses shall require written permission or a certificate according to the International Agreement on the Trade of Wildlife and their Carcasses, and such permission or a certificate must be obtained from the Director-General.

The application for permission or certificate and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

#### Section 25.

Permission shall be obtained from the Director-General on the movement for trading in protected wildlife and their carcasses under Section 20.

The application for permission and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

#### Section 26.

The provisions of Sections 16, 18, 19, 21 and 23, shall not be applied to any work which has been performed by an official for the purposes of surveying, education and scientific research, the protection of wildlife, propagation or conducting a public zoo operation and written permission must be obtained from the Director-General and complies with the rules as specified by the Minister with the approval of the committee.

In cases where a person of the first paragraph has permission for wildlife propagation operation under Section 18, establishing or conducting a public zoo operation under Section 29, the collection of service charges, fees or remuneration and its costs shall be in accordance with the rules as specified by the Minister with the approval of the committee.

#### Section 27.

The Minister is empowered to set up and fix the limits of a Wildlife Check Point by publishing a notice in the Government Gazette.

## Section 28.

Whoever moves preserved and protected wildlife or their carcasses into the limits of any Wildlife Check Point shall inform, in writing, in accordance with the forms laid down by the Director-General, to the competent officer in charge of that Wildlife Check Point and shall at the same time produce for him the removal pass issued covering such wildlife and their carcasses for trading in, importing, exporting or passing wildlife through, whichever the case may be, and only after written permission has been inspected and obtained by the competent officer in charge, may such wildlife and their carcasses be moved further.

## CHAPTER V

### A PUBLIC ZOO

## Section 29.

Whoever is desirous of establishing and conducting a public zoo operation shall obtain permission from the Director-General.

The permission issued under the first paragraph shall terminate after such permission holder has been filed as a dissolution of a public zoo operation under Section 32.

The application for permission and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

In this regard, a person obtaining permission for a public zoo operation shall comply with the notifications as specified in the ministerial regulations and conditions as stated in the permission.

## Section 30.

After permission is issued, and before opening the service, the permission holder shall inform a particular relating to the kind and the number of preserved or protected wildlife or their carcasses in his possession and shall also produce evidence to the competent officer for inspection and recording of registration.

The permission holder shall provide an information of preserved or protected wildlife or their carcasses in his possession or show the competent officer such wildlife and their carcasses within the boundary of such public zoo where it has been established, and when the number of wildlife in his possession is to be increased or decreased shall inform the competent officer without delay.

The particular matters informed under the provisions of the first and second paragraph shall be in accordance with the procedures and a period of time as specified in the ministerial regulations.

## Section 31.

In cases where it appears that the boundary of the public zoo or a nursing premise is contrary to the stipulations, conditions and notifications as specified in the ministerial regulations of the provisions of Section 29, or facilitates any tourism or renders lack of safety or suffering to any wildlife, the Director-General is empowered to order in writing the rectification and completion of such stipulations, conditions and notifications there in.

In cases where the permission fails to comply with the order issued within a specified period of time, the competent officer shall have the power to rectify it therein. The expenses incurred thereby shall be borne by the holder of such permission.

Section 32.

Any person obtaining permission to establish and conduct a public zoo operation under Section 29 who desires to dissolve a public zoo operation, shall file the dissolution in writing in advance to the Director-General and shall not dispose of preserved and protected wildlife or their carcasses to any person other than a person obtaining permission to establish and conduct a public zoo operation under Section 29, or dispose of protected wildlife of the kind as prescribed under Section 17, or their carcasses to a person obtaining permission for wildlife propagation of the provisions of Section 18(1), but shall not exceed a period of one hundred and eighty days from the date of given dissolution to the Director-General.

After the lapse of one hundred and eighty days under the first paragraph, if the preserved and protected wildlife or their carcasses are not disposed of or remain, they shall belong to the State and he shall be consigned them to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee.

## CHAPTER VI

### AREA AND PLACE UNDER PROHIBITION OF WILDLIFE HUNTING

Section 33.

When it is deemed appropriate to determine any area for the protection and maintenance of which of living on, to render safety for wildlife, the Cabinet shall have the power to prescribe by a Royal Decree, such area to be wildlife reserved area. A map showing the boundary lines of the determined area shall be annexed to such Royal Decree. The determined area shall be called a "Wildlife Sanctuary."

A land to be determined as a Wildlife Sanctuary shall not be owned or legally possessed according to the Land Code by any person other than a public body.

Section 34.

The extension or cancellation, in whole or in part, of any Wildlife Sanctuary shall be made by a Royal Decree. In case the cancellation is not for the whole of a Wildlife Sanctuary, a map showing the changing area shall be annexed to the Royal Decree.

Section 35.

The competent officer shall provide the boundary posts and signs or other marks sufficient to enable the public to know the boundary of the Wildlife Sanctuary.

Section 36.

No person shall, within a Wildlife Sanctuary, hunt wildlife, either preserved or protected wildlife, or collect or endanger any nest, except for educational purposes or scientific research and written permission must be obtained from the Director-General with the approval of the committee.

Section 37.

No person than a competent officer or other officers on duty shall enter a Wildlife Sanctuary, unless written permission has been obtained from the assigned competent officer.

Any person obtaining permission to enter a Wildlife Sanctuary shall comply with the conditions as specified in the ministerial regulations.

Section 38.

No person shall, within a Wildlife Sanctuary, possess or occupy the land, or build up, or any other means whatsoever construct, or cut, fell, clear, burn, or destroy trees or any other flora, dig for minerals, excavate ground or rock, pasture animals, change the waterway or cause the water in the river, stream, marsh or swamp to overflow, dry up or become poisonous, or endanger the wildlife.

Incases where it is necessary to implement for purposes of protection, maintenance and improvement of a Wildlife Sanctuary, or for educational purposes and scientific research, or to facilitate the residing in or sojourn in or render safety and inform the public, the Director-General is empowered to order in writing the competent officer of the Royal Forest Department or the Department of Fisheries, whichever the case may be, to perform any such activity in a Wildlife Sanctuary, and he shall comply with the rules laid down by the Director-General with the approval of the committee.

Section 39.

The managing of the timber or any other flora that has been cut or felled or cleared by the competent officer under the second paragraph of Section 38 shall be in accordance with the rules laid down by the Director-General with the approval of the committee.

Section 40.

The competent officer in charge of a Wildlife Sanctuary shall have the power to order any person committing the offence under the first paragraph of Section 38, to be evicted from the Wildlife Sanctuary and to refrain from altering any act the person has committed therein.

Section 41.

No person shall, within the precinct of a monastery or a place provided for religious observance of the public, hunt wildlife either preserved or protected or not, or collect or endanger its nest.

#### Section 42.

The Minister may, with the approval of the committee, determine any place for the common use of the public to be an area in which the Non-Hunting Wildlife Area of any kind or category is prohibited by publishing a notice in the Government Gazette.

After the Minister's notification has determined an area as one in which the Non-Hunting Wildlife Area of any kind or category is prohibited has been made, no person shall, as follows:

- (1) hunt wildlife of any such kind or category;
- (2) collect or endanger any wildlife or its nest within the said area;
- (3) occupy or possess land or cut, fell, clear, destroy trees or any other flora, dig for mineral, excavate soil, rock, gravel or sand or pasture animals, change a waterway, or cause the water in a river, creek, swamp or marsh to overflow or dry up, close or obstruct a water course or way, or poison or endanger any wildlife, unless written permission has been obtained from the Director-General or where the Director-General has been notified within a period of time in permission issued in any other particular prohibited area thereof.

In cases where it is necessary for the educational purposes and scientific research in a Non-Hunting Wildlife Area, the competent officer or any other officer shall comply with the rules as laid down by the Director-General with the approval of the committee.

## CHAPTER VII

### THE COMPETENT OFFICER

#### Section 43.

When it appears that the permit commits an offence under this Act. Or violates or fails to comply with the ministerial regulations, notifications or conditions in the permission, or fails to comply with the issued order of the competent officer under this Act, the Director-General is empowered to order suspension of such permission for a period not exceeding ninety days. The Minister, if he thinks fit, may order the cancellation of such permission with the approval of the committee.

In cases of the cancellation of permission, if it is permission for the possession of preserved or protected wildlife or their carcasses, the person whose permission has been cancelled shall dispose of such wildlife and their carcasses in their possession within thirty days of the date of the receipt of such cancellation. After the lapse of such a period of time, if preserved or protected wildlife or their carcasses are not disposed of or remain, they shall belong to the

State. The Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee.

#### Section 44.

In cases whosoever desires the competent officer to perform any work under this Act, out of his official hours or out of his office either in or outside the Kingdom shall file an application to the competent officer, an allowance shall be paid within an official rate as well as the traveling expenses for the competent officer in so far as it is necessary and expenses actually incurred.

In this regard, the application, an allowance any the traveling expenses for the competent officer, shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.

#### Section 45.

In arresting and suppressing any person committing an offence under this Act, the competent officer shall be regarded as the administrator or the police officer in accordance with the Criminal Procedure Code.

#### Section 46.

The Director-General, if he deems it appropriate to require from the public payment for services of facilities given by the competent officer in a Wildlife Sanctuary or Non-Hunting Wildlife Area, or to require any person to pay fees or remuneration for permission to carry on any activity or to sojourn therein, he is empowered to fix the rates and lay down the rules concerning the collection of the said service charges, fees or remuneration, with the approval of the committee.

Money, collected under the first paragraph, donated as a fund for maintenance of a Wildlife Sanctuary or Non-Hunting Wildlife Area shall be exempted from any tax or duty, and kept as expenditure for maintenance of a Wildlife Sanctuary or Non-Hunting Wildlife Area in accordance with the stipulations as specified by the Minister with the approval of the committee.

## CHAPTER VIII

### PENAL PROVISIONS

#### Section 47.

Whoever acts in contravention of the provisions of Sections 16, 19, 20 paragraph one, or 23 paragraph one, shall be punished with imprisonment not exceeding four years or with a fine not exceeding forty thousand Baht, or both.

#### Section 48.

Whoever acts in contravention of the provisions of Section 18, or 23 paragraph two, or fails to comply under Section 29, shall be punished with imprisonment not exceeding three years or with a fine not exceeding thirty thousand Baht, or both.

Section 49.

Whosoever possesses protected wildlife or their carcasses acquired from propagation without permission under Section 19, shall be punished with imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.

Section 50.

Whosoever trades in protected wildlife or their carcasses acquired from propagation, or carcass products of such wildlife without permission under Section 20, shall be punished with imprisonment not exceeding two years or with a fine not exceeding twenty thousand Baht, or both.

Section 51.

Whoever acts in contravention of the provisions of Sections 21, 22, or 41, shall be punished with imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.

Section 52.

Whoever fails to comply with the provisions of Section 25 or Section 28, shall be punished with a fine not exceeding five thousand Baht.

Section 53.

Whoever acts in contravention of the provisions of Section 36, shall be punished with imprisonment not exceeding five years or with a fine not exceeding fifty thousand Baht, or both.

Section 54.

Whoever acts in contravention of the provisions of Section 38, or Section 42 paragraph two, shall be punished with imprisonment not exceeding seven years or with a fine not exceeding one hundred thousand Baht, or both.

In cases where the Court has decided a final judgment in reference to the offence which the prosecution has instituted under Section 38, if any offender possessed, occupied, exploited or inhabited in a Wildlife Sanctuary, the Court is empowered to order the eviction of his dependents, workmen, employees, representatives and any other persons from such Wildlife Sanctuary.

In the committing of the offence under the first paragraph of Section 38, the management of the timber or any other flora that has been cut, felled, or cleared, shall be in accordance with

the rules as laid down by the Director-General with the approval of the committee. Such rules shall not notify to be disposal of to any person other than a government agency.

#### Section 55.

Whosoever assists in concealing, disposing of, taking away, purchasing, holds in pledge, or receives by any other means wildlife and their carcasses acquired through the commission of an offence under this Act, shall be punished with imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.

#### Section 56.

Whoever moves, defaces, damages or renders useless any boundary post, sign or mark provided by the competent officer under this Act. Shall be punished with imprisonment not exceeding four years or with a fine not exceeding forty thousand Baht, or both.

#### Section 57.

All weapons, tools, instruments, beasts of burden, vehicles or other heavy equipment acquired or used in the committing of an offence in violation of this Act or used to obtain commission in offence of the provisions of Sections 16, 36, 38, 41, or 42 paragraph two, shall be confiscated regardless of whether they belong to the offender, and such person is convicted.

#### Section 58.

All preserved or protected wildlife and their carcasses, or nests, or their products acquired or possessed in violation of this Act shall be confiscated.

All things confiscated shall belong to the State, the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules as laid down by the Director-General with the approval of the committee.

#### Section 59.

Where a jurist is the offender and is liable to a penalty under this Act, a managing director, a general director or a representative, is also liable for the penalty provided for such offender, unless he is able to substantiate that he did not connive or consent to such commission.

#### Section 60.

The Director-General or the assigned officer of the Director-General, by publishing a notice in the Government Gazette, is empowered to settle the case with respect to the offences under this Act, after the alleged offender has paid a fine as specified within a period of thirty days, and it is regarded as such that the criminal case shall be settled in accordance with the Criminal Procedure Code.

## TRANSITORY PROVISIONS

## Section 61.

The ministerial regulations, under the first paragraph of Section 6, shall apply to an additional kind of protected wildlife as imposed in the ministerial regulations and their carcasses possessed by any other person prior to the date on which the ministerial regulations come into force as follows:

(1) a person having the possession of additional kind of protected wildlife as imposed in the ministerial regulations prior to the date on which the ministerial regulations come into force, shall inform the kind and the number of such protected wildlife to the competent officer within a period of ninety days. After the competent officer has completed an inspection, if the owner or possessor does not desire to possess with nursing further, he shall not dispose of the protected wildlife to any person other than a person obtaining permission to establish or conduct a public zoo operation under Section 29, or to dispose of the protected wildlife as specified under Section 17 to a person obtaining propagation permission under Section 18, within one hundred and twenty days from the date of the notification given to the competent officer. After the lapse of such a period of time, if the protected wildlife is not disposed of or remains, it shall belong to the State and he shall be consigned it to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee. In cases where the protected wildlife is specified as the kind under Section 17, and the owner or possessor desires for the purpose of wildlife propagation, he shall file an application for permission to operate under Section 18, within thirty days of the date on which notification is given to the competent officer. Thereafter, he may have further possession of such protected wildlife.

If the owner or possessor of the protected wildlife desires to possess with nursing further, the competent officer shall inspect the level of maintenance of care and safety for the protected wildlife, the Director-General, if he deems it appropriate, may issue a temporary permission to the owner or possessor thereof. Such permission shall be valid only for the remaining period of such protected wildlife, and shall comply with the stipulations as specified by the Minister with the approval of the committee, and whenever such protected wildlife is increased in number by its reproduction or death, the owner or possessor shall in form, in writing, the notification to the competent officer.

(2) For carcasses of protected wildlife, the owner or possessor shall inform the kind and the number of their carcasses to the competent officer within ninety days of the date on which the ministerial regulations come into force in order to register them, and such person may have further possession. In cases where the carcasses of protected wildlife are held for trading. After the competent officer has recorded the kind and the possessor shall dispose of them within a period of three years.

The form and method used under the provisions of (1), and (2), and a temporary grant of permission of the protected wildlife and an issued certificate of the carcasses, shall be in accordance with the stipulations as specified in the ministerial regulations.

## Section 62.

In this regard, protected wildlife under the first and second category as specified by the ministerial regulations in accordance with the Wildlife preservation and Protection Act, B.E.2503 (1960), shall be protected wildlife under this Act.

#### Section 63.

All lands prescribed as a Wildlife Sanctuary and Non-Hunting Wildlife Area in accordance with the Wildlife Preservation and Protection Act, prior to the date this Act comes into force, shall be a Wildlife Sanctuary or Non-Hunting Wildlife Area, as the case may be.

#### Section 64.

All ministerial regulations, stipulations, and notifications issued under the Wildlife Preservation and Protection Act, B.E.2503 (1960) and being in force on and from the date of promulgation of this Act in the Royal Decree shall, in so far as they are not contrary to or inconsistent with this Act, be enforceable unit there shall be other ministerial regulations, stipulations, and notifications repealing them, containing the same provisions, being contrary to or consistent with them or otherwise provided.

#### Section 65.

Permission issued for the hunting of preserved wildlife, permission issued for the hunting of all kinds of categories of protected wildlife, or permission issued for trading, or having in one's possession protected wildlife and their carcasses which has been issued them to any person prior to or on the date this Act, be enforceable until there shall be other ministerial regulations, stipulations, and notifications repealing them, containing the same provisions, being contrary to or consistent with them or otherwise provided.

#### Section 66.

Whosoever has in their possession any preserved or protected wildlife unlawful acquisition prior to or on the date this Act shall come into force, if he consigns them to the competent officer within ninety days of the date on which this Act comes into force, such person shall not be liable to a penalty, and the preserved and protected wildlife shall belong to the State. After the competent officer has recorded the kind and the number of wildlife in his information, the Director-General, if he deems it appropriate, may return the preserved and protected wildlife to the owner or possessor to maintain the safety thereof.

Whosoever has in their possession carcasses of preserved or protected wildlife unlawful acquisition prior to or on the date this Act shall come into force, if he informs the kind and the number to the competent officer within ninety days of the date this Act comes into force. After the competent officer has recorded the kind and the number of carcasses in his information, such person may have further possession but shall not be allowed to dispose of, distribute or transfer such to any person unless their carcasses have been devolved by the inheritance.

#### Section 67.

Whosoever has in their possession any preserved or protected wildlife and their carcasses lawful acquisition prior to or on the date this Act shall come into force shall inform a

particular description of the kind and the number of such wildlife and their carcasses to the competent officer within ninety days of the date this Act comes into force, after the competent officer has received the written notification as the following:

(1) for preserved wildlife, the owner or possessor shall dispose of the preserved wildlife to a person applying permission to establish and conduct a public zoo operation under Section 69, within one hundred and eighty days of the date of the notification given to the competent officer. After the lapse of such a period of time, if the preserved wildlife is not disposed of or remains, it shall belong to the State and he shall be consigned it to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee ;

(2) for protected wildlife and their carcasses. In this regard, Section 61 shall apply, *mutatis mutandis* ;

(3) for carcasses of preserved wildlife, the owner or possessor may have further possession of preserved wildlife carcasses but shall be not allowed to dispose of, distribute or transfer such to any person, unless written permission has been obtained from the Director-General, or devolved by the inheritance ;

(4) for protected wildlife which is possessed with permission for trading in accordance with the Wildlife Preservation and Protection Act, B.E.2503 (1960). After permission holder has been filed an application for permission for trading in acquired from propagation under Section 68, such permission shall have further possession to trade in the kind of protected wildlife as prescribed as the kind of protected wildlife acquired from propagation under Section 17, the permission holder shall dispose of such protected wildlife within a period of two years from the date of the notification given to the competent officer. After the lapse of such a period of time, if the protected wildlife which is not the kind of protected wildlife prescribed as the kind of protected wildlife acquired from propagation under Section 17, is not disposed of or remains, it shall belong to the State and he shall be consigned it to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee;

(5) for carcasses of protected wildlife which are possessed with permission for trading in accordance with the Wildlife Preservation and Protection Act, B.E.2503 (A.D.1960). After the competent officer has inspected and recorded the kind of protected wildlife carcasses in his information, the Director-General shall grant temporary permission to such person, and he shall dispose of the protected wildlife carcasses within a period of three years from the date of the receipt of the temporary permission from the competent officer, and he shall provide an information relating to the kind and the number of protected wildlife carcasses sold and shall forward such information each month to the competent officer in accordance with the rules laid down by the director-General. After the lapse of each period of time, if the protected wildlife carcasses are not disposed of or remain, they shall belong to the State and he shall be consigned them to Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee, unless they have otherwise been prescribed as the kids of protected wildlife carcasses acquired from propagation under Section 17, and such person has filed an application for permission to trade in carcasses acquired from propagation under Section 68.

The form and method used under the first paragraph of the provisions of this Section shall be in accordance with specified in the ministerial regulations.

#### Section 68.

Whosoever operates wildlife propagation, trades in protected wildlife, their carcasses and carcass products acquired from propagation prior to or on the date on which this Act shall come into force, shall file an application for permission within thirty days from the date this Act comes into force. Thereafter, he may have further such operation until the Director-General has an order not to grant permission.

In the event of the Director-General issuing an order not to grant permission under the first paragraph, the second paragraph of Section 43 shall apply, *mutatis mutandis*.

#### Section 69.

Whosoever establishes and operates a public zoo prior to or on the date on which this Act shall come into force, shall file an application for permission within thirty days from the date this Act comes into force. After the competent officer has received the application, inspected the premise is in the proper manner in accordance with the provisions of the second and third of Section 30, and Section 31, and recorded in his information relating to the kind and the number of the preserved and protected wildlife and their carcasses. Therefore, the Director-General shall issue permission to establish and conduct a public zoo operation acquired from propagation under Section 17, and such person has filed an application for permission to trade in carcasses acquired from propagation under Section 68.

The form and method used under the first paragraph of the provisions of the Section shall be in accordance with specified in the ministerial regulations.

#### Section 70.

Any application which has been filed prior to or on the date on which this Act shall come into force and or which is pending by the Director-General, such application shall be regarded as coming to an end, unless the application for permission is otherwise provided in accordance with this Act. The Director-General may consider further such an application.

Countersigned by Mr. Anand Panyarachun as Prime Minister

[Ref : Government Gazette, Volume 109, Part 15,

dated 28 February B.E. 2535 (A.D. 1992)]

List of the preserved wildlife

1. White-eye River-Martin (*Pseudochelidon sirintarae*) Thong longya
2. Javan Rhino (*Rhinoceros sondaicus*) Desmarest
3. Sumatran Rhino (*Didermoceros sumatraensis*) Fischer
4. Kouprey (*Bos sauveli*) Urbain
5. Wild Water Buffalo (*Bubalus bubalis*) Linnæus
6. Eld's or Braw-antlered Deer (*Cervus eldi*) Blyth
7. Schomburgk's Deer (*Cervus schomburgki*) Blyth
8. Serow (*Capricornis Sumatraensis*) Bechstein
9. Goral (*Naemorhedus griseus*) Hardwicke
10. Gurney's Pitta (*Pitta gurneyi*) Hume
11. Sruks Grane (*Grus antigone*) Linnaeus
12. Marbled Cat (*Pardofelis marmorata*) Desmarest
13. Malayan Tapir (*Tapirus indicus*) Desmarest
14. Fea's Barking Deer (*Muntiacus feai*) Thomas and Dora
15. Dugong (*Dugong dugon*) Muller