

Fuel Oils Control Act (No. 2), B.E. 2550 (2007)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 9th Day of October B.E. 2550 (2007);Being the 62nd Year of the Present Reign

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

WHEREAS it is deemed expedient to revise laws governing control of fuel oils,

There are certain provisions in this Act which involve limitation of individual rights and freedom permitted by Section 29 in conjunction with Section 33, Section 41 and Section 43 of the Constitution of the Royal Kingdom of Thailand, by force of law,

Section 1

This Act will be called the "Fuel Oils Control Act (No. 2), B.E. 2550 (2007)".

Section 2

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

Section 3

The Revolutionary Council's Announcement No. 28 dated December 29th, B.E. 2514 (1971) shall be forthwith rescinded.

Section 4

The definition of the term "Fuel Oil" in Section 4 of the Fuel Oils Control Act, B.E. 2542 shall be repealed and superseded by the following:

"Fuel Oil" means:

(1) Natural gas, liquefied petroleum gas, crude oil, benzene oil, aviation fuel oil, kerosene/paraffin, diesel oil, furnace oil and lubricating/engine oil.

(2) Other substance(s) used or which may be used as raw materials for the distillation or production activities in order to acquire a product which will or may, be used as fuels or lubricants, or other substance(s) which will or may, be used as fuel(s) or lubricant(s) as prescribed by the Minister in the Government Gazette".

Section 5

The definition of the term "Fuel Oil Depot" in Section 4 of the Fuel Oils Control Act, B.E. 2542 (1999) shall be repealed and superseded by the following:

"Fuel Oil Depot" means premises used for storage of fuel oils in the quantity or type of operations as prescribed by Ministerial Regulations and include their surrounding areas as defined under the License as being the fuel oil depot's boundary as well as structures, tanks, pipelines and various related equipment or appliances including premises used for storage of fuel oil to be used as raw materials in the production process of a distillery or fuel oil production facility".

Section 6

The following provision shall be added as paragraph three of Section 7 of the Fuel Oils Control Act, B.E. 2542 (1999):

"The Ministerial Regulations under paragraph one may provide technical details or information on things to be changed with speed in the interest of safety to ensure that they are in line with criteria prescribed by the Minister in the Government Gazette."

Section 7

The provision of Section 8 of the Fuel Oils Control Act, B.E. 2542 (1999) shall be repealed and superseded by the following:

"Section 8

A committee shall be formed called "The Fuel Oils Control Committee" consisting of the Energy Permanent Secretary who will serve as Chairman of the Committee, the Commander of the National Police Authority, Director-General of the Water Transportation and Merchant Navy Department, Director-General of the Land Transportation Department, Director-General of the Pollution Control Department, Director-General of the Department of Prevention and Relief of Natural Disasters, Director-General of the Public Works and Town Planning Department, Director-General of the Industrial Works Department, Director of the Office of Policy and Planning on Transportation and Traffic, Director-General of the Office of Planning and Energy Planning, representative of the Chamber of Commerce of Thailand, representative of the Industrial Council of Thailand and another six qualified individuals appointed by the Cabinet.

The Director-General of the Energy Businesses Department shall serve as a member of this Committee as well as its secretary and will appoint not more than two of the Department's officials as assistant secretaries.

Qualified members of the Committee appointed by the Cabinet under paragraph one must not be advisors to any political party nor hold any political post as well as not being an officer of a political party. S/he must possess pertinent knowledge, experiences and work performance and experiences in the areas of Sciences, Engineering, the Environment, laws governing fuel oils control and fuel oil businesses, with one being appointed from each sector and at least two appointed from qualified individuals working in public organizations in the areas of protection of health/hygiene, safety or the Environment".

Section 8

Paragraph two of Section 17 of the Fuel Oils Control Act, B.E. 2542 (1999) shall be forthwith rescinded.

Section 9

The provision of (3) of Rates of Fees attached to the Fuel Oils Control Act, B.E. 2542 shall be repealed and superseded by the following:

"(3) Application to use tanks or containers to fill or transport fuel oils: fees will be charged pursuant to the volume of the liquids, or equivalent weight if packed in containers or fuel oils transported in the form of gas:

(a) not exceeding 100,000 litres. volume: Bt 4,000/tank.

(b) exceeding 100,000 lt. volume:

a fee of Bt 400 will be charged for every 10,000 lt. volume.

Fraction of 10,000 lt. will be charged as 10,000 lt".

Section 10

Application for, or grant of, any license or that taken pursuant to the Revolutionary Council's Announcement No. 28 dated December 29th, B.E. 2514 (1971) shall be construed as the application for and grant of license pursuant to the Fuel Oils Control Act as revised herein.

Section 11

While the following declarations are not yet in force, i.e. Ministerial Regulations, Notifications, Rules, Orders, Regulations or Terms issued or prescribed pursuant to the Fuel Oils Control Act, B.E. 2542 as revised herein with specific reference to the packing of gas under 2 and relating to Ministerial Regulations issued by virtue of 3 of the Revolutionary Council's Announcement No.28 dated December 29th, B.E. 2514.

The provisions of Ministerial Regulations, Notifications, Rules, Orders, Regulations or Conditions issued or prescribed by virtue of the Revolutionary Council's Announcement No.28 dated December 29th, B.E. 2514 including the provisions of relevant penalty shall be applicable.

Section 12

All various Ministerial Regulations, Notifications, Rules, Orders, Regulations or Conditions issued or prescribed by virtue of the Fuel Oils Control Act, B.E. 2542 (1999) which are applicable when this Act comes into force will not be applicable on the operations of liquefied petroleum gas until such times that any Ministerial Regulations, Notification, rules, Order, Regulations or Conditions prescribing criteria governing the operations of liquefied petroleum gas issued or prescribed by virtue of the Fuel Oils Control Act, B.E. 2542 (1999) as revised herein, comes into force.

Section 13

The Minister of Energy shall be in charge of action to ensure this Act's implementation.

Countersigned by

General Surayud Chulanont

Prime Minister.

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