

Unofficial translation¹**FISHERIES ACT****B.E, 2558 (2015)**

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Whereas it is expedient to revise the law on fisheries;

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Section 1. This Act is called the “Fisheries Act, B.E. 2558”².

Section 2. This Act shall come into force after the expiration of sixty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed.

(1) The Fisheries Act B.E. 2490 ;

(2) The Fisheries Act (No. 2) B.E. 2496 ;

(3) The Emergency Decree B.E. 2513 Amending the Fisheries Act B.E. 2490 ;

(4) The Declaration of the Revolutionary Council No. 105 dated the 24th of March, B.E. 2015 ;

(5) The Fisheries Act (No. 3) B.E. 2528 .

Section 4. In this Act :

“Fish” means any aquatic animal normally inhabiting in waters, inundated areas, partially inhabiting in waters, having a part of its life during a water-borne life cycle , the amphibian , including their

¹ ©2015 edited by Doungporn na Pombejra , The legal Affairs Divisions Department of Fisheries.

² This translation is aimed to have a better understanding a new Fishery legislation framework which has partially some provisions to cope with IUU Fishing.

eggs and spawns, sperms, seaweed , carcasses or any part of its , and include any aquatic plant life, the residues or any part of its as specified by the Notification of the Minister ;

“fish product” means the product derived from aquatic animals as raw materials;

“Fishery” means fishing , aquaculture and post-harvest handling or processing ;

“fishing” means catching , trapping, luring, shooting , harpooning, injuring, killing or taking aquatic animals in fishing ground with any fishing appliance or by any method;

“aquaculture” means any establishment, structure or facility employed in aquaculture, culture or breeding by natural or artificial propagation or any method in any stage of its life cycle ;

“post-harvest handling ”means quality and safety management of the post-harvest fish before processing ;

“processing” means any undertaking to transform fish and fish product for utilization and human consumption ;

“Persons engaging in fishery” means a natural person, a group of person or a juristic person who earn a living through fishery;

“aquaculture facility ” means a pond, enclosure, cage or any aquaculture facility which is located in either the private or the public land or in any fishing ground that the digger, the builder, the operator , the owner or the possessor mentioned therein aiming to use directly for aquaculture purposes ;

“fishing ground” means a land with still or running water, and all beach belonging to the public land , including the forest and naturally inundated areas within which is either the public or the private land , and being within territorial waters or any other waters in which Thailand exercises or is entitled to exercise its fishery rights, as such waters publicly appear to be delimited by local or customary law, or usage, or international laws, or treaties or in any other way ;

“fishing gear/appliance” means a machinery, tool, equipment, accessory, component, arm, pole, stake or a vessel used in fishing operation ;

“fishing vessel” means .any boat , craft, ship or any vessel which is used for, equipped to be used for or a type used for fishing , transshipment or storage of fish acquired through all types of vessels used to fish ;

“overseas marine fishery waters” means fishing in fishing ground waters outside Thai waters, including . transshipment or storage of fish through fishing outside Thai waters ;

“Thai waters” means all maritime waters under the jurisdiction of Thailand which includes the exclusive economic zone under the Royal Proclamation establishing the exclusive economic zone of the Kingdom of Thailand’;

“shoreline” means the line of the depth water at zero meter or the line where the sea is adjacent to the land of the shorelines or the outer limits of areas in accordance with the navigation map of the Hydrographic Department ;

“master” means a person having the command or charge of the vessel;

“fisheries statistics” means information and data concerning fishery, trade in fish and fish products or relating to mentioned therein ;

“licensee ” means any person who is granted a license or permit to conduct any operating under this Act ;

“competent official” means the official appointed by the Minister for the execution of this Act ;

“committee” means the National Fisheries Committee ;

“Director-General” means the Director-General of the Department of Fisheries ;

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

Section 5. The Minister of Agriculture and Cooperatives shall take charge and control of the execution of this Act, and shall have the power to appoint a competent official and to issue Ministerial Regulation fixing the prescribed tax ,fee and any payment not exceeding the rate in the schedule hereto attached and determining tax or fee or any payment reductions or exemptions, period of validity of license or permit, renewal of license or permit , determining any other undertaking and issue the Notifications for the execution of this Act

The Ministerial Regulations issued to determine tax or fees under paragraph one may be imposed different tax or fee rates by taking into account any type, kind, size or a number of fishing appliance, or any type, kind, size or number, nature or form of aquaculture or fishing practice.

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

CHAPTER I

Fisheries Management

Part 1

General Provisions

Section 6. The Minister or, , the Provincial Fisheries Committee shall, in his jurisdiction particular regard to inland fishing zone and coastal fishing zone and with the approval of the Minister, have the power to issue a notification of the following matters:

- (1) To determine the types, kinds, sizes, numbers and part of fishing appliances which is prohibited ;
- (2) To determine the methods by which fishing is prohibited ;
- (3) To determine the kind, size or entire allowable catch which is prohibited , including a requirement for bycatch ;
- (4) To determine the areas within which fishing is prohibited ;
- (5) To determine the area of public lands within which is allowed for aquaculture operation ;
- (6) To determine the spawning and breeding seasons or any period of preservation and conservation during the closed seasons ;
- (7) To require the prescribed marking and identification of any fishing gearing/appliances during fishing by any person who engage in fishing ;
- (8) T To determine the areas to allow to be used fishing gear/appliance in a manner of pegging down, pitching, tying, stretching, pulling, sinking or by any other mean during fishing.

The notification under paragraph one shall not be applied to any act conducting for the research or the conservation purpose by the public sector with written permit from the Director-General or any person as entrusted by the Director-General. In the case where the notification is implemented in particular area, the map specifying the territory of that jurisdiction shall be annexed with the Notification.

For the purpose of this section, the Minister shall have the power to issue a notifications to determine the Provincial Fisheries Committee's jurisdiction in coastal fishing zone.

Section 7. In the case where a notification issued under section 6 shall be undertaken in the overlapping areas between two provinces or more due to its geographically nature or ecological system or for the purpose of fisheries management systematic , the Provincial Fisheries Committee concerned shall jointly consider to propose the Minister to issue a notification .

Section 8. The Minister shall have the power to issue the Ministerial Regulations prescribed the zone , including required any person who engage in fisheries or related activities to be registered or be registered and authorized by a competent official prior to undertaking such occupation.

The registration for or registration and issuing of license or permit, including the application for and issuing of substitute thereof shall be in accordance with rules, procedures and conditions as prescribed in the Ministerial Regulations.

Section 9. For the purpose of encouraging and supporting a public participation of a local fishing community in management, maintenance, conservation, restoration and sustainable utilization of aquatic resources within inland fishing zone or coastal fishing zone, the Department of Fisheries shall provide the assistance or support as follows :

- (1) To enhance a public participation of a local fishing community in the preparation of the policy in fishery development within Thai waters in relation to its stocks and fishing capacity under section 16(1);
- (2) To support the collective group and provide the registration to a local fishing community as an entity ;
- (3) To give suggestions and advices to a local fishing community in respect to management, maintenance, conservation, restoration and sustainable utilization of aquatic resources , including to give assistance and support in implementing the community projects or activities in that matters ;
- (4) To disseminate the knowledge or information in respect to management, maintenance, conservation, restoration and sustainable utilization of fishery resources .

Section 10. A juristic person, a group of person or any organization having the objective or activities related directly to fishing communities shall be entitled to register with the Department of Fisheries as an entity within its jurisdiction.

The rules , procedures and conditions of such registration under paragraph one shall be as prescribed by the Director-General upon its publication in the Government Gazette.

Section 11. A registered local fishing community under section 10 shall have a right to make any suggestion on development the guidance or solving the fisheries problems, including to make any suggestion on issuing a notification to the Provincial Fisheries Committee under section 6, section 45, section 50 and section 51..

Section 12. The Director-General shall have the power to appoint a member of a local fishing community as the entity be registered under section 10 to assist the competent official in the performance of duties under this Act.

The appointment, performance, and arrangements relating to identification cards of appointing under paragraph one shall be in accordance with rules , procedures and conditions prescribed by the Director-General upon its publication in the Government Gazette.

The person appointed under paragraph one shall present his identification card to that person concerned each time in the performance of duties.

Part 2

National Fishery Policy Committee

Section 13. There shall be the National Fishery Policy Committee consisting of the Prime Minister as Chairperson, Minister of Agriculture and Cooperatives as Vice Chairperson, the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the Permanent Secretary of Transport, the Permanent Secretary of the Ministry of Natural Resources and Environment, the Permanent Secretary of the Ministry of Energy, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Labour, the Permanent Secretary of the Ministry of Industry, the Secretary-General of the National Economic and Social Development Board, the Commander-in-Chief of the Royal Thai Navy, the Commissioner-General of the Royal Thai Police, the President of the National Farmers Council, the President of the Thai Chamber of Commerce, the President of the Federation of Thai Industries and not more than seven qualified persons appointed by the Minister shall be member.

The Director-General shall be member and secretary.

A member under paragraph one shall be appointed from the persons as follows .

- (1) One representative of each association who have such expertise in coastal fisheries ; marine fisheries ; inland fisheries ; aquaculture and processing and offshore fisheries ;
- (2) Two persons having knowledge and experience in non-profit organizations performing work in natural resources and environment;
- (3) Not more than two fishery academics.

The appointment of a qualified member shall be in accordance with rules. Procedures and conditions as prescribed by the Minister.

Section 14. A qualified member shall hold office for a term of two years.

If there is an appointment of a qualified member for the fulfillment of the vacancy or an appointment for the additional member while the appointed qualified members remain in office , such person shall hold office for the remaining term of the appointed qualified member.

The Minister may not appoint a qualified member for the fulfillment of the vacancy under paragraph one , if such term is not less than one hundred and eighty days.

If there is no appointment of a qualified member at the end of the term under paragraph one , the qualified member who vacate office at such term shall remain in office until the new qualified member is appointed.

A qualified member who vacates office at the end of the term may be reappointed.

Section 15. A qualified member vacates before term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister due to his or her inefficiency , misconduct or incapacity;
- (4) being a bankrupt ;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been sentenced by a final judgment to a term of imprisonment except for negligence or petty offences;

Section 16. The Committee shall have the power and duties as follows :

- (1) To determine a policy in fisheries development in Thai fisheries waters by taking into account its fishery resources and fishing capacity ;
- (2) To determine the policy in overseas marine fisheries development ;
- (3) To determine the policy in aquaculture development ;
- (4) To determine the policy in fishery-related industrial development ;
- (5) To propose the policy under paragraph 1 , 2 , 3 and 4 to the cabinet for consideration and approval thereof;
- (6) To determine the total allowable catch to fishing in Thai waters;
- (7) To determine guidance and goals in fishery development and take into account conservation and environment;
- (8) To determine guidance for the proper management and sustainable fishery ;
- (9) To supervise , to give suggestions and advices to the Overseas Marine Fishery Committee;

(10) To provide an annual report to the Cabinet;

(11) To implement any matter in respect of power and duties of the Committee or as entrusted by the Cabinet subject to the law.

Section 17. At the meeting of the Committee, the presence of not less than one-half of the total number of the members is required to constitute a quorum.

If the Chairperson is unable to attend the meeting or is unable to perform his or her duty, the Vice Chairperson shall preside over at the meeting. If both the Chairperson and the Vice Chairperson are not unable to attend the meeting or are unable to perform his or her duty, the members shall select one among themselves to preside over at the meeting.

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

Section 18. The Committee shall have the power to appoint sub-committees on coastal fishery, marine fishery, inland fishery, aquaculture, and processing. and have the power to appoint other sub-committee to perform other duties as entrusted by the Committee.

The provisions under section 17 shall apply *mutatis mutandis* to the sub-committee meetings.

Part 3 **Provincial Fishery Committee**

Section 19. There shall be the Provincial Fishery Committee in all provinces consisting of the Provincial Governor as Chairperson, a representative of the Ministry of Natural Resources and Environment, a representative of the Harbour Department, the Provincial Chief Prosecutor, the Provincial Commerce Officer, the Districts Chief Executive within its fishery jurisdiction, the Chief Executive of the Provincial Administrative Organization, the President of the Provincial Farmers' Council as an *ex officio* member and not more than thirteen qualified persons appointed by the Provincial Governor. The Provincial Fisheries Officer shall be a member and secretary.

A representative of the Royal Thai Navy shall be added as an *ex officio* member in any province which is adjacent to the coastal and marine zone or the Mekong River;

A qualified member under paragraph one shall be appointed from the person as follows;

(1) Not more than two representatives of each fishing community entity registered under section 10 who having the expertise in coastal fishery, marine fishery, inland fishery, aquaculture or processing;

(2) Three qualified members having knowledge or experience and performing work in fishery, natural resources and environment ;

In the case where any province does not have its representative of a local fishing community in particular field of expertise , the representatives under (1) from any other field of expertise shall be appointed in a proportion to the representatives of such field.

The appointment of qualified member shall be in accordance with rules, procedures and conditions as prescribed by the Minister.

Section 20. The Provincial Fishery Committee shall have the duties as follows:

(1) To compile any suggestions and guidance in the promotion fishery occupation , fisheries management , preservation , conservation , restoration and utilization of fishery resources in areas of jurisdiction of a local fishery community to the Committee in order to make a policy of fishery development in Thai-waters and take into account its fishery resources and fishing capacity under section 16 (1) ;

(2) To consider and propose any guidance in respect of the development or solution for fishery problem or for management, preservation, conservation and utilization in its jurisdiction to the Minister, the Committee or the Director-General ;

(3) To issue notifications under section 6, section 45, section 50 and section 51 upon its publication in the Government Gazette ;

(4) To implement any other matters as entrusted by the Minister or the Committee.

In the case of emergency or if it is a necessary to issue notifications under section 6 or 44, the Provincial Fishery Committee shall have the power to issue the interim notifications for a term not exceeding sixty days and shall be considered by the Minister consider within sixty days of such notifications come into force.

In the case where such notifications are not considered by the Minister within the period under paragraph one, such notification shall be in effect until not being approved by the Minister.

Section 21. The provisions of section 14, section 15, section 17 and section 18 shall apply mutatis mutandis to the Provincial Fishery Committee.

Part 4

Fishery Statistics

Section 22. For the purpose of collecting fishery statistics and fisheries management , any person who engaging in fishery occupations shall notify information and data of such occupations to the Department of Fisheries within thirty days as from the date of their commencement.

The notification of information and data under paragraph one shall be in accordance with rules, procedures and conditions as prescribed by the Director-General upon their publication in the Government Gazette.

Section 23. In notifying information and data in respect of fishery occupations thereof under section 22 shall have a list as follows :

- (1) Name and address of the person who engaging in the fishery occupations ;
- (2) Type of fishery Occupations ;
- (3) Number of the fishing gears /appliances in possession;
- (4) Premises undertaking fishery occupations ;
- (5) Commencing fishery occupations.

Section 24. Any changing as specified under section 22 or ceasing the fishery occupation shall be notified to the Department of Fisheries in thirty days as from date of changing or ceasing such occupations.

Section 25. If it is necessary to examine and collect fishery statistics , the competent official shall have the power to enter any place in which undertakings fishery occupations during working hours or places related therein.

In performing its duties under paragraph one, the persons who engaging in fishery occupations and the related persons are required to answer, facilitate and assist the competent official as appropriate.

Part 5

Control

Section 26. No one shall act as follows except for the scientific experiment permitted by the Director-General or his entrusted person.

- (1) To pour, throw away ,drain or dispose any poison as prescribed by the Minister's Notifications;
- (2) To do any act stupefying the fish ;
- (3) To pour, throw away or drain any substance dangerous to fish into any fishing grounds ;
- (4) To cause any pollutant in any fishing grounds.

The provisions under paragraph one shall not be applied to an unavoidable act that necessary for the military purposes .

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Minister.

Section 27. No one shall utilize an electric current or use any explosives in the fishing grounds except for the official purpose with written permission of the Director-General or his entrusted person.

The provision under paragraph one shall not be applies to any explosives for the military purposes.

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Minister.

Section 28. No one shall have in his possession for commercial purpose any fish which he knows that such possession having been acquired through the commission an offence under section 26 or 27.

Section 29. No one shall grow lotus, rice, jute, crops or such other aquatic plant specified by the Minister in any fishing grounds not within the land owned by a person unless written permission has been obtained from the competent official..

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Director-General upon its publication in the Government Gazette.

Section 30. No one shall drain water out of or dry up or diminish waters not within the land owned by a person for the purpose of fishing unless written permission has been obtained from the competent official .

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Director-General upon its publication in the Government Gazette.

Section 31. No one shall make alteration to any fishing grounds not within the land owned by a person affecting its former conditions unless written permission has been obtained from the competent official.

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Director-General upon its publication in the Government Gazette.

Section 32. No one shall erect, set up or build alike ,dam, weir, screen , fence ,fishing nets or other fishing gears or appliances in any fishing grounds obstructing the passage of aquatic animals unless written permission has been obtained from the competent official.

The provisions under paragraph one shall not apply to any undertakings for the disaster prevention purposes or for the official purposes in irrigation .

The application for and the grant of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Director-General upon its publication in the Government Gazette.

Section 33. No person shall have in possession of any fish or fish products in respect of type, kind, nature , number or size prescribed in the Ministerial Regulations unless the license or permit in respect therefor has been obtained from the competent official.

In the case where any person who possess such fish or fish products which prohibited under paragraph one, and those fish may cause harmful to human being or other fish , its environment or habitats , the proprieties owned by a person or of the public ,or those fish products that may be harmful to human health. In issuing the Ministerial Regulations under paragraph one, shall prescribed a provision specified that no person shall absolutely possess such fish , including prescribed such specific period for delivery of such fish in respect thereof to the competent official.

The Director-General shall have the power to order the competent officer under paragraph two , to destroy or handle such fish and fish products in respect thereof , as deemed appropriate.

The application for and the grant of any license or permit including any substitute shall be in accordance with the rules , procedures and conditions as prescribed in the Ministerial Regulations.

The provisions under paragraph one and two shall not be applied to any possession of fish or fish products by the competent official for the academic purposes.

Section 34. Where any person having in possession of fish or fish products prescribed in the Ministerial Regulation under section 33 paragraph one prior to such regulations coming into force ,wishes to keep in the possession in of such aquatic animals respect thereof , they shall have to lodge a request for permission therefore under section 33 within thirty days as from the date of such regulations coming into force.

In case where an application for under paragraph is not granted, the Director-General shall have the power to order such applicant to deliver hand over such fish or fish products to the competent official within seven days as from the date of receiving such order and the provisions under Section 33 paragraph three shall apply *mutatis mutandis*.

Section 35. For the purpose of prevention any harm to its environment or other aquatic species , or any harm be dangerous to human being or the proprieties owned by a person or of the public , the Minister shall have the power to prescribe in respect of any type, kind or nature of fish that prohibited to release into any fishing grounds.

No one shall release fish into any fishing grounds that prescribed by the Minister under paragraph one unless written permission is obtained from the competent official.

The application for and granting of any license or permit shall be in accordance with the rules , procedures and conditions as prescribed by the Minister.

Section 36. No person shall have in possession any destructive fishing gears/appliances in respect of type, kind, component or nature prescribed in the Ministerial Regulations unless such possession is used for the academic purpose or not used for the purpose of fishing and with the written permission from the Director-General or his or her entrusted persons..

The application for and granting of any license or permit shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulations.

Section 37. For the purpose of enhancing efficiency in monitoring , control and surveillance activities in fishery related ., the Minister with approval of the Committee shall issue the notifications specified the rules ,procedures and conditions for any person who engaging in fishery to comply with.

CHAPTER II

Fishery Zone

Part 1

Determination of the Fishery Zone

Section 38. The Fishery zone are divided into three zones, *viz*

- (1) The Coastal Marine Fishery Zone ;
- (2) The Offshore/Commercial Marine Fishery Zone ;
- (3) The Inland Fishery Zone.

Section 39. The Coastal Marine Fishery Zone is defined as its marine fishing areas within Thai waters up to a limit not exceeding 3 nautical miles measured from the shorelines .

In the case where there is necessary for fisheries resources management , the Minister shall have the power to issue the Ministerial Regulations determining the Coastal Marine Fishery Zone up to a limit not exceeding 12 nautical miles measured the shorelines, the map specifying the territory of that jurisdiction shall be annexed with such Regulations.

Section 40. The Offshore Marine Fishery Zone is defined as marine fishing areas within Thai waters from which is adjacent to the Coastal Marine Fishery Zone under section 38 up to the outer limits of Thai waters.

Section 41. The Inland Fishery Zone is defined as any fishing areas not either in the Coastal Marine Fishery Zone or the Offshore Marine Fishery Zone.

Part 2

Fishing Activity in the Fishery Zone

Section 42. Any person who use any fishing gears/appliances as prescribed in the Ministerial Regulations to fishing in the Inland Fishery Zone and the Coastal Marine Fishery Zone shall be granted a fishing license or permit from the competent official.

The rules , procedures and conditions of the application for and the issue of any fishing license or permit , including the application and the issue of the substitute thereof shall be as prescribed in the Ministerial Regulations.

Section 43. Any person who use any fishing gears/appliances to fishing in the Offshore Marine Fishery Zone shall be granted a fishing license or permit from the competent official.

The application for and the granting of any fishing license or permit , including the substitute thereof shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulations.

Any person who using any fishing gears/appliances with a fishing license or permit under section 42 or any artisanal/traditional fishing gears/appliances as prescribed by the Minister Regulations shall harvest in the Offshore Marine Fishery Zone without a fishing license or permit under paragraph one

Section 44. The licensee or permit holder who is authorized to use any fishing gears/appliances under section 42 and section 43 shall pay the fee payable therefor as prescribed in the Ministerial Regulations.

Section 45. The Minister or the Provincial Fishery Committee with approval of the Minister within its jurisdiction shall have the power to designate any fishing ground in the area to be the Reserve³ as follows

The map specifying the territory of that jurisdiction shall be annexed with the Notification.

- (1) office of the officer;
- (2) Monastery or place of worship ;
- (3) Zone of the navigation lock, regulator, weir or dam ;
- (4) Places which are suitable for the conservation aquatic species.

Section 46. No person shall prohibit fishing or undertaking aquaculture within the Reserves unless for the academic purposes or for the purpose of preservation aquatic species with the written permission granted from the Director-General or his entrusted persons.

The application for and the granting of shall be in accordance with the rules, procedures and conditions as prescribed by the Minister.

CHAPTER III **Promotion of Aquaculture**

Section 47. The Minister with approval of the Agricultural Standards Committee shall prescribe aquaculture standards for any person who undertaking or operating aquaculture to apply and to ensure that the fish productions is in good quality and safety for consumers.

For the purpose of promoting and prescribing standards in respect of aquaculture under paragraph one, the Department of Fisheries shall conduct a study, research and development in aquaculture including its breeding and propagation.

For the purpose of aquaculture , the Director-General or his or her entrusted person shall issue a certification to any operator who undertaking aquaculture that meet such standards under paragraph one in accordance with the regulations as prescribed by the Director- General.

³ Reference: "The Preservation Fisheries" is used in the Fisheries Act B.E. 2490

Section 48. Notwithstanding the application for aquaculture certification standards under section 46, any person who request the Department of Fisheries to inspect and certify in respect of its kind, nature, quality or source of any species or to analyze sampling, water, fish or each factor of production for the purpose of aquaculture, shall apply for an application and fee payable therefor in accordance with the regulations as prescribed by the Director- General.

Section 49. For the purpose of promoting aquaculture for quality control, environment protection , or safety for human being or for the proprieties of the private or the public , the Minister shall have the power to issue the Ministerial Regulations describing any kind ,or nature or size of aquaculture as the controlled operations.

Section 50. When the issue of the Ministerial Regulations prescribing any aquaculture to be controlled under section 49 , the Provincial Fishery Committee shall have the power to determine zones or areas in which aquaculture is prohibited. The Minister shall have the power to issue the regulations for any matters as follows :

(1) To prescribe person who undertaking or operating aquaculture to notify such undertaking to the competent official including to prescribe the rules, procedures and conditions of such notifications in respect of aquaculture ;

(2) To prescribe its source or originated from fish which is prohibited ;

(3) To prescribe type, nature and quality for fish feed which is prohibited ;

(4) To prescribe kind and quantity of drug, chemical or other hazardous substance which is prohibited ;

(5) To prescribe rules and any practices for the management of wastewater or sewage from aquaculture ;

(6) To prescribe rules and any practices in preventing the discharge of wastewater from such aquaculture .

Section 51. For the purposes of preventing environment impact and managing aquaculture in the public fisheries , no person shall not be allowed for aquaculture undertaking in the public fisheries

The application for and the granting of any license or permit including any substitute shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulations.

Section 52 For the purposes of traceability fish and fish products, the Minister may issue the Notifications requiring the operator of the controlled aquaculture under section 49 who trading fish shall apply for the movement document from the competent official.

The Director-General shall have the power to designate other person as a substitute officer for the issue of the movement document at any particular matters.

The application for and the granting of the movement document under paragraph one and two shall be in accordance with the rules, procedures and conditions as prescribed by the Director- General upon its publications in the Government Gazette.

CHAPTER IV **Standard of Fish or Fish Products**

Section 53. The Minister with approval of the Agricultural Standards Committee shall issue the notifications on sanitary and phytosanitary standards where it related to fishing , post-harvest handling, processing, storage, transportation or transshipment of fish and fish products . For the purpose of encouraging the implementation of any person in fishery occupations to meet quality and sanitary and phytosanitary standards and safety for consumer.

For the purposes of such fishery occupations under paragraph one, the Director-General or his or her entrusted person shall issue the certificate standards as prescribed by the notification of the Director-General upon its request.

Section 54. For the purpose of post-harvested handling to have a good quality in respect of the sanitary standard and safety for consumer, the Minister shall have the power to issue the Ministerial Regulations prescribed harvesting, transportation or transshipment of fish in relation to type, form or size of the operation subject to the control of post-harvested handling .

Section 55. When the Ministerial Regulations prescribing any undertaking in respect of post-harvested handling to be controlled under section 54, the Minister shall have the power to issue the Notifications on any matters for the operator as follows :

- (1) Guidelines for the post-harvested handling practice ;
- (2) Kind and quantity of chemical which is prohibited for the post-harvest handling ;
- (3) Rules and procedures in respect of the sanitary and phytosanitary standards in fishing vessels.

(4) Any matters to promote the quality of the post-harvested handling that meet the sanitary and phytosanitary standards or safety for consumers.

Section 56. In the case where there has been the pollutant or contamination of toxic or any other substances which may be harmful to human beings or any fish , exceeding such standards in respect of kind and amount under paragraph one , the Director-General shall have the power to determine the moratorium in such areas.

In case of emergency or if there is a reasonable ground to believe that any fishing ground caused the pollutant or contamination of toxins or other things which may be harmful to human being and can not be proved and executed any action in time . the Director-General shall have the power to issue a notification proscribing the moratorium of that areas of the period not exceeding thirty days and where necessary, may have extension of period not exceeding sixty days .

CHAPTER V

Importation and Exportation of Fish and Fish Products

Section 57. For the purpose of conservation or prevention harm to the environment or any other species or for prevention harm to the human being or the proprieties of any person or the public , the Minister shall have the power to issue the Ministerial Regulations prescribing in respect thereof any type, kind, nature , number or size of fish or fish products whose the importer or the exporter shall be granted a license or permit from the competent official.

The application for and the granting of any license or permit including any substitute thereto shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulations.

Section 58. In the case where the exportation of fish and fish products shall have a health or quality certificate or sanitary and phytosanitary certificate or any other certificates of fish or fish products from the Department of Fisheries as a requirement from a country of destination, or where any person who wish the Department of Fisheries to issue such health or quality control certificate or sanitary and phytosanitary or any other certificate of fish and fish products , shall apply for an application and pay the fee payable there for inspection or other execution subject to the regulation as prescribed by the Director-General.

Section 59. No one shall bring into the Kingdom the fishing vessel that contravenes or fail to comply with its obligations under the international fishery agreement to which Thailand is a party or any other obligations subject to the list of fishing vessel as prescribe by the Minister.

Section 60. When the foreign fishing vessel wishing to import fish or fish products into Thai waters , such vessel shall notify the competent official thereof and landing to the designated port in which the competent official has in place as prescribed by the Minister.

In the case where the competent officials has examine and if there is a ground to believe that such foreign fishing vessel under paragraph one involved in fishing or fishing activities in violation of its obligations under the international fishery agreements to which Thailand is a party or any other obligation as prescribed by the Minister, the competent official shall have the power to prohibit a transshipment of fish or fish products on board .

The notification and the inspection shall be in accordance with the rules, procedures and conditions as prescribed by the Minister upon its advise of the Overseas Marine Fishery Committee.

CHAPTER VI

Overseas Marine Fishery

Section 61. There shall be the committee called the “ Overseas Fishery Committee” consisting of the Minister of Agriculture and Cooperatives as Chairperson, the Permanent Secretary of the Ministry of Agriculture and Cooperatives vice Chairperson, the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Commerce, the Director General of the Department of Employment, the Director General of the Marine Department, the Comptroller General, Director General of the Department of Social Development and Welfare, the Director General of the Customs Department, a representative of the Office of the Attorney General, a representative of the Royal Thai Navy, a representative of the Royal Thai Police as *ex officio* member and not more than seven qualified persons appointed as member by the Minister. The Director-General shall be a member and secretary.

One qualified member under paragraph one shall be appointed from representative of the associations in each expertise as follows i.e. offshore marine fishery, overseas marine fishery, aquaculture, processing or any person who have his expertise in the international relations, law or economics.

Section 62. The Thai Overseas Fishery Committee shall have the duties as follows :

(1) To give suggestions or advices and guideline in promoting, developing and solving the overseas marine fishery problem to the Committee;

(2) To determine the work plans or methods in promotion , development and solution of overseas fishery problems related thereto in line with the policy under subsection (1);

(3) To issue regulations prescribing the rules, procedures and conditions on assistance and protection Thai fishing vessels harvesting beyond Thai waters ;

(4) To give suggestions or advices to the Minister or the Director-General in the issue of the Notifications under section 60 and section 64;

(5) To issue Notifications under section 65 , section 66 and section 67;

(6) To perform other duties as prescribed by law or entrusted by the Committee .

Section 63. The provision under section 14 , section 15, section 17 , section 18 shall apply *mutatis mutandis* to the Overseas Fishery Committee.

Section 64. Any person who entering into the arrangement /agreement or contract on overseas fishing with the foreign State or the international organization and received the right of fishing in foreign waters , shall notify such right in respect thereof to the Director-General subject to the regulations as prescribed by the Director-General.

Paragraph one shall not be apply in the case where there is the undertaking by the official .

The Director-General shall compile the information notified under paragraph one for the verification of such arrangement/agreement or contract in respect thereof subject to the regulations as prescribed by the Director-General.

Section 65. No person shall use any Thai fishing vessel to operate outside Thai waters within the jurisdiction of the foreign state unless such license or permit be granted from the Director-General or his entrusted person.

The application for and the granting of any license or permit including its substitute shall be subject to the rules, procedures and conditions as prescribed by the Overseas Fishery Committee upon its publication in the Government Gazette.

The Notifications under paragraph two shall at least prescribe the conditions of the applicant who shall have the fishing right outside Thai waters within the jurisdiction of the foreign State, including producing any evidence of such right to the competent official. and prescribe the requirements for the licensee or permit holder not to violate the foreign law.

Section 66. In the case where Thailand is a party of the international agreement on management of marine living resource in any area of the high seas and the Minister has declared as its Party ,no person shall use Thai fishing vessel for fishing in these areas unless any license or permit be granted from the Director-General or his entrusted person.

The application for and the granting of shall be in accordance with the rules, procedures and conditions as prescribed by the Overseas Fishery Committee upon its publication in the Government Gazette.

Section 67⁴ No person shall use Thai fishing vessel to fishing in the areas where Thailand is a party of the International Fishery Agreement under section 66 paragraph one that contravenes its obligation of such International Fishery Agreement as prescribed by the Overseas Fishery Committee upon its publication in the Government Gazette.

Section 68. Any owner of Thai fishing vessel who uses or allows other person to use his vessel in fishing causing such vessel in violation law of foreign State and their crew or passenger have to stay over in that country, shall , within thirty days as from the date of receiving notifications from the Department of Fisheries , have their duties to pay any expenses arising therefrom.

CHAPTER VII

Fees on license or Permit and Substitute

Section 69. The licensee or the permit holder under section 8, section 33, section 51, section 57, section 65 and section 66 and the substitute in respect thereof shall be subject to the rules , procedures and rates of the fee payable therefor as prescribed in the Ministerial Regulations.

CHAPTER VIII

Transferability

Section 70. The right subject to the license or permit and the right subject to the permission under this Act shall not be transferable to the heirs .

Section 71. In the case where a transferability to the other person by the licensee of a permit holder under section 8, section 33, section 42, section 43, section 51, section 57, section 65 and section 66 to the Director-General or a person as entrusted by or the competent official as be fit , such persons shall pay a fee for such transferability as prescribed in the Ministerial Regulations.

The Application for and the granting of transferability of license or permit shall be in accordance with rules , procedures and conditions as prescribed in the Ministerial Regulations.

⁴ This provision is added by the National Legislation Assembly .

CHAPTER VIII

Competent Official

Section 72. Any person who request the competent official to work outside office hour or to work outside office of the officer whether outside the Kingdom or not with a views to examine the application for and the granting of any license or permit , permission and certification under this Act shall submit such request in respect therefor to the competent official and pay per-diem not less than the official rate including transportation cost and other expenses as deemed necessary.

The application for and granting of determination per-diem payment, transportation cost and other expense shall be subject to the rules, procedures and conditions as prescribed in the Ministerial Regulations.

Section 73. In the execution of duties under this Act, the competent official shall have the powers as follows :

(1) To summon the licensee, director, manager, duly authorized person or employee concerned in respect thereof to give statements or submit any document or object for consideration under this Act ;

(2) To enter into the premises or places related therewith of the licensee during working hours with a views to execute amine and control in compliance with this Act ;

(3) To enter into the premise or places related therewith of the licensee under section 49 or section 54 during working hours with a views to execute and control in compliance with this Act ;

(4) To order the master of fishing vessel stop any vessel , or boarding , or entering into any fishing grounds in a views to execute and control in compliance with this Act ;

(5) To search under Criminal Procedure Code between sunrise and sunset or during the working hours if there is a reasonable ground to suspect that an offence has been committed under this Act ;

(6) To take samples of any fish or fish products or other things related therewith for inspection or analysis with a views to execute and control in compliance with this Act ;

(7) To seize or attach any fish or fish products if there is a reasonable ground to suspect that such fish and fish products in the possession is prohibited under section 33 ;

(8) To seize or attach any drug, chemical or any hazardous substance if there is a reasonable ground to suspect that such drug, chemicals or other hazardous substance used or may be used in aquaculture fails to comply with subsection 50 (4).

In the case where any fish or fish products, drug, chemical or any hazardous substance forfeited or attached by the competent official under subsection (7) or (8) may harmful to the human being or other fish or its habitats or the proprieties owned by a person or of the public , the Director-General shall have the power to destroy or handle by other appropriate means .

Upon entering and examining under subsection (2) or (3) or searching under subsection (5), if the competent official has not finished his performance, he may exercise such duties thereto at night or outside work hour.

The Director-General shall have the power to prescribe regulations for the execution of the competent official under subsection (1), (3), (4), (5), (6), (7) and (8).

In the execution of duties under paragraph one, all licensee or related persons shall render facility thereto.

Section 74. In the execution of duties under this Act, the competent official shall produce the identification card to the licensee or related person in respect thereto.

Section 75. In the execution duties under this Act, the competent official is deemed to be the competent official under the Penal Code.

For the purposes of arresting any offender under this Act, the competent official is deemed to be the administrative officer or police officer under the Criminal Procedure Code.

CHAPTER X

Administrative Measure

Section 76. Whenever the licensee or permit holder contravenes or fails to comply with this Act, the Ministerial Regulations, notifications or regulations issued under the provision of this Act or fails to comply with the conditions specified in the license or permit, the competent official who authorized to issue a license or permit shall have the power to order in writing such licensee to correct or comply with within the specific period .

In the case where the licensee fails to correct or comply within the specified period prescribed under paragraph one , the authorized office shall suspend or cancel for a period not exceeding ninety days. except such licensee taking the prosecution to Court through the commission of any offence under this Act , such suspension or cancellation shall be until a final judgment,

Section 77. The competent official who authorized to issue any license or permit shall have the power to revoke such license or permit where there has been found that any licensee :

(1) Use to be suspended or cancelled the license or permit and there has been a case of its suspension or cancellation ;

(2) Having a final judgment for the commission of any offence under this Act .

(3) Contravene or fail to comply with this Act, the Ministerial Regulations, the notifications or regulations issued under the provisions of this Act or fail to comply with the conditions specified in the license or permit which causing serious damage .

In the case where there has been a revocation for the possession of any license or permit of fish or fish products, that person shall, within thirty days as from the date of receiving notification, sell fish or fish products in his possession to the Department of Fisheries at the specific price. If that person fails to do or doing some parts within the specific period ,such fish or fish products shall be vested in the Department of Fisheries.

Section 78 In the case where the licensee not agree to the suspension or cancellation order under section 76 or the revocation order of any license or permit and permission under section 77, they may appeal within thirty days as from the date of notifying such order to the person as follows.

(1) The Director-General for the competent official order.

(2) The Minister for the Director-General or his entrusted person order.

The Director-General or the Minister shall , within sixty days as from the date of receiving such appeal , consider an appeal under paragraph one

The decision of the Director-General or the Minister shall be final.

Section 79. In the case where the licensee who authorized to erect the fishing gears or appliances , structures or anything in fishing grounds, violates or fails to comply with such authorization or fails to comply with any conditions prescribed in such license or permit .in respect therefor , the authorized office who issue any license or permit , shall order the licensee to change as prescribed under such authorization and in such case, the competent official shall have the power to remove or demolish such thereto if that licensee fails to comply within the specific period . Expenses incurred in the course of such in respect therefor. . Expenses incurred in the course of such undertakings shall be borne by the licensee.

Section 80. In the case where the license or permit has expired or the license or permit of the licensee under section 77 is revoked . In such case, the licensee shall remove or demolish the fishing gears/appliances, structures or things which belong to the licensee in fishing grounds within thirty days as from the date of its expiry or notification in respect there for as may be the case. If such licensee fails to

do within the specific period, the competent official shall have the power to remove and demolish thereto. Expenses incurred in the course of such undertakings shall be borne by the licensee.

Paragraph one shall not apply in the case where there is an appeal against the revocation order under section 78. , such appeal decision is deemed final for such revocation under paragraph one within thirty days one as from the date of receiving the notification .

Section 81. In the case where any person who harvest or erect the fishing gears /appliances , structures or anything in fishing grounds in contravention with this Act, the competent official shall have the power to remove or demolish such fishing gear/appliance, or anything immediately.

The competent official may order that person under paragraph one to remove , demolish such things in respect thereof within the period not exceeding thirty days as from the date of receiving such order. In such case, the competent official shall have the power to remove or demolish in respect thereof if the order receiver fail to remove or demolish within such period. The expenses of the removal shall be borne by such person.

CHAPTER XI

Penalties

Section 82. Whoever contravenes or fails to comply with the Minister's notifications, or the notification issued by the Provincial Fishery Committee under Section 6 , or the notification issued by the Provincial Fishery Committee under section 50, or the notifications issued by the Minister under Section 50 (1) (5) or (6) shall be liable to imprisonment for a term of not exceeding one year or a fine of not exceeding 10,000 baht to 100,000 baht or to both.

Section 83. Whoever fails to comply with section 8 shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding 10,000 baht or to both.

Section 84. Whoever fails to comply with section 22 or section 24 shall be liable to a fine not exceeding 500 baht.

Section 85. Whoever fails to comply with section 25 or section 64 paragraph one shall be liable to a fine not exceeding 10,000 baht.

Section 86. Whoever contravenes or fails to comply with the Minister's notifications issued under section 37 shall be liable to imprisonment for a term of not exceeding one year or a fine not exceeding 100,000 baht or to both.

Section 87. Whoever contravenes section 26 or section 27 shall be liable to imprisonment for a term of six months to five years and a fine from 5,000 baht to 500,000 baht.

Section 88 Whoever contravenes or fails to comply with section 28, section 42 or section 43 shall be liable to imprisonment for a term of not exceeding three years or a fine not exceeding 300,000 baht or to both.

Section 89. Whoever contravenes or fails to comply with section 29, section 30, section 31, section 32, section 46 and section 51 paragraph one or subsection 55 (1) (3) or (4) shall be s liable to imprisonment for a term of not exceeding six months or a fine not exceeding 60,000 baht or to both.

Section 90. Whoever contravenes or fails to comply with section 33 paragraph one or section 34 paragraph two shall be liable to imprisonment for a term of not exceeding one year or a fine not exceeding 100,000 baht or to both.

Where it is proved that any fish or fish products which may cause a harm under section 33 paragraph two, the offender shall be liable to imprisonment for a term of not exceeding six years or a fine not exceeding 600,000 baht or to both.

Section 91. Whoever contravenes or fails to comply with section 35 paragraph two, section 36 or section 57 shall be liable to imprisonment for a term of not exceeding one year or a fine not exceeding 100,000 baht or to both.

Section 92. Whoever fails to comply with section 52 paragraph one shall be liable to a fine not exceeding 30,000 baht.

Section 93. Whoever contravenes or fails to comply with the Minister's notifications issued under subsection 50 (2), (3), or (4), subsection 55 (2) or section 56 shall be liable to imprisonment for a term of not exceeding three years or a fine not exceeding 300,000 baht or to both.

Section 94⁵. Whoever contravenes section 59 or section 60 or section 67 shall be liable to a fine from one million baht to thirty million baht.

Section 95. Whoever contravenes to comply with section 65 paragraph one or section 66 paragraph one shall be liable to a fine not exceeding one million baht.

Section 96. Where any owner of the fishing vessel fails to reimburse the expenses under section 68 shall be subject to imprisonment for a term of not exceeding two years or a fine from 20,000 baht to 200,000 baht or to both.

Section 97. Whoever contravenes to comply with summoning of the competent official under subsection 73 (1) or fails to render facilities to the competent official under section 73 paragraph five shall be liable to imprisonment for o term of not exceeding one month or a fine not exceeding 10,000 baht or to both.

⁵ This provision is under a revision of the National Legislation Assembly

Section 98. Any fishing gear/appliances, fish, other article or thing used or acquired by the offence in contravene with the notification imposed under section 6 (1) shall be forfeited by the court.

Section 99. With regard to all offenses imposed under section 82, section 83, section 84, section 85, section 86 , section 89 section 90 paragraph one, section 91, section 92, section 94 section 95 and section 97 , the Committee shall have the power to compare a fine

When the alleged person pays the fine amount within thirty days as from the date of such fine be compared , the case is deemed to settle under the Criminal Procedure Code.

The Committee on Determination the Fine under paragraph one shall consist of the representative of the Office of the Attorney General as Chairperson, a representative of the Royal Thai Police as a member and a representative of the Department of Fisheries shall be member and secretary . Such committee shall be established both in Bangkok and as prescribed by the Minister as appropriate.

The rules, procedures and conditions of the Committee shall be as prescribed by the Minister.

Transitory Provisions

Section 100. All the Royal Decrees, the Ministerial Regulations, the notifications, the regulations or Orders under the Fisheries Act B.E. 2490 as existing prior to the date this Act comes into force shall be continued if it's not contrary to , or inconsistent with, this Act.

All the Reserves Fisheries⁶ under the Notifications of the Fisheries Act B.E. 2490 shall be the Reserves Fisheries under this Act.

Section 101. All the concession, fishing license, authorization , license or permit issuing under the Fisheries Act B.E. 2490 prior to the date this Act comes into force shall be deemed valid until its expiry or revocation of such concession, license or permit.

Section 102. Within one hundred and eighty days as from the date this Act comes into force, a local communities shall be registered as the entity with the Department of Fisheries.

Section 103. Within one hundred and eighty days as from the date this Act comes into force, any person who engage in fisheryies shall notify information and data with respect to fisheries occupation to the Department of Fisheries.

Section 104. Within one hundred and eighty days as from the date this Act comes into force, any application for a license or permit by any person who engage in aquaculture in the public land under

⁶ “ Preservation Fisheries” used in the Fisheries Act 2490.

the Fisheries Act shall be continued until the fact of not granting permission shall be notified by the competent official.

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Rate of Tax

A license or permit in respect of fishing gear/ Fappliance classification

(1) Trawl nets	500 Baht per meter
(2) Push nets	500 Baht per meter
(3) Surrounding nets	20 Baht per meter
(4) Lift nets or Falling nets	30 Baht per meter
(5) Gill nets and Entangling nets or Set Gill nets	2 Baht per meter
(6) Net fishing gears not specifies	10 Baht per meter
(7) Dredges	3,400 baht per unit
(8) Stationary Uncovered Pound nets/set nets and barriers	4,000 baht per unit
(9) Traps	20 baht per unit
(10) Bug lift nets, <i>chon khan cho</i> dip nets, Boat Dip Nets	
Raft dip nets fitted with a life part	600 Baht per unit
(11) Fyke nets, Fyke lift nets, or Big lift nets	800 Baht per unit
(12) Chon dip nets other than (10) and (11), a width of 3.5 meters	200 Baht per unit
(13) Baited set lines/Long-lines, a length of 100 meters or over	80 Baht per unit
(14) Non pocket Cast nets/Fishing nets, a length of 3 meters or over	200 Baht per unit

(15) Miscellaneous Gears

1,000 Baht per unit

Rate of Fee

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|--|-------------------------------------|
| (1) License or permit for importation and exportation of | 500 Baht each fish or fish products |
| (2) License or permit for fish and fish products | 1,000 Baht each |
| (3) License or permit for fishing | 500 Baht each |
| (4) License or permit for aquaculture in Public fisheries | 5 Baht each square meter |
| (5) License or permit for Thai fishing vessel in the overseas marine fishery | 3,000 Baht each |
| (6) Substitute of license or permit | 100 Baht each |
| (7) Transferability of license or permit | 100 Baht each |
| (8) Renewal of a license or permit equals to fee imposed to each kind of license or permit | |