

CONSERVATION AND PROTECTION OF WILD ANIMALS ACT (NO. 3),
B.E. 2557 (2014)

BHUMIBOL ADULYADEJ, REX.

Given on the 29th December B.E. 2557 (2014)

Being the 69th Year of the Present Reign.

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

Whereas it is expedient to amend the law on wild animal reservation and protection.

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

Section 1. This Act is called the “Conservation and Protection of Wild Animals Act (No. 3), B.E. 2557 (2014)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. There shall be added a definition of “Product Made of Carcass of Wild Animal” between the definitions of “Carcass of Wild Animal” and “Breeding” in section 4 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992).

“Product Made of Carcass of Wild Animal” shall include the derivative or any other thing derived from wild animal or carcass of wild animal

* Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version– subject to final authorisation by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 131, Part 89 a, dated 30th December, B.E. 2557 (2014).

which is traceable or distinguishable by documentation, or packaging, or sign, or labeling, or others that it indicates such an animal, as prescribed by the Minister”

Section 4. The provisions of section 23, section 24 and section 25 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“**Section 23.** Subject to section 24, no person shall import or export wild animal, carcass of wild animal, or product made of carcass of wild animal, of the kind prescribed by the Minister, or carry in transit conserved wild animal, protected wild animal, carcass of conserved wild animal, carcass of protected wild animal, or product made of carcass of such wild animal unless having been permitted by the Director-General.

No person shall import or export conserved wild animal, protected wild animal, carcass of conserved wild animal, carcass of protected wild animal, or product made of carcass of such wild animal, except the import or export of conserved wild animal, protected wild animal, carcass of conserved wild animal, carcass of protected wild animal, or product made of carcass of wild animal derived from breeding under section 18 (1), or acquired legally under the international agreement on trade of wild animal, carcass of wild animal, or product made of carcass of wild animal, which has a license granted by the Director-General.

The application for and grant of permission under paragraph one and paragraph two shall be in accordance with the rule, procedure and condition prescribed in the Ministerial Regulation.

•**Section 24.** The import, export, or carry in transit wild animal, carcass of wild animal, or product made of carcass of wild animal which is required to have a license or certificate of import, export, or carry in transit under the international agreement on trade of wild animal, carcass of wild animal, or product made of carcass of wild animal, is required to have a license or certificate granted by the Director-General.

The application for permission or certificate, and grant of permission or certificate, shall be in accordance with the rule, procedure and condition prescribed in the Ministerial Regulation.

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Section 25. the carrying in transit of conserved wild animal or carcass of conserved wild animal for the purpose of trade of the licensee under section 20 is required to have a license granted by the Director-General, and must inform the competent official of the wild animal quarantine by showing the license for carrying in transit of conserved wild animal or carcass of conserved wild animal for the purpose of trade to the competent official. After the competent official has examined and permitted, the carrying in transit may be carried on.

The application for and grant of license shall be in accordance with the rule, procedure and condition prescribed in the Ministerial Regulation.”

Section 5. The provisions of section 28 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“**Section 28.** Any person who carries in transit wild animal, carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23, or carry in transit conserved wild animal, protected wild animal, carcass of conserved wild animal, carcass of protected wild animal, or product made of carcass of such wild animal for the purpose of import, export, or carry in transit at the wild animal quarantine must inform the competent official of the wild animal quarantine by showing the license for import, export, carrying in transit, as the case may be. After the competent official has examined and permitted, the carrying in transit may be carried on.”

Section 6. The provisions of section 55 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“**Section 55.** Any person who assists in concealing, distributing, taking away, or purchasing of, or is a pawnbroker of, or accepts by any means of, wild animal, carcass of wild animal, or product made of carcass of wild animal derived from commission of an offence under this Act shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding ten thousand Baht, or to both.”

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Section 7. The provisions of section 61 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“Section 61. Upon having the enforcement of the Ministerial Regulation under section 6 paragraph one, the operation on the protected wild animal of the kind which is additionally prescribed, carcass of protected wild animal, or product made of carcass of such protected wild animal, which is under possession of any person before the date of enforcement of the Ministerial Regulation shall be as follows:

(1) in case of protected wild animal, the owner or possessor of protected wild animal shall inform about the kind and amount of wild animal under his or her possession to the competent official within ninety days from the date the Ministerial Regulation comes into force; upon having examined, if the owner or possessor of protected wild animal does not wish to raise such protected wild animal any longer, the competent official shall sell such protected wild animal to the licensee for establishing and operating public zoo under section 29, or sell such protected wild animal of the kind prescribed under section 17 to the licensee for breeding under section 18, which has to be finished within one hundred and twenty days from the date of information to the competent official; after the lapse of such period, the remaining protected wild animal shall be vested in the State, and the owner or possessor of such protected wild animal shall submit it to the Department of National Parks, Wildlife and Plant Conservation, or the Department of Fisheries, as the case may be, for further operation in accordance with the rule prescribed by the Director-General with the approval of the Committee; in case such protected wild animal is the protected wild animal of the kind prescribed under section 17, the owner or possessor who wishes to breed such animal must file an application for a license for breeding under section 18 within thirty days from the date of information to the competent official; upon having applied for a license, he or she may further possessing such protected wild animal.

If the owner or possessor of such protected wild animal wishes to continue raising such protected wild animal, the competent official shall examine the raising condition of protected wild animal by such person for considering whether it is appropriate and safe for such animal or not. Upon having considered that such protected wild animal is carefully raised in an appropriate and safe condition, the Director-General shall permit such person to continue possessing such protected wild

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animal by granting a license for temporary possessing protected wild animal to the owner or possessor. The license shall be valid for life of such protected wild animal, and such licensee must comply with the regulation on raising protected wild animal prescribed by the Minister with the approval of the Committee. And when the protected wild animal subsequently increases in number by reproduction, or dies, the licensee must inform the competent official thereon.

(2) in case of carcass of protected wild animal, the owner or possessor shall inform about the kind and amount of carcass of wild animal under his or her possession to the competent official within ninety days from the date the Ministerial Regulation comes into force for recording in the register, and such person may further possess the carcass of protected wild animal in accordance with the rule prescribed by the Director-General by publication in the Government Gazette.

In case of carcass of protected wild animal, or product made of carcass of wild animal possessed for the purpose of trade, the owner or possessor shall inform about the kind and amount of carcass of protected wild animal, or product made of carcass of such wild animal under his or her possession to the competent official within ninety days from the date the Ministerial Regulation comes into force for recording in the register. After the competent official has already recorded the kind and amount of carcass of protected wild animal, or product made of carcass of such wild animal, the owner or possessor of carcass of protected wild animal, or product made of carcass of wild animal possessed for the purpose of trade shall proceed to sell all of the carcass of protected wild animal, or product made of carcass of wild animal within three years, which shall be recorded in a statement of sell of carcass of protected wild animal, or product made of carcass of wild animal to be given to each buyer, except the sell of carcass of protected wild animal for consumption. Upon the lapse of such period, if there is carcass of protected wild animal or product made of carcass of wild animal remaining, the owner or possessor shall inform about the kind and amount of remaining carcass of protected wild animal, or product made of carcass of such wild animal to the competent official within ninety days from the date of the end of three years for recording in the register. And the owner or possessor of carcass of protected wild animal, or product made of carcass of wild animal may continue to possess the carcass of protected wild animal, or product made of carcass of wild animal; provided that such carcass of protected wild animal, or product made of carcass of

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wild animal, may not be traded unless it is done in compliance with the rule prescribed in this Act.

(3) in case of protected wild animal, carcass of protected wild animal, or product made of carcass of protected wild animal is wild animal, carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23, the owner or possessor shall inform about the kind and amount of protected wild animal, carcass of protected wild animal, or product made of carcass of such wild animal under his or her possession to the competent official within ninety days from the date the Ministerial Regulation comes into force for recording in the register. And if the owner or possessor is able to prove by document or evidence before the competent official that such wild animal, carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23 has been acquired by legal means, the rule under (1) and (2) shall apply *mutatis mutandis* to the wild animal, carcass of wild animal, or product made of carcass of wild animal; otherwise such wild animal, carcass of wild animal, or product made of carcass of wild animal shall be vested in the State, and the owner or possessor of wild animal, carcass of wild animal, or product made of carcass of wild animal shall submit the wild animal, carcass of wild animal, or product made of carcass of wild animal to the Department of National Parks, Wildlife and Plant Conservation, or the Department of Fisheries, as the case may be, for further operation in accordance with the rule prescribed by the Director-General with the approval of the Committee.

The form and procedure of information under (1), (2), and (3), form of statement of sell of carcass of protected wild animal, or product made of carcass of protected wild animal, form of statement of sell of carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23, procedure in submission of document or evidence for proving before the competent official, grant of license for temporary possession of protected wild animal, or wild animal of the kind prescribed by the Minister under section 23, and certificate for possession of carcass of protected wild animal, or product made of carcass of protected wild animal, or carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23, shall be prescribed by the Director-General by publication in the Government Gazette.

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Section 8. The provisions in 5, 6, and 7 of the rate of fee attached to the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“5. license for import or export of protected wild animal, carcass of protected wild animal, or product made of carcass of protected wild animal derived from breeding, or acquired legally under the international agreement on trade of wild animal, carcass of wild animal, or product made of carcass of wild animal under section 23 5,000 Baht each.

“6. license for import or export of wild animal, carcass of wild animal, or product made of carcass of wild animal of the kind prescribed by the Minister under section 23 5,000 Baht each.

“7. license for carrying in transit of conserved wild animal, protected wild animal, carcass of conserved wild animal, carcass of protected wild animal, product made of carcass of conserved wild animal, or product made of carcass of protected wild animal under section 23 5,000 Baht each.”

Section 9. The provisions in 9 of the rate of fee attached to the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall be repealed and replaced by the followings:

“9. certificate for import, export, or carry in transit of wild animal, carcass of wild animal, or product made of carcass of wild animal under section 24 5,000 Baht each.”

Section 10. In respect of any license, certificate, or permission granted under section 23, section 24, section 25, or section 28 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) which still be valid on the date this Act comes into force, such license, certificate, or permission shall be deemed a section 28 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) as amended by this Act.

Section 11. The license for breeding under section 18 granted under section 61 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992), license for temporary possession of protected wild animal, and certificate for possession of carcass of protected wild animal granted under section 61 of the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) shall continue to

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be valid. As regard the license for breeding under section 18, and license for temporary possession of protected wild animal, they shall continue to be valid until expiry date of license.

Section 12. In respect of all the applications for permission, applications for license, applications for certificate, or information filed under the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) before or on the date this Act comes into force, such application or information shall be proceeded under this Act.

Section 13. All the Ministerial Regulations, rules, announcements, and regulations issued under the Conservation and Protection of Wild Animals Act, B.E. 2535 (1992) which are in force on the date this Act comes into force shall continue to be in force in so far as they not contrary to or inconsistent with this Act, until there is a Ministerial Regulation, rule, announcement, and regulation issued under this Act comes into force.

Section 14. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act.

Countersigned by
General Prayut Chan-o-cha
Prime Minister

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