

TranslationRUBBER REPLANTING AID FUND ACT,
B E 2503 (1960)⁽¹⁾

390037

IN THE NAME OF HIS MAJESTY KING BHUMIBOL ADULYADEJ
SANGWAN
RegentGiven on the 25th Day of August B E 2503
Being the 15th Year of the Present Reign

Whereas it is expedient to establish a rubber replanting aid fund in order to assist rubber plantation owners in the improvement of rubber plantations,

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in the capacity of the National Assembly, as follows.

Section 1 This Act is called the "Rubber Replanting Aid Fund Act, B.E 2503"

Section 2 This Act shall come into force after ninety days from the date of its publication in the Government Gazette ⁽²⁾

Section 3 ⁽³⁾ In this Act

"rubber tree" means *Hevea* spp ,

"high yielding rubber variety" means a rubber tree of a variety which gives high yield as prescribed by the Board with the advice of the Department of Agriculture,

"rubber plantation" means an area where rubber trees are cultivated of not less than two *Rai*, ⁽⁴⁾ each *Rai* having not less than ten rubber trees and on the average there must not be less than twenty five rubber trees each *Rai*,

⁽¹⁾ As amended by the Rubber Replanting Aid Fund Act (No 4), B E 2530 (1987), Government Gazette Vol 104, Part 269, Special Issue, dated 20th December B E 2530 (1987)

⁽²⁾ Government Gazette Vol. 77, Part 73, dated 6th September B E. 2503 (1960)

⁽³⁾ As amended by section 3 of the Rubber Replanting Aid Fund Act (No 2), B.E 2505 (1962)

⁽⁴⁾ Approximately one thousand and six hundred square metres

"small plantation" means a rubber plantation of not more than fifty *Rai*,

"medium plantation" means a rubber plantation of more than fifty but less than two hundred and fifty *Rai*,

"large plantation" means a rubber plantation of two hundred and fifty *Rai* and upward;

"rubber plantation owner" means a rubber planter who has the right to receive the produce from the rubber trees in his rubber plantation,

"rubber" means latex, rubber sheets, crepe rubber, lump rubber, scrap rubber or other forms of rubber produced or derived from any part of a rubber tree but does not include products manufactured from rubber,

"replanting"⁽⁵⁾ means planting of high yielding rubber varieties or other perennial trees of economic importance as prescribed by the Board to replace some or all of the old rubber trees or perennial trees,

"aid year" means a period from 1st October of the year to 30th September of the ensuing year and it shall be identified by the B.E. numerals for such ensuing year;

"aid official" means a person appointed aid official by the Minister,

"Board" means the Board of Rubber Replanting Aid,

"Director" means the Director of the Office of Rubber Replanting Aid Fund,

"Minister" means the Minister having charge and control of the execution of this

Act

Section 4⁽⁶⁾ A fund shall be established consisting of aid contribution under this Act called the "Rubber Replanting Aid Fund" for financing the improvement of rubber plantation which gives little yield

The Rubber Replanting Aid Fund shall be a juristic person with the objects of management of activities in aid of rubber plantation in accordance with this Act and shall have the power to do any act necessary for and supplementary to the said objects as well as to carry out rubber plantation and tree crop plantation and activities in connection with the demonstration and promotion for the benefit of the aids including the implementation of the promotion and replanting of other perennial trees of economic importance as entrusted by the Government

(5) As amended by section 3 of the Rubber Replanting Aid Fund Act (No 3), B E 2518 (1975)

(6) As amended by section 4, 1b1d

The Rubber Replanting Aid Fund shall have its head office in the Bangkok Metropolis called the "Office of Rubber Replanting Aid Fund"

Section 4 bis⁽⁷⁾ In implementing the promotion and replanting of other perennial trees under section 4, the expenditures shall be financed by the Government or by the Aid Fund for Farmers under the law on aid fund for farmers

Section 5.⁽⁸⁾ Any person who exports rubber shall make aid contribution in accordance with the rules, procedure, conditions and rate of aid contribution notified by the Minister in the Government Gazette. In prescribing the rate of aid contribution, prior approval of the Council of Ministers shall be obtained

In prescribing the rate of aid contribution under paragraph one, the amount of aid contribution to be paid by the Rubber Replanting Aid Fund each year and the rate of the export tariff under the law on customs tariff imposed on the export of rubber shall also be taken as principles for consideration by regarding the rate per one kilogram of rubber as criterion

In calculating the amount of aid contribution to be paid by the person under paragraph one, if the fraction of the weight of rubber exceeds a half kilogram, the aid contribution shall be calculated on the basis of one kilogram of rubber. If the fraction thereof is less than a half kilogram, it shall not be taken for calculation

The rubber of not more than five kilograms exported as sample or rubber of any weight exported by a Ministry, Sub-Ministry or Department for any non-commercial purpose shall be exempted from making aid contribution

Section 6 The Minister shall have the power to suspend, by notification in the Government Gazette, the collection of aid contribution from rubber exporters who are liable to pay under section 5 for any specified period as deemed expedient, provided that the collection may be suspended for all or only certain kinds of rubber

Section 7 The aid contribution collected under section 5 shall be transferred to the Rubber Replanting Aid Fund and used in the activities specifically provided in this Act

(7) As added by section 5, ibid

(8) As amended by section 3 of the Rubber Replanting Aid Fund Act (No 4), B.E. 2530 (1987)

Section 8 A person to benefit from the aid under this Act must be a rubber plantation owner with rubber trees over twenty five years old or decayed and damaged rubber trees or those which give little yield

The aid shall be in the form of replanting and may consist of other forms of aid for the purpose of replanting, by means of distributing high yielding rubber varieties, perennial plant varieties, seed crops, fertilisers, tools and equipment, or providing other services or paying cash to rubber plantation owners provided that any form or forms of aid may be given

Section 9 (9) There shall be a Board to conduct the activities of the Rubber Replanting Aid Fund called "B R A" in brief consisting of the Minister of Agriculture and Cooperatives or a Deputy Minister of Agriculture and Cooperatives entrusted by the Minister of Agriculture and Cooperatives as Chairman, the Permanent Secretary of the Ministry of Agriculture and Cooperatives as Vice-Chairman, the Secretary-General of the National Economic and Social Development Board, the Director of the Budget Bureau, the Director-General of the Department of Agriculture, the Director-General of the Department of Agricultural Extension, the Director-General of the Customs Department, the Director of the Rubber Research Institute, Department of Agriculture as members and not more than six other members appointed by the Council of Ministers from four rubber plantation owners and from two other persons who have interest in the rubber activities

The Director shall be member and secretary

Section 10 (10) A member appointed by the Council of Ministers shall hold office for a term of two years

In the case where a member appointed by the Council of Ministers vacates office before the expiration of his term or in the case where the Council of Ministers appoints an additional member during the term of the members already appointed, the person appointed to replace him or appointed as an additional member shall hold office for the remaining term of the members already appointed

At the expiration of the term under paragraph one, if new members have not yet been appointed, the outgoing members whose terms of office have expired shall be in office to continue to perform their duties until the new members assume their duties

A member who vacates office at the expiration of his term may be re-appointed

(9),(10) As amended by section 4, 1b1d

Section 11⁽¹¹⁾ In addition to vacating office at the expiration of the term under section 10, a member appointed by the Council of Ministers vacates office upon

- (1) death,
- (2) resignation,
- (3) being removed by the resolution of the Council of Ministers,
- (4) being a bankrupt,
- (5) being an incompetent or quasi-incompetent person,
- (6) being imprisoned by a final judgment or lawful order to a term of imprisonment except for an offence committed through negligence or a petty offence,
- (7) giving up ownership in the rubber plantation or being a person who has no interest in the rubber activities

Section 12⁽¹²⁾ At a meeting of the Board, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present at the meeting or is unable to perform his duty, the Vice-Chairman shall preside over the meeting. If the Chairman and Vice-Chairman are not present at the meeting or are unable to perform their duties, the meeting shall elect one member to preside over it.

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

Section 13⁽¹³⁾ The Board shall have the powers and duties to exercise general supervision of the activities of the Rubber Replanting Aid Fund and shall, in particular, have the powers and duties as follows

- (1) to conduct the rubber replanting aid activities,
- (2) to issue regulations or rules on the administration and finance for implementing the rubber replanting aid,
- (3) to issue regulations on recruitment, appointment, removal from office, increase or cutting or reduction of salaries, disciplinary measures, as well as prescribing position classification, salary scales, wages, travelling expenses, per diem, accommodation allowances, compensation and other remunerations,
- (4) to issue regulations on uniforms of officials

(11) As amended by section 4, ibid

(12) As amended by section 5, ibid

(13) As amended by section 6, ibid

The Board may entrust anyone or more of its powers and duties to the Director to carry out by prescribing in a regulation or rule under (2)

Section 14 ⁽¹⁴⁾ The Chairman, members and secretary of the Board shall receive meeting allowances and other remunerations in accordance with the rules prescribed by the Council of Ministers

Section 15 ⁽¹⁵⁾ The Board shall, with the approval of the Council of Ministers, appoint and remove the Director, and determine his salary

The Director shall receive other remunerations to which an official of the Office of Rubber Replanting Aid Fund is entitled

Section 16 The Director shall have the powers and duties to conduct activities in accordance with resolutions of the Board and is the superior official of all officials

When the Director is unable to perform his duties, the Board shall appoint a person the acting Director

The acting Director shall have the same powers and duties as the Director except the powers and duties of the Director in the capacity of member

Section 17 in respect of its external relations, the Director shall be representative of the Rubber Replanting Aid Fund and, for this purpose, may delegate his authority to any person to perform any act on his behalf with the approval of the Board

Section 18 ⁽¹⁶⁾ Every aid year, the Board shall allocate the aid contribution collected under section 5 as follows

(1) Not more than five per cent to be given by instalments in accordance with the rules and procedure prescribed by the Minister to the Department of Agriculture for financing the research and experiment in connection with rubber activities for the sole benefit of the rubber plantation owners. The proceeds allocated to the Department of Agriculture shall not be regarded as revenue under the law on budgetary procedure

(14). (15) As amended by section 6, 1b1d

(16) As amended by section 7, 1b1d

(2) Not more than ten per cent as operational expenses for the rubber replanting aid of the Office of the Rubber Replanting Aid Fund. If the proceeds are insufficient for the said works, the Government shall provide an additional appropriations in the annual budget, as may be deemed necessary

(3) The balance after deduction of (1) and (2) is to be entirely allocated towards the aid of rubber plantation owners under this Act and may not be expended for any other purposes.

If there is fruit of the aid contribution collected under section 5, the Board shall allocate it as operational expenses in addition to the amount already allocated under (2) as may be deemed necessary, the balance, if any, shall be added to the allocated amount of aid for the rubber plantation owners in ensuing aid year

If any amount of the aid allocated to the rubber plantation owners under (3) is left over during any aid year, it shall be added to the allocated amount of aid for the rubber plantation owners under (3) in the ensuing aid year

Section 19 The aid contribution allocated for aid to the rubber plantation owners under section 18 (3) shall be distributed each year to them according to the types of their plantations as follows

Large plantations	ten per cent
Medium plantations	twenty per cent
Small plantations	seventy per cent

If the aid contribution expended to any type of plantations is less than the distributed amount, the Board shall have the power to distribute the balance or additional aid to the other types of plantations. In this case, the rate of aid contribution prescribed above shall not apply

Owners of the same type of rubber plantations may receive unequal aid or may receive it at different times or may not receive it at all For this purpose, the Board shall allocate according to the amount of aid contribution available and to take into account the mutual benefit to be derived from the increased yield from rubber trees

The fact that any rubber plantation owner does not receive the aid under the preceding paragraph shall not deprive him of the right thereto in the following years

Section 20 Any rubber plantation owner who wishes to apply for aid under this Act shall make an application to the aid official of the locality where the rubber plantation is situated in accordance with the forms and procedure prescribed in the Ministerial Regulation.

In the case where an applicant for aid is a rubber planter on leased land or on land belonging to someone else, the applicant must satisfy the aid official that the lessor or owner of the land has given approval for the application for aid

For the purpose of examination in the granting of aid by the Board, the aid recipient must provide facilities and comply with orders of the Board or officials as deemed necessary

Section 21 ⁽¹⁷⁾ An owner of a rubber plantation consisting of a single plot of land of not more than fifteen *Rai* or of plots of land of not more than fifteen *Rai* altogether may apply for aid in planting high yielding rubber varieties in a new plot of land of fifteen *Rai* or upward instead of replanting the original plots, but the amount of aid to be given shall be equal to that to which the original plantation is entitled.

Section 21 bis ⁽¹⁸⁾ For the purpose of promoting the planting of high yielding rubber varieties, in the case where a person who has not had a rubber plantation before and owns the land of not less than two *Rai* wishes to apply for the aid, he shall submit an application to the Office of the Rubber Replanting Aid Fund in accordance with the forms and procedure prescribed in the Ministerial Regulation

In implementing the aid under paragraph one, the contribution shall be made out of the subsidies, annual budget or loans provided by the Government

The Board shall have the power to allocate the aid contribution to each applicant under paragraph one for not more than fifteen *Rai* in accordance with the rules, procedure and conditions prescribed by the Minister with the advice of the Board and published in the Government Gazette

The provisions of section 22 and section 23 shall apply *mutatis mutandis* to the aid recipient under this section

In the case where the applicant under paragraph one does not receive the aid, it shall not deprive him of the right thereto in the following years

Section 22 If a rubber plantation owner receiving aid under this Act does not comply with or violates a Ministerial Regulation, rule, regulation or order, of the Board or official under this Act, the Board shall have the power to order the suspension of the aid

(17) As amended by section 5 of the Rubber Replanting Aid Fund Act (No 2), B E 2505 (1962)

(18) As added by section 8 of the Rubber Replanting Aid Fund Act (No 4), B E 2530 (1987)

Section 23 The aid contribution received by the rubber plantation owner under this Act shall be exempted from any tax, duty and fee

Section 24 For the execution of this Act, the members of the Board, and officials and persons being authorized in writing by the Board shall have the power as follows

(1) to enter a rubber plantation where the owner applies for aid or land adjoining thereto for examination and survey,

(2) to issue a written order requiring the rubber plantation owner who applies for aid or any person reasonably believed to be able to give any statement of fact which is likely to be beneficial to the execution of this Act to give statement,

(3) to issue a written order requiring the person in (2) to submit or produce any document reasonably believed to be beneficial to the execution of this Act

Section 25 (19) Within one hundred and twenty days after the end of every aid year, the Board shall draw up a balance sheet showing the financial statement certified by the Office of the Auditor-General and submit a report on the results of its performance of activities to the Minister

The Minister shall have the balance sheet and the report in the preceding paragraph published in the Government Gazette without delay

Section 26 Any person who does any act in order to evade payment of aid contribution under section 5 or to pay less than the amount which should be paid, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten times the aid contribution in arrears but not less than one thousand Baht or to both

The fine under this section shall be regarded as aid contribution collected under section 5 and shall be transferred to the Rubber Replanting Aid Fund

Section 27 A person who obstructs or fails to render facilities to a member of the Board, aid official or person authorized by the Board to act under section 24 (1), or fails to comply with a written order issued by such persons under section 24 (2) or (3), shall be liable to imprisonment for a term not exceeding ten days or to a fine not exceeding five hundred Baht or to both

(19) As amended by section 6 of the Rubber Replanting Aid Fund Act (No 2), B E 2505 (1962)

390096

9.10

10

Section 28 The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to appoint aid officials and issue Ministerial Regulations for the execution of this Act

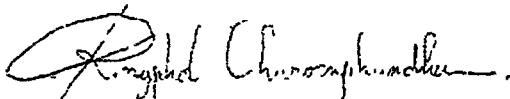
Such Ministerial Regulations shall come into force upon their publication in the Government Gazette

Countersigned by

Field Marshal S. Dhanarajata

Prime Minister

Certified correct translation



(Rongphol Charoenphandhu)

Office of the Juridical Council

(Office of the Council of State)